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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1994 REGULAR SESSION
FIFTY-THIRD LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 10, 1994

Pursuant to law, the Senate of the 1994 Regular Session of the Fifty-third Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Joel Pritchard, President of the Senate.

The Washington State Patrol Honor Guard, consisting of Troopers Robert Veliz, Mark Brown, Kandi Patrick, Craig Anders and Brian Ursino, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

The President lead the Senate in the Pledge of Allegiance.

PRESIDENT WELCOMES SENATORS

President Pritchard: "I'm personally delighted to welcome all the Senators back for another session and we can trust that on March 11, we won't be here. That is the best wish I can give to you."

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
SENATOR JIM JESERNIG
Eighth Legislative District
411 Legislative Building
Olympia, Washington 98504-0408

November 10, 1993

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

Dear Governor Lowry:

Please accept this letter as my resignation, effective November 11, 1993, from the office of Washington State Senator, 8th District. This action is prompted by your appointing me to serve as Director of the Washington State Department of Agriculture.

Although I will greatly miss representing the 8th District, my home since birth, I am pleased that I will continue to serve my local citizens and the citizens of Washington State in a public facet. In both the House and Senate, I strived to aggressively represent the interests of 8th District constituents. Therefore, I would like to take this opportunity to thank them for their support since November 1986.

I believe that public service is "the highest calling," and I am honored to be chosen to serve Washington State citizens in my new position. However, I will forever value my experience as both State Representative and State Senator. I will never forget the friends, both at home and in Olympia that I met through this process.

Very truly yours,
JIM JESERNIG
State Senator

LETTER OF APPOINTMENT

BENTON COUNTY
BOARD OF COUNTY COMMISSIONERS
P. O. Box 190

Prosser, Washington 99350-0190

December 6, 1993

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

SUBJECT: Letter of Appointment

Dear Governor Lowry:

The Board of Benton County Commissioners met at 8:14 a.m., on December 6, 1993, to select a successor to Senator Jim Jesernig.

Pursuant to Article II, Section 15 of the Washington State Constitution, as amended by Amendment 52, the Board of Benton County Commissioners does hereby appoint Curtis Ludwig to fill the 8th District Senate vacancy.

Sincerely,
BOARD OF BENTON COUNTY COMMISSIONERS
Raymond E. Isaacson, Chairman
Robert J. Drake, Member
Sandi Strawn, Member

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON
EIGHTH LEGISLATIVE DISTRICT

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

SENATOR CURTIS LUDWIG

Subscribed and sworn to before me this 13th day of December, 1993

DENNIS D. YULE,
Superior Court Judge, BENTON and FRANKLIN COUNTIES

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
SENATOR PETE von REICHBAUER
Thirtieth Legislative District
112 Institutions Building
Olympia, Washington 98504-0430

December 9, 1993

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

Dear Governor Lowry:

For many years I have had the great privilege of serving the people of this state as a member of the Washington State Senate, and although my term ends in January, 1995, I have chosen to resign my position to devote my public time as a newly-elected member of the Metropolitan King County Council.

After being advised by the Metropolitan King County Council Chairman-elect that the Council will vote on the three current legislative replacements on January 10th, 1994, and pursuant to RCW 42.17.010 (2) the effective date of the resignation shall be 3:00 p.m., January 10, 1994.

Respectfully,
PETER von REICHBAUER
State Senator

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
SENATOR SCOTT BARR
Seventh Legislative District

Institutions Building
Olympia, Washington 98504-0407

December 14, 1993

The Honorable Mike Lowry
Governor, State of Washington
P. O. Box 40001
Olympia, WA 98504-0001

Dear Governor Lowry:

This letter is to officially inform you of my retirement from my position as State Senator serving the Seventh Legislative District in our state.

It is my intention that my resignation would be effective as of December 16, 1993.

I have appreciated the opportunity to have served in the Legislature for a considerable number of years and working with all members of the Legislature and the various Governors throughout that time.

I am looking forward to working with the Legislature, you, and your administration in any capacity I can as a citizen volunteer.

At 77 years old, I feel it is proper, if not necessary, for me to take a more leisurely lifestyle, which I think Mrs. Barr and I deserve.

Sincerely,
SCOTT BARR
State Senator

LETTER OF APPOINTMENT

STEVENS COUNTY COMMISSIONERS
AND BOARD OF EQUALIZATION
P. O. Box 191
Colville, Washington 99114-0191

January 6, 1994

Marty Brown, Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504-0648

Dear Secretary Brown:

It is our pleasure, as the lead county in the selection process, to officially report to you that Bob Morton was our selection to represent the 7th district in the State Senate, replacing Senator Scott Barr.

The vote was as follows:

Bob Morton 16 votes
Cathy McMorris 0 votes
Ron Ogle 0 votes

The only commissioners not present were Irwin W. Graedel of Lincoln County and Patricia Mummey of Spokane County.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY
ALLAN L. MACK, Acting Chairman

ROLL CALL

The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin, McDonald, Moore and Niemi.

MOTIONS

On motion of Senator Oke, Senators McCaslin and McDonald were excused.

On motion of Senator Drew, Senators Moore and Niemi were excused.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,542,599 votes cast by the 2,780,033 registered voters of the state for and against the initiatives, constitutional amendments and joint-judicial offices which were submitted to the vote of the people at the state general election held on November 2, 1993, as received from the County Auditors.

INITIATIVE MEASURE 593

"Shall criminals who are convicted of 'most serious offenses' on three occasions be sentenced to life in prison without parole?"

Yes 1,135,521
No 364,567

INITIATIVE MEASURE 601

"Shall state expenditures be limited by inflation rates and population growth, and taxes exceeding the limit be subject to referendum?"

Yes 774,342

No 737,735

INITIATIVE MEASURE 602

"Shall state revenue collections and state expenditures be limited by a factor based on personal income, and certain revenue measures repealed?"

Yes 673,378
No 836,047

HOUSE JOINT RESOLUTION 4200

"Shall counties and public hospital districts be permitted to employ chaplains for their hospitals, health care facilities, and hospices?"

Yes 851,333
No 608,252

HOUSE JOINT RESOLUTION 4201

"Shall the constitutional provision which gives jurisdiction in 'cases in equity' to superior courts be amended to include district courts?"

Yes 857,094
No 427,702

COURT OF APPEALS, DIVISION 3, DISTRICT 1

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

John A. Schultheis (NP) 79, 126
Donald C. Brockett (NP) 57,863

SUPERIOR COURT JUDGE

(Benton-Franklin)

Curtis Ludwig (NP) 16,491
Craig J. Matheson (NP) 27,060

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this second day of December, 1993.

(Seal) RALPH MUNRO,

Secretary of State

EDITOR'S NOTE: Senator Rosa Franklin, 29th District, representing a single county, was certified by the Pierce county election officials.

INTRODUCTION OF SPECIAL GUESTS

The President of the Senate welcomed and introduced the Honorable Charles Z. Smith and the Honorable Richard P. Guy, Justices of the Supreme Court, who were seated on the rostrum.

OATH OF OFFICE

The Sergeant at Arms escorted re-elected Senator Rosa Franklin to the bar of the Senate to receive the oath of office. Justice Charles Z. Smith of the Washington State Supreme Court thereupon administered the oath of office to Senator Rosa Franklin.

The President presented Senator Rosa Franklin with a certificate of election.

The Sergeant at Arms escorted Senator Rosa Franklin to her seat in the Senate Chamber.

OATH OF OFFICE

The Sergeant at Arms escorted appointed Senator Bob Morton to the bar of the Senate to receive the oath of office. Justice Richard P. Guy of the Washington State Supreme Court thereupon administered the oath of office to Senator Bob Morton.

The President presented Senator Bob Morton with a certificate of election.

The Sergeant at Arms escorted Senator Bob Morton to his seat in the Senate Chamber.

FOLLOW-UP LETTER OF RESIGNATION

WASHINGTON STATE SENATE
SENATOR PETE von REICHBAUER
Thirtieth Legislative District
112 Institutions Building
Olympia, Washington 98504-0430

January 10, 1994

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

Dear Governor Lowry:

I am writing to amend my previous letter of resignation from the State Senate.

My resignation is effective at 12:15 p.m., January 10, 1994.

Sincerely,
PETER von REICHBAUER
State Senator

LETTER OF APPOINTMENT

JOINT RESOLUTION NO. JR94-1

A JOINT MOTION AND RESOLUTION OF THE METROPOLITAN KING COUNTY COUNCIL AND THE PIERCE COUNTY COUNCIL APPOINTING RAY SCHOW TO REPRESENT LEGISLATIVE DISTRICT NO. 30 IN THE WASHINGTON STATE SENATE

WHEREAS, a vacancy has been created in the 30th Legislative District, Washington State Senate, because of the resignation of Senator Pete von Reichbauer; and

WHEREAS, Legislative District No. 30 is a multi-jurisdictional District located partly in King County and partly in Pierce County, and the Washington State Constitution, Article II, Section 15, provides that in the event of a multi-jurisdictional vacancy, that the vacancy shall be filled by joint action of the Boards; and

WHEREAS, the Washington State Republican Central Committee has submitted the names of three nominees for the Senate vacancy for consideration by the Metropolitan King County Council and the Pierce County Council, and the two Councils have met in a joint special meeting and have interviewed the nominees; NOW THEREFORE,

BE IT MOVED AND RESOLVED BY THE METROPOLITAN KING COUNTY COUNCIL AND THE PIERCE COUNTY COUNCIL:

Section 1. Ray Schow is one of the three nominees recommended by the Washington State Republican Central Committee, and is qualified to fill the Senate vacancy representing District No. 30.

Section 2. Ray Schow is hereby appointed to the Washington State Senate, Legislative District No. 30, to fill the vacancy left by the resignation of Senator Pete von Reichbauer.

JOINTLY PASSED THIS 7th DAY OF JANUARY, 1994.

METROPOLITAN KING COUNTY COUNCIL PIERCE COUNTY COUNCIL

King County, Washington Pierce County, Washington

KENT PULLEN, Chair BILL STONER, Chair

Attest: Attest:

GERALD A. PETERSON GERRI RAINWATER
Clerk of the Council Clerk of the Council

OATH OF OFFICE

The Sergeant at Arms escorted appointed Senator Ray Schow to the bar of the Senate to receive the oath of office. Justice Richard P. Guy of the Washington State Supreme Court thereupon administered the oath of office to Senator Ray Schow.

The President presented Senator Ray Schow with a certificate of election.
The Sergeant at Arms escorted Senator Ray Schow to his seat in the Senate Chamber.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Scott Barr, recently retired, and Senator Pete von Reichbauer, who recently resigned to be a member of the Metropolitan King County Council, both seated on the rostrum.
With permission of the Senate, business was suspended to permit the former Senators to address the Senate.
The members of the Senate gave former Senators Barr and von Reichbauer a standing ovation.

INTRODUCTION OF NEW SENATOR CURTIS LUDWIG

The President welcomed and introduced Senator Curtis Ludwig, the new Senator from the Eighth District, replacing Senator Jim Jesernig who was appointed Director of the Department of Agriculture. Senator Curtis Ludwig was appointed and took the oath of office December 13, 1993.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced former Senator Jim Jesernig, who recently resigned to accept the position of Director of the Department of Agriculture, who was seated on the rostrum.
With permission of the Senate, business was suspended to permit the Director of Agriculture to address the Senate.
The members of the Senate gave the Director of Agriculture a standing ovation.

INTRODUCTION OF LAKEFAIR QUEEN

The President welcomed and introduced Colleen Werner, the 1993-1994 Lakefair Queen, who was seated on the rostrum.
With permission of the Senate, business was suspended to permit Queen Colleen to welcome the Senators to Olympia.

MOTION

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

SENATE RESOLUTION 1994-8655

By Senators Gaspard, Snyder, Sellar and Anderson

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

Senators Gaspard and Sellar spoke to Senate Resolution 1994-8655.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1994-8655, the President appointed Senators Franklin, Ludwig, Morton and Winsley to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5992 by Senators Cantu, Erwin, Winsley, Oke, Bluechel, Amondson, Hochstatter, Anderson, L. Smith, Moyer, Nelson, Morton, Roach, McDonald and Schow

AN ACT Relating to performance audits conducted by the state auditor; amending RCW 43.88.090; reenacting and amending RCW 43.88.160; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5993 by Senators Winsley, Oke and Erwin

AN ACT Relating to speed limits in construction zones; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5994 by Senators Anderson, Erwin, Winsley, Oke, Nelson and Ludwig

AN ACT Relating to property tax deferrals for senior citizens and disabled persons; amending RCW 84.38.020 and 84.38.030; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5995 by Senators Skratek, Erwin, Vognild, Drew, Winsley, Sheldon, Pelz, Nelson, McAuliffe and M. Rasmussen

AN ACT Relating to reckless endangerment of highway workers; adding a new section to chapter 46.61 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SB 5996 by Senator Erwin

AN ACT Relating to the disparagement of agricultural food products; amending RCW 4.16.080; adding a new chapter to Title 7 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5997 by Senators Ludwig, A. Smith and McAuliffe

AN ACT Relating to residency requirements for concealed pistol licenses; and amending RCW 9.41.070.

Referred to Committee on Law and Justice.

SB 5998 by Senators Ludwig, A. Smith, Quigley, Vognild, Winsley and Roach

AN ACT Relating to sentencing persons for crimes committed while armed with a firearm; amending RCW 9.94A.310 and 9.94A.370; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5999 by Senator Erwin

AN ACT Relating to speeding in construction zones; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6000 by Senators Fraser, Talmadge, Winsley and Oke (by request of Parks and Recreation Commission)

AN ACT Relating to abandoned vessels; amending RCW 63.21.080; adding a new chapter to Title 88 RCW; and repealing RCW 88.12.185, 88.12.195, 88.12.205, 88.12.215, 88.12.218, 88.12.225, and 88.12.370.

Referred to Committee on Ecology and Parks.

SB 6001 by Senators Fraser, Sheldon, Drew, Talmadge and Prentice

AN ACT Relating to the enhancement of programs for the protection of open space and recreational opportunities; amending RCW 82.45.010, 82.04.050, 84.34.037, 84.34.070, 84.34.020, 84.34.230, 36.70A.160, 84.34.240, 36.69.140, 36.69.145, 36.68.400, 36.68.525, 35.61.010, 35.61.020, 35.61.030, 35.61.040, and 36.69.310; reenacting and amending RCW 36.68.520; adding a new section to chapter 36.68 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.61 RCW; adding a new chapter to Title 75 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6002 by Senators Prentice, Pelz, Sutherland, Winsley and Roach

AN ACT Relating to unfair labor practices in public employee collective bargaining; and amending RCW 41.56.140 and 41.56.150.

Referred to Committee on Labor and Commerce.

SB 6003 by Senators A. Smith, Quigley, L. Smith, Haugen, Oke, Nelson, McAuliffe, Ludwig and Franklin

AN ACT Relating to the well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6004 by Senator A. Smith

AN ACT Relating to limiting the powers of a trustee; amending RCW 11.98.200 and 11.98.240; adding a new section to chapter 11.94 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6005 by Senator A. Smith

AN ACT Relating to references to the Internal Revenue Code; and amending RCW 11.02.005, 83.100.020, and 83.110.010.

Referred to Committee on Law and Justice.

SB 6006 by Senators A. Smith and Nelson (by request of Administrator for the Courts)

AN ACT Relating to the judicial information system; amending RCW 2.68.020; adding a new section to chapter 2.68 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6007 by Senators A. Smith and Nelson

AN ACT Relating to crimes; amending RCW 9A.28.020, 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.44.010, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, 43.43.754, 43.43.680, and 9.94A.140; creating new sections; repealing RCW 10.19.130; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6008 by Senators A. Smith, Quigley, Oke and Nelson

AN ACT Relating to sexually violent predators; and amending RCW 71.09.030, 71.09.040, 71.09.050, and 71.09.060.

Referred to Committee on Law and Justice.

SB 6009 by Senators Fraser and Franklin

AN ACT Relating to recycling of tires; amending RCW 70.95.020, 70.95.260, 70.95.500, 70.95.510, 70.95.535, 70.95.550, 70.95.555, 70.95.560, and 70.95.565; adding a new section to chapter 70.95 RCW; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on Ecology and Parks.

SB 6010 by Senators Fraser and Sutherland

AN ACT Relating to scientific review; amending RCW 70.105D.030 and 70.94.039; adding a new chapter to Title 43 RCW; and repealing RCW 43.21A.170, 43.21A.180, 43.21A.190, 43.21A.200, and 43.21A.210.

Referred to Committee on Ecology and Parks.

SB 6011 by Senators Fraser, Winsley and Franklin

AN ACT Relating to the cleanup of hazardous waste sites; amending RCW 70.105D.020 and 70.105D.080; adding a new section to chapter 70.105D RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6012 by Senator Fraser

AN ACT Relating to correcting multiple amendments related to air pollution control authorities; and reenacting and amending RCW 70.94.053 and 70.94.055.

Referred to Committee on Ecology and Parks.

SB 6013 by Senators Haugen, Winsley, Skratek, Vognild, Snyder, Sheldon, McAuliffe and Ludwig

AN ACT Relating to fire protection services; amending RCW 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, 43.63A.377, 48.48.060, 48.48.065, 48.48.080, and 52.12.031; adding a new section to chapter 43.10 RCW; creating new sections; repealing RCW 48.48.120; and providing an effective date.

Referred to Committee on Government Operations.

SB 6014 by Senators Haugen, Winsley, Vognild and Snyder

AN ACT Relating to state fire protection services; amending RCW 84.52.043 and 84.52.010; adding a new section to chapter 84.52 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

SB 6015 by Senators Haugen and Winsley

AN ACT Relating to local government elections; amending RCW 42.12.010, 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.200, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.240, 35.23.530, 35.24.050, 35.24.100, 35.24.290, 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440, 52.14.010, 52.14.015, 52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020, 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045, and 70.44.053; adding a new section to chapter 42.12 RCW; adding a new section to chapter 29.15 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; repealing RCW 35.23.050, 35.23.070, 35.24.060, 35.24.070, 35.27.100, 35.27.110, 35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.12.060, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080,

35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057; providing effective dates; and providing an expiration date.

Referred to Committee on Government Operations.

SB 6016 by Senators Winsley, Haugen and L. Smith

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

Referred to Committee on Government Operations.

SB 6017 by Senators Winsley and Haugen

AN ACT Relating to compensation for local officials; and amending RCW 35.17.108, 35.18.220, 35.22.205, 35.23.220, 35.24.090, 35.27.130, 35A.12.070, 35A.13.040, 36.17.020, and 53.12.260.

Referred to Committee on Government Operations.

SB 6018 by Senators Winsley and Haugen

AN ACT Relating to clarifying the authorized uses of the excise tax on the sale of real property; and creating a new section.

Referred to Committee on Government Operations.

SB 6019 by Senators Haugen and Winsley

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

Referred to Committee on Government Operations.

SB 6020 by Senators Haugen and Winsley

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

Referred to Committee on Government Operations.

SB 6021 by Senators Haugen and Winsley

AN ACT Relating to emergency service communication districts; and amending RCW 82.14B.070.

Referred to Committee on Government Operations.

SB 6022 by Senators Haugen and Winsley

AN ACT Relating to publication of ordinances of counties, cities, and towns; amending RCW 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35.30.018, 35A.12.160, and 65.16.160; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations.

SB 6023 by Senators Winsley and Haugen

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

Referred to Committee on Government Operations.

SB 6024 by Senators Haugen and Winsley

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

Referred to Committee on Government Operations.

SB 6025 by Senators Winsley and Haugen

AN ACT Relating to cities and towns; amending RCW 35.16.010, 35.16.020, 35.16.030, 35.16.040, 35.16.050, 35.27.010, and 42.24.180; and adding a new section to chapter 35.16 RCW.

Referred to Committee on Government Operations.

SB 6026 by Senators Haugen and Winsley

AN ACT Relating to signature requirements for initiatives, referendums, and recalls; and amending RCW 29.79.120 and 29.82.060.

Referred to Committee on Government Operations.

SB 6027 by Senators Winsley, Haugen and McAuliffe

AN ACT Relating to the creation of urban emergency medical service districts; amending RCW 84.52.069; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations.

SB 6028 by Senators Winsley and Haugen

AN ACT Relating to local option elections within cities, towns, and counties; and amending RCW 66.40.030.

Referred to Committee on Government Operations.

SB 6029 by Senators Owen, Hochstatter, Amondson, Roach, Haugen, Sutherland and Spanel

AN ACT Relating to energy standards for log built homes; and amending RCW 19.27A.020.

Referred to Committee on Energy and Utilities.

SB 6030 by Senator Haugen

AN ACT Relating to water and sewer districts; and reenacting RCW 56.08.070 and 57.08.050.

Referred to Committee on Government Operations.

SB 6031 by Senators Haugen and Winsley

AN ACT Relating to diking and drainage districts; amending RCW 85.05.065, 85.06.015, 85.08.015, 85.24.015, 85.38.140, 85.38.160, and 85.38.170; adding a new section to chapter 85.15 RCW; adding a new section to chapter 85.16 RCW; adding a new section to chapter 85.18 RCW; adding a new section to chapter 85.32 RCW; and repealing RCW 85.15.010, 85.15.020, 85.15.030, 85.15.040, 85.15.050, 85.15.060, 85.15.070, 85.15.080, 85.15.090, 85.15.100, 85.15.110, 85.15.120, 85.15.130, 85.15.140, 85.15.150, 85.15.160, 85.15.170, 85.18.005, 85.18.010, 85.18.020, 85.18.030, 85.18.040, 85.18.050, 85.18.060, 85.18.070, 85.18.080, 85.18.090, 85.18.100, 85.18.110, 85.18.120, 85.18.130, 85.18.140, 85.18.150, 85.18.160, 85.18.170, 85.18.180, 85.18.900, 85.32.010, 85.32.020, 85.32.030, 85.32.040, 85.32.050, 85.32.060, 85.32.070, 85.32.080, 85.32.090, 85.32.100, 85.32.110, 85.32.120, 85.32.130, 85.32.140, 85.32.150, 85.32.160, 85.32.170, 85.32.180, 85.32.190, 85.32.200, 85.32.210, 85.32.220, 85.32.900, and 85.32.910.

Referred to Committee on Government Operations.

SB 6032 by Senators Winsley and Fraser

AN ACT Relating to regulating vegetation height along shorelines; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Ecology and Parks.

SB 6033 by Senators Snyder, Winsley and McAuliffe

AN ACT Relating to special excise taxes for special events, festivals, or promotional infrastructures; and reenacting and amending RCW 67.28.210.

Referred to Committee on Government Operations.

SB 6034 by Senators Snyder and Winsley

AN ACT Relating to the taxation of religious, charitable, benevolent, and nonprofit service corporations; and adding new sections to chapter 82.32 RCW.

Referred to Committee on Ways and Means.

SB 6035 by Senators Bauer, West, Rinehart, Oke and Wojahn (by request of Legislative Budget Committee)

AN ACT Relating to residential habilitation centers; adding new sections to chapter 71A.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 6036 by Senator Haugen

AN ACT Relating to civil service; amending RCW 41.08.030, 41.08.040, 41.08.050, 41.08.060, 41.08.075, 41.08.100, 41.08.220, 41.14.010, 41.14.020, 41.14.030, 41.14.040, 41.14.050, 41.14.060, 41.14.070, 41.14.080, 41.14.100, 41.14.120, 41.14.130, 41.14.140, 41.14.160, 41.14.180, 41.14.210, 41.14.270, and 35A.11.020; adding new sections to chapter 41.08 RCW; adding new sections to chapter 41.14 RCW; repealing RCW 41.08.010, 41.08.020, 41.12.010, 41.12.020, 41.12.030, 41.12.040, 41.12.050, 41.12.060, 41.12.070, 41.12.075, 41.12.080, 41.12.090, 41.12.100, 41.12.110, 41.12.120, 41.12.130, 41.12.140, 41.12.150, 41.12.160, 41.12.170, 41.12.180, 41.12.183, 41.12.185, 41.12.190, 41.12.200, 41.12.210, 41.12.220, 41.12.900, and 41.12.910; prescribing penalties; and providing an effective date.

Referred to Committee on Government Operations.

SB 6037 by Senators Owen and Oke

AN ACT Relating to rewards for information regarding public lands and natural resource violations; and amending RCW 79.01.765.

Referred to Committee on Natural Resources.

SB 6038 by Senators Owen and Oke

AN ACT Relating to log patrols; and repealing RCW 76.40.010, 76.40.012, 76.40.013, 76.40.020, 76.40.030, 76.40.040, 76.40.050, 76.40.060, 76.40.070, 76.40.080, 76.40.090, 76.40.100, 76.40.110, 76.40.120, 76.40.130, 76.40.135, 76.40.140, 76.40.145, 76.40.900, and 76.40.910.

Referred to Committee on Natural Resources.

SB 6039 by Senators Gaspard, Prince, Vognild, Nelson and Erwin

AN ACT Relating to motor vehicle dealer franchise equity; amending RCW 46.96.120 and 46.96.130; adding new sections to chapter 46.96 RCW; and recodifying RCW 46.96.120 and 46.96.130.

Referred to Committee on Transportation.

SB 6040 by Senator Owen

AN ACT Relating to jurisdiction over Skokomish tribal lands; and amending RCW 37.12.100, 37.12.110, and 37.12.120.

Referred to Committee on Law and Justice.

SB 6041 by Senators Ludwig, A. Smith, Winsley, Oke, Nelson and McAuliffe

AN ACT Relating to sentencing for crimes committed by gang members; amending RCW 9.94A.390; reenacting and amending RCW 9.94A.030; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6042 by Senators Wojahn, Bauer, Oke, West and Winsley (by request of Legislative Budget Committee)

AN ACT Relating to the employer reporting program of the office of support enforcement; and amending RCW 26.23.040.

Referred to Committee on Law and Justice.

SB 6043 by Senators A. Smith, Nelson, Niemi, Quigley, Erwin, Haugen, Sheldon, Oke, McAuliffe and Ludwig

AN ACT Relating to youth violence; amending RCW 9.41.080, 9.41.240, 13.04.030, 13.40.0357, 13.40.160, 13.64.060, and 72.76.010; reenacting and amending RCW 9.41.010 and 9.94A.030; making an appropriation; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6044 by Senators Bauer, Prentice and Sheldon (by request of Washington State University)

AN ACT Relating to residency of Native Americans for purposes of higher education tuition; amending RCW 28B.15.012; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 6045 by Senators A. Smith, Nelson and Haugen

AN ACT Relating to execution of judgments; and amending RCW 6.17.020.

Referred to Committee on Law and Justice.

SB 6046 by Senators A. Smith, Nelson, Quigley, Erwin, Winsley, Haugen, Pelz, Oke, McAuliffe and Roach

AN ACT Relating to driving while under the influence of alcohol or any drug; amending RCW 46.61.515; reenacting and amending RCW 46.61.515 and 9.94A.320; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law and Justice.

SB 6047 by Senators A. Smith, Quigley and Oke

AN ACT Relating to crimes involving alcohol, drugs, or mental problems; amending RCW 10.05.010, 10.05.020, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.160, 10.05.170, 46.20.291, 46.20.308, 46.20.311, 46.61.502, 46.61.504, 46.61.506, 46.61.515, and 46.61.5151; reenacting and amending RCW 46.61.515; adding a new section to chapter 46.20 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law and Justice.

SB 6048 by Senators Haugen, Winsley, Ludwig, Oke, McAuliffe, Franklin and Roach (by request of Washington State Patrol)

AN ACT Relating to disability of state patrol officers; and amending RCW 43.43.040.

Referred to Committee on Labor and Commerce.

SB 6049 by Senators A. Smith and McAuliffe

AN ACT Relating to deferred prosecution; amending RCW 10.05.010, 10.05.020, 10.05.060, 10.05.100, 10.05.120, 10.05.140, and 10.05.160; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6050 by Senator Ludwig (by request of Washington State Patrol)

AN ACT Relating to state patrol investigation of criminal acts against agencies of the state of Washington; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Law and Justice.

SB 6051 by Senators Quigley, Ludwig and A. Smith

AN ACT Relating to speed measuring device expert testimony in court; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Law and Justice.

SB 6052 by Senators Ludwig and Newhouse (by request of Washington State Patrol)

AN ACT Relating to traffic citation records; and amending RCW 46.64.010.

Referred to Committee on Law and Justice.

SB 6053 by Senators Loveland, Snyder and Haugen

AN ACT Relating to county assessors; amending RCW 36.21.011; adding a new section to chapter 36.21 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6054 by Senator Loveland

AN ACT Relating to dental identification; amending RCW 68.50.310; and making an appropriation.

Referred to Committee on Transportation.

SB 6055 by Senators Loveland and Winsley

AN ACT Relating to counties; and amending RCW 36.17.020.

Referred to Committee on Government Operations.

SB 6056 by Senators Ludwig and Pelz

AN ACT Relating to possession of firearms by certain persons; reenacting and amending RCW 9.41.040; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6057 by Senator Ludwig

AN ACT Relating to aliens carrying firearms; amending RCW 9.41.170; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6058 by Senators Loveland, Bauer, Newhouse, Ludwig, Owen, Winsley, Oke and McAuliffe

AN ACT Relating to legislation; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Labor and Commerce.

SB 6059 by Senators Loveland, Bauer, Newhouse, Ludwig, Owen, Winsley and McAuliffe

AN ACT Relating to rule adoption to implement enacted legislation; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Labor and Commerce.

SB 6060 by Senator Owen (by request of Law Revision Commission)

AN ACT Relating to correcting a double amendment related to commercial salmon fishing licenses and delivery licenses; reenacting and amending RCW 75.30.120; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 6061 by Senators Vognild, Winsley, Haugen and Sellar

AN ACT Relating to special elections; and amending RCW 29.13.010 and 29.13.020.

Referred to Committee on Government Operations.

SB 6062 by Senators Vognild, Winsley and Haugen

AN ACT Relating to withdrawal of candidacy; amending RCW 29.15.020, 29.15.120, 29.15.160, 29.15.200, and 29.27.020; and repealing RCW 29.18.150

Referred to Committee on Government Operations.

SB 6063 by Senators Spanel, Winsley, Haugen and Franklin

AN ACT Relating to local voters' pamphlets; adding new sections to chapter 29.81A RCW; and repealing RCW 29.81A.020 and 29.81A.080.

Referred to Committee on Government Operations.

SJR 8218 by Senators A. Smith and Quigley

Changing constitutional provisions relating to jury trials.

Referred to Committee on Law and Justice.

SCR 8418 by Senators Gaspard, Snyder, Sellar and Anderson

Resolving to appoint a committee to notify the governor that the legislature is ready to conduct business.

HOLD.

MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8418 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8418 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8418, the President appointed Senators Fraser and Schow to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

MOTION

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

REPORT OF COMMITTEE

The Senate Committee composed of Senators Franklin, Ludwig, Morton and Winsley appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Karahalios, Long, Heavey and Wood appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8657

By Senators Gaspard and Snyder

BE IT RESOLVED, That Senate Resolution No. 1993-8602, adopting the Rules of the Senate for the 53rd Legislature, be amended as follows:

On page 17, beginning on line 1, strike everything down to 24 and insert:

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture 7
2. Ecology and Parks 7
3. Education 12
4. Energy and Utilities 11
5. Government Operations 7
6. Health and Human Services ((16)) 15

7. Higher Education ((9)) 7
8. Labor and Commerce 13
9. Law and Justice 9
10. Natural Resources 11
11. Rules 21
12. Trade, Technology and Economic Development 7
13. Transportation 15
14. Ways and Means 24

The President announced the following 1994 Senate Standing Committee assignments:

1994 SENATE COMMITTEE ASSIGNMENTS

Membership of
Senate Standing Committees

1994

Agriculture (7) -- M. Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton, *Newhouse, Snyder.

Ecology and Parks (7) -- Fraser, Chair; Deccio, McCaslin, Moore, *Morton, Sutherland, Talmadge.

Education (12) -- Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, *Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, Winsley.

Energy and Utilities (11) -- Sutherland, Chair; Ludwig, Vice Chair; Amondson, *Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West, Williams.

Government Operations (7) -- Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen, *Winsley.

Health and Human Services (15) -- Talmadge, Chair; Wojahn, Vice Chair; *Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, **Moyer, Niemi, Prentice, Quigley, L. Smith, Winsley.

Higher Education (7) -- Bauer, Chair; Drew, Vice Chair; Cantu, *Prince, Quigley, Sheldon, West.

Labor and Commerce (13) -- Moore, Chair; Prentice, Vice Chair; *Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild, Wojahn.

Law and Justice (9) -- A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, *Roach, Schow, Spanel.

Natural Resources (11) -- Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, *Oke, Sellar, L. Smith, Snyder, Spanel.

Rules (21) Pritchard, Chair; Wojahn, Vice Chair; Anderson, Bauer, Cantu, Drew, Franklin, Gaspard, Loveland, Ludwig, McAuliffe, Nelson, Newhouse, Oke, Prentice, *Sellar, Sheldon, L. Smith, Snyder, Spanel, Williams.

Trade, Technology and Economic Development (7) -- Skratek, Chair; Sheldon, Vice Chair; Bluechel, Deccio, *Erwin, M. Rasmussen, Williams.

Transportation (15) -- Vognild, Chair; Loveland, Vice Chair (Eastern Washington); Skratek, Vice Chair (Western Washington); Drew, Haugen, Morton, *Nelson, Oke, Prentice, Prince, M. Rasmussen, Schow, Sellar, Sheldon, Winsley.

Ways and Means (24) -- Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, *McDonald, Moyer, Niemi, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams, Wojahn.

* - Ranking Minority Member

** - Assistant Ranking Minority Member

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

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MOTION

On motion of Senator Spanel, the 1994 Standing Committee Assignments were confirmed.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Fraser and Schow appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8418, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

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

MESSAGES FROM THE HOUSE

January 10, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4423, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

January 10, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

January 10, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4425, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4423 by Representatives Peery and Ballard.

Reintroducing 1993 measures.

HCR 4424 by Representatives Peery and Ballard.

Resolving to meet in joint session to receive the state of state message.

HCR 4425 by Representatives Peery and Ballard.

Resolving to meet in joint session for the purpose of receiving Chief Justice James Anderson.

MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4425 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4425 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

MESSAGE FROM THE HOUSE

January 10, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4426, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4426 by Representatives Peery and Ballard.

Establishing cutoff dates.

MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4426 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4426 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

MESSAGE FROM THE HOUSE

January 10, 1994

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8418.

MOTIONS

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

On motion of Senator Spanel, the Committee on Rules was relieved of further consideration of the following Senate Bills and the bills were referred to the Committees as listed:

SENATE BILLS - THIRD READING

ESB 5018 Process service on spouses Law and Justice

ESB 5020 f Defective vehicle equipment Transportation

SB 5024 f Homestead exemption Law and Justice

SB 5028 f On-site sewage additives Ecology and Parks

SSB 5034 Navigable waters/leased beds Natural Resources

ESSB 5050 Lcl gvmt offcls reimbursmnt Government Operations

ESSB 5054 Sports memorabilia sales Law and Justice

ESSB 5061 Abusive parents/restrictions Law and Justice

SB 5062 f Fuel tax exemptions Transportation

SB 5094 Incorporation elections Government Operations

SB 5104 Salmon production Natural Resources

ESB 5120 Consumer protection Law and Justice

SSB 5129 Educational service districts Education

SSB 5130 Attorneys' fees Law and Justice

ESSB 5131 Confiscated firearms Law and Justice

SSB 5135 Referenda ballot titles Government Operations

ESB 5138 f Minors under influence Law and Justice

SB 5149 f Littering penalties Ecology and Parks

ESB 5155 Community councils Government Operations

ESSB 5162 Health care facility access Law and Justice

SB 5164 f Nprft crdt srvs/B&O tax expt Ways and Means

SB 5172 Impaired insurers/notice of Labor and Commerce

SB 5180 Legislatve transprtion cmte Transportation

SSB 5212 Ferry/toll bridge routes Transportation

SSB 5219 Washington wine commission Agriculture

SSB 5221 \$f Rural development council Trade Technology and Economic Development

SSB 5222 f Urban/rural econ partnershps Trade Technology and Economic Development

ESSB 5226 f State program evaluation Ways and Means

SB 5228 Absentee voter status Government Operations

ESSB 5230 Growth management deadlines Government Operations

SB 5242 f Incest law revisions Law and Justice

SSB 5246 Public works adminis account Labor and Commerce

SB 5247 Port district creation Government Operations

SB 5248 f Pollination agents Agriculture

SSB 5256 Annexation by cities & towns Government Operations

2SSB 5264 State trade office/Russia Trade, Technology and Economic Development

SSB 5274 f Boiler regulation exemptions Labor and Commerce

SSB 5278 Hydraulic permit exemptions Natural Resources

SSB 5284 Reserve fire fighters/police Government Operations

ESSB 5285 State investment board Labor and Commerce

SB 5287 Livestock theft/restitution Agriculture

SB 5301 f Parks' volunteer organizatns Ecology and Parks

E2SSB 5306 Education reform Education

SSB 5329 Port district provisions Government Operations

SB 5334 f Bicycle helmet requirement Health and Human Services

SB 5340 f DUI penalties increased Law and Justice

ESSB 5341 f DUI penalties Law and Justice

ESB 5355 Telephone/local measured ser Energy and Utilities

SB 5363 f Water rights claims Energy and Utilities

ESB 5367 f Veterinary medication clerks Agriculture

ESSB 5372 f Taxation Government Operations

SB 5381 Overheight load permits Transportation

SSB 5390 Conservation tariff payments Energy and Utilities

SSB 5391 \$f Infants exposed to drugs Health and Human Services

SSB 5392 Child/incompetent abuse Health and Human Services

SSB 5395 Transportation planning Transportation

SSB 5397 Residency status for studnts Higher Education

SSB 5418 Alternative livestock Agriculture

ESSB 5425 Scenic/recreational highways Transportation

SSB 5430 \$ Hyogo prefecture/sister-stat Trade, Technology and Economic Development

SSB 5445 Nuclear construction Energy and Utilities

SB 5447 Solid waste collection cmpny Ecology and Parks

E2SSB 5451 Sentencing for felons Law and Justice

ESSB 5454 f Estuaries/watersheds enhancm Trade, Technology and Economic Development

SB 5470 School salary allocation Education

ESSB 5477 f School levy lids Education

SSB 5481 Felons/voter regis cancellat Government Operations

ESSB 5491 Sentencing disparities Law and Justice

SB 5509 Child support of adult child Law and Justice

ESSB 5510 f State employees retirement Ways and Means

SSB 5512 \$ Internatnl trade agreements Trade, Technology and Economic Development

2SSB 5514 Economic development grants Trade, Technology and Economic Development

ESB 5522 f Pregnancy/alcohol & drug use Health and Human Services

SB 5526 Columbia riv resource tsk fo Energy and Utilities

SSB 5537 Alternate operator service Energy and Utilities

ESB 5544 Street utility financing Transportation

SSB 5557 Alcohol servers Labor and Commerce

SB 5563 f Farm vehicle trip permits Transportation

SB 5568 f Agency rules duration Labor and Commerce

SSB 5590 Paid leave service credit Labor and Commerce

ESSB 5605 Roadside improvements Ecology and Parks

SSB 5608 Community econ revival board Trade, Technology and Economic Development

ESB 5613 Traffic safety commission Transportation

SSB 5620 f Pasco center Ways and Means

ESB 5632 f License plate design Transportation

SSB 5636 Lifelong learning council Education

SB 5645 Property divisions Government Operations

SSB 5652 f Offenders under jurisdiction Law and Justice

SSB 5657 Prompt pay/improvements Labor and Commerce

SB 5659 f Washington service corps Labor and Commerce

SSB 5665 False claims act. Law and Justice

SB 5667 f Water trail recreation progr Ecology and Parks

ESSB 5671 Shoreline management act Natural Resources

ESSB 5682 Insurers/exempt entities Labor and Commerce

SSB 5698 ISO-9000 quality standards Trade, Technology and Economic Development

2SSB 5715 Flexible networks for busins Trade, Technology and Economic Development

SB 5725 f Computerized health insuranc Ways and Means

SSB 5739 Small business regulation Labor and Commerce

SB 5757 f Burrowing shrimp Natural Resources

ESSB 5773 Water resources programs Energy and Utilities

SB 5779 Productivity awards programs Government Operations

ESB 5780 f Power boilers inspections Energy and Utilities

SB 5787 f Professional athletics Labor and Commerce

ESSB 5794 f Agency rules/business rights Labor and Commerce

SSB 5800 Human remains violation Law and Justice

ESB 5843 Affordable housing/low-income Labor and Commerce
2SSB 5850 f Farmers Agriculture
SB 5870 f New construction tax value Government Operations
SSB 5874 f Recreational fishing Natural Resources
SSB 5909 \$f Kitsap county econ diversity Trade, Technology and Economic Development
ESSB 5910 Public drinking water systems Energy and Utilities
SSB 5918 f Ride-sharing incentives Transportation
ESSB 5940 f Fish & wildlife department Natural Resources
SB 5943 Pesticide incident reporting Agriculture
SJM 8000 Homer Hadley floating bridge Transportation
SJM 8001 Copyright Act amendments Energy and Utilities
SSJM 8005 Seals/sea lion removal Natural Resources
SSCR 8400 Taiwan sister state Trade, Technology and Economic Development
SCR 8406 Agricultural housing/benefits Agriculture

SENATE BILLS - SECOND READING

SB 5036 f Noise pollution Ecology and Parks
SB 5041 GMA relocation assistance Government Operations
SB 5042 Real prprty excise tax uses Government Operations
SSB 5044 City/town incorprtn procdurs Government Operations
SB 5047 Special district withdrawals Government Operations
SB 5049 City limit reduction method Government Operations
SB 5057 Right of privacy exceptions Law and Justice
SB 5058 Motor vehicle violations Law and Justice
SB 5065 Garnishment Law and Justice
SB 5071 Pollution control facilities Government Operations
SB 5072 Printing/duplicating center Government Operations
SB 5085 Hydraulic project approval Natural Resources
SB 5103 Emer service communctn distr Government Operations
SB 5111 Town property management Government Operations
SB 5118 Municipal ordinances Government Operations
SB 5121 Auto purchase/lease cost Law and Justice

SB 5122 f Motor vehicle dealers Law and Justice

SB 5123 f Automobile adjustment prgrms Law and Justice

SB 5137 Nonpartisan sheriff Government Operations

SB 5142 f Special license plates Transportation

SB 5151 Studded snow tires Transportation

SB 5158 Reporter of decisions duties Law and Justice

SB 5177 Auto liability insurance Labor and Commerce

SB 5181 Securities advisers forms Labor and Commerce

SB 5182 Securities/dispute resolutn Labor and Commerce

SB 5183 Securities advising/fiducry Labor and Commerce

SB 5185 Excssve securities transctns Labor and Commerce

SB 5188 Homeowner ins/item valuation Labor and Commerce

SB 5190 Credit card payment credit Labor and Commerce

E2SSB 5203 Employment/training services Trade, Technology and Economic Development

SB 5208 f Securities enforcement Labor and Commerce

SB 5209 Insurance policy cancellatn Labor and Commerce

SB 5220 Linked deposit program Trade, Technology and Economic Development

SB 5234 Vacancies in elective office Government Operations

SB 5244 Prevailing wages Labor and Commerce

SB 5282 Animal cruelty penalties Agriculture

SB 5283 Public notices/local governm Government Operations

SB 5291 f Boating safety Ecology and Parks

SB 5305 f School/library elections Education

SB 5322 \$f Highly capable students Education

SB 5323 School activity interference Education

SB 5326 Food product delivery guaran Labor and Commerce

SB 5347 Agricultural labor relations Labor and Commerce

SB 5350 Motor fuel price fixing Law and Justice

SB 5356 City checks and warrants Government Operations

SB 5361 f Joint tortfeasors liability Law and Justice

SB 5377 f Legislative auditor/atty gen Ways and Means

SB 5394 f Regional transportation syst Transportation

SB 5398 f Primary voters' pamphlet Government Operations

SB 5399 Campaign spending limits Law and Justice

SB 5400 Campaign contribtns/spending Law and Justice

SB 5403 Fluoridation of water Energy and Utilities

SSB 5405 School district compet bids Education

SB 5416 Workers' comp filing retalia Labor and Commerce

SB 5422 f Transit development plans Transportation

SB 5424 f Development site exploration Natural Resources

SB 5435 Unlawful securities transact Labor and Commerce

SB 5459 f Prescriptions/insur claims Health and Human Services

SB 5461 f Unemploy benefits disqualif Labor and Commerce

SB 5462 f Unemploy benefits/disqualif Labor and Commerce

SB 5463 f Unemploy comp maximum benefi Labor and Commerce

SB 5464 f Unemploy insur disqualifictn Labor and Commerce

SB 5465 f Unemployment insurance Labor and Commerce

SB 5466 f Unemployment insurance Labor and Commerce

SB 5468 f Public assist/businesses Trade, Technology and Economic Development

SB 5476 f HIV testing/juven sex offndr Law and Justice

SB 5506 f Administrative rule making Labor and Commerce

SB 5530 f Unemployment insurance Labor and Commerce

SB 5532 Cruelty to animals Agriculture

SB 5533 f Dangerous animals Agriculture

SB 5542 f Concealed weapon permits Law and Justice

SB 5561 Insurance contracts Labor and Commerce

SB 5587 f Nonprofit organ property tax Ways and Means

SB 5609 f Levies Government Operations

SB 5614 Commercial crab fishery Natural Resources

SB 5623 f Motor carriers Transportation

SB 5648 f Alien offenders/deportation Law and Justice

SB 5655 Electrical inspection fees Labor and Commerce

SB 5656 f Electrical inspections Labor and Commerce

SB 5662 f Metals mining Natural Resources

SB 5668 f Assistance to businesses Trade, Technology and Economic Development

SB 5680 f Minority/women's business Government Operations

SB 5687 f Trust management accounts Ways and Means

SB 5714 Vendor single interest insur Labor and Commerce

SB 5721 f Cash management system Ways and Means

SB 5731 f Unemployment compensation Labor and Commerce

SB 5742 f Transportation facilities Transportation

SB 5743 State Route 92 Transportation

SB 5749 f Forest practices board/compn Natural Resources

SB 5755 f State flags and mementos Government Operations

SB 5760 f Bail bond agents Labor and Commerce

SB 5770 Conservation futures rights Ecology and Parks

SB 5777 f Trickle irrigation systems Energy and Utilities

SB 5782 School construction plans Education

SB 5784 Minor communic/immoral purpo Law and Justice

SB 5786 f Public housing authorities Trade, Technology and Economic Development

SB 5796 Securities sellers Labor and Commerce

SB 5797 Bail bond insurance Labor and Commerce

SB 5812 Student records/school use Law and Justice

SB 5816 Auto insurnc territory ratng Labor and Commerce

SB 5819 f Voting by mail Government Operations

SB 5823 f Auditor municipal corp divis Government Operations

SB 5832 Animal euthanasia Agriculture

SB 5848 Orchard crops/consignment Agriculture

SB 5860 f Unemployment insur financing Labor and Commerce

SB 5862 f Competitive strategies task Government Operations

SB 5865 f Conservation futures/levies Ecology and Parks

SB 5866 Gambling commission Labor and Commerce

SB 5877 f Teachers/health professionls Higher Education

SB 5892 Children in substitute care Health and Human Services

SB 5899 f School employees compensatn Education

SB 5916 Emerg services tax levies Government Operations
SB 5919 Informed consent Health and Human Services
SB 5958 f Juv offenders/financial resp Ways and Means
SB 5962 Transportation funding Transportation
SB 5976 Advertising state measures Ways and Means
SJM 8002 Natl park srvc resrce prtctn Ecology and Parks
SJM 8003 Rural development council Trade, Technology and Economic Development
SJM 8012 Fish hatcheries/electricity Energy and Utilities
SJM 8013 Disabled veterans Government Operations
SJM 8015 f Employment security funding Labor and Commerce
SJM 8018 Delaney Clause amendment Agriculture
SJM 8019 International trade agreemnts Trade, Technology and Economic Development
SJR 8201 County chrtr framng altrntve Government Operations
SJR 8203 County boundaries Government Operations
SJR 8208 Elective office vacancies Government Operations
SJR 8209 f School/library elections Education
SCR 8410 Workers' comp task force Labor and Commerce

MOTION

On motion of Senator Spanel, the Committee on Ways and Means was relieved of further consideration of the following Senate Bills and the bills were referred to the Committees as listed:

SB 5003 Adult entertainment regul Law and Justice
SB 5033 County research services Government Operations
SB 5069 Serious criminal offenses Law and Justice
SB 5106 Fish/wildlife enhancement Natural Resources
SB 5133 Youth recreation opportun Ecology and Parks
SB 5152 Low-income housing valuat Labor and Commerce
SB 5156 AFDC/student eligibility Health and Human Services
SB 5170 Timber recovery programs Trade, Technology and Economic Development
SB 5184 Securities brkrs recvry Labor and Commerce
SB 5187 Ins prem tax credit elimn Labor and Commerce
SB 5200 Prvt whistleblowers prot Labor and Commerce

SB 5210 Conservation areas Government Operations

SB 5215 Puget Sound water quality Ecology and Parks

SB 5223 Self-employment loan prog Trade, Technology and Economic Development

SB 5224 Internatnl capital projec Trade, Technology and Economic Development

SB 5225 Work-based learning/youth Trade, Technology and Economic Development

SB 5227 Property tax/actual use Labor and Commerce

SB 5235 Public water systems Ecology and Parks

SB 5267 Nonviolent offender sente Law and Justice

SB 5281 Fish/wildlife enhancement Natural Resources

SB 5286 Nursing home sales Health and Human Services

SB 5297 Shared leave Government Operations

SB 5299 Community development acc Trade, Technology and Economic Development

SB 5315 Cellular communicat expen Government Operations

SB 5353 Awards against the state Law and Justice

SB 5393 Children and families prg Health and Human Services

SB 5412 Paint and coating applica Labor and Commerce

SB 5431 Regulatory takings/proper Natural Resources

SB 5438 Child care Education

SB 5439 UTC membership Energy and Utilities

SB 5448 Small business research Trade, Technology and Economic Development

SB 5453 Criminal justice programs Government Operations

SB 5490 Developmentally disabled Health and Human Services

SB 5531 Local effort assistance Education

SB 5573 Legislative rules review Labor and Commerce

SB 5579 Science/technology office Trade, Technology and Economic Development

SB 5621 Tobacco/minor access Health and Human Services

SB 5622 Community calling area Energy and Utilities

SB 5629 Emission control inspecti Ecology and Parks

SB 5631 Impact fees/taxation Government Operations

SB 5661 Technology coordinatng cou Trade, Technology and Economic Development

SB 5673 Telecommuting work center Energy and Utilities

SB 5674 Fetal alcohol syndrome Health and Human Services
SB 5734 Water access facilities Ecology and Parks
SB 5746 Family planning services Health and Human Services
SB 5772 Regional water resource Energy and Utilities
SB 5776 Tobacco laws enforcement Health and Human Services
SB 5801 Water resources policy co Energy and Utilities
SB 5846 Reemployment support cent Trade, Technology and Economic Development
SB 5847 Business/job retention pr Trade, Technology and Economic Development
SB 5854 Business projects/tax cre Trade, Technology and Economic Development
SB 5859 Health professions regulat Health and Human Services
SB 5881 Entrepreneurial developme Trade, Technology and Economic Development
SB 5882 Council for the future Trade, Technology and Economic Development
SJR 8207 Property tax/actual use Labor and Commerce

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

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

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

Senate Bill No. 5300.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this 10th day of January, 1994.

(Seal) RALPH MUNRO,

Secretary of State

MESSAGE FROM THE GOVERNOR VETO MESSAGE ON SENATE BILL NO. 5300

May 18, 1993

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

I am returning herewith, without my approval Senate Bill No. 5300 entitled:

"AN ACT Relating to economic development;"

I am a strong supporter of collaboration in policy-making in economic development as in other areas. I agree with the Legislature that economic development policy can benefit from closer collaboration between the state and the private sector, between independent officials and panels, and between the executive and legislative branches. A strong economy is in everyone's interest, and collaborative efforts to achieve it are worthwhile.

However, the coming year will present difficult management challenges for state economic development efforts. The departments of Trade and Economic Development and Community Development will be working together to establish a new

Department of Community, Trade, and Economic Development, working with a wide range of affected parties. The budget reductions in both departments will also be quite demanding, and the budget contains no specific funding to support this bill. As a result, the process proposed in this legislation could not be undertaken in an effective manner this year.

In addition, while efforts to encourage collaboration between the Legislature and the Governor, and between the public and private sector are valuable, the process envisioned in this legislation is overly complex and would be difficult to operate effectively.

For these reasons, I have vetoed Senate Bill No. 5300 in its entirety.

Respectfully submitted,
MIKE LOWRY, Governor

EDITOR'S NOTE: See the 1993 Senate Journal for the Governor's Veto Message on Senate Bill No. 5053, which was vetoed during the 1993 Regular Session of the 53rd Legislature.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

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

Section 424, Engrossed Second Substitute Senate Bill No. 5304, the remainder of which has been designated Chapter 492, Laws of 1993;

Section 4, Engrossed Substitute Senate Bill No. 5307, the remainder of which has been designated Chapter 347, Laws of 1993;

Section 6, Substitute Senate Bill No. 5337, the remainder of which has been designated Chapter 208, Laws of 1993;
Sections 12 and 24, Substitute Senate Bill No. 5471, the remainder of which has been designated Chapter 356, Laws of 1993;

Sections 5 and 19, Senate Bill No. 5474, the remainder of which has been designated Chapter 510, Laws of 1993;
Sections 16 and 19, Engrossed Second Substitute Senate Bill No. 5502, the remainder of which has been designated Chapter 518, Laws of 1993;

Sections 469(6) (b) and 1023, Substitute Senate Bill No. 5717, the remainder of which has been designated Chapter 22, Laws of 1993 First Special Session;

Section 20, Engrossed Substitute Senate Bill No. 5724, the remainder of which has been designated Chapter 13, Laws of 1993 First Special Session;

Sections 2 and 3, Substitute Senate Bill No. 5736, the remainder of which has been designated Chapter 515, Laws of 1993;

Sections 22 and 23, Engrossed Substitute Senate Bill No. 5888, the remainder of which has been designated Chapter 519, Laws of 1993;

Section 2, Engrossed Senate Bill No. 5925, the remainder of which has been designated Chapter 16, Laws of 1993 First Special Session;

Sections 306, 405, 406, 407 and 1001, Reengrossed Substitute Senate Bill No. 5967, the remainder of which has been designated Chapter 25, Laws of 1993 First Special Session.

Sections 121(2); 125(1), (2); 202(7); 204(2)(d); 205(4)(a)(iii), (4)(b)(lines 12-17), (4)(b)(iii), (4)(b)(iv); 207(2), (3); 209(10); 217(1), (3), (4), (7), (8), (9); 226 lines 22-24; 229(16); 305(1); 308(1), (2), (4), (9); 501(1)(d); 707 line 14; 904; and 905(1), Substitute Senate Bill No. 5968, the remainder of which has been designated Chapter 24, Laws of 1993 First Special Session;

Sections 1, page 2, lines 1 through 4; 2(2); 2(3); 25(2), page 13, lines 24 through 27; 34, page 17, lines 35 through page 18, line 21, and 53, Reengrossed Substitute Senate Bill No. 5972, the remainder of which has been designated Chapter 23, Laws of 1993 First Special Session;

Sections 33, 50 and 51, Engrossed Substitute Senate Bill No. 5980, the remainder of which has been designated Chapter 17, Laws of 1993 First Special Session;

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this 10th day of January, 1994.

(Seal) RALPH MUNRO,

Secretary of State

EDITOR'S NOTE: See the 1993 Senate Journal for the Governor's Partial Veto Message on Senate Bill No. 5362, which was partially vetoed during the 1993 Regular Session of the 53rd Legislature.

MESSAGE FROM THE GOVERNOR PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304

May 17, 1993

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

I am returning herewith, without my approval as to section 424, Engrossed Second Substitute Senate Bill No. 5304, entitled:

"AN ACT Relating to health care."

Engrossed Second Substitute Senate Bill No. 5304, adopts the Washington Health Services Act. Through this bill the legislature has given the people of Washington major health care reform. This bill will provide access to all residents of the state and will begin to control the spiraling costs of our health care system.

Section 424 of Engrossed Second Substitute Senate Bill No. 5304 changes the measurement and apportionment of damages in court actions for injuries resulting from health care by holding a defendant against whom judgment has been entered responsible for the fault of entities already released by a claimant. This section, along with the other liability reforms such as malpractice review and mandatory mediation contained in Part IV C. of the bill, is intended to encourage settlements and reduce litigation costs in medical malpractice cases. While I share in the legislature's goal of reduced malpractice litigation, I question whether this language as written will achieve the desired result.

For this reason, I have vetoed section 424 of Engrossed Second Substitute Senate Bill No. 5304.

With the exception of section 424, Engrossed Second Substitute Senate Bill No. 5304 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5307

May 15, 1993

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

I am returning herewith, without my approval as to section 4, Engrossed Substitute Senate Bill No. 5307 entitled:

"AN ACT Relating to student safety and discipline"

Section 4 of Engrossed Substitute Senate Bill No. 5307 adds probable cause arrest authority for officers believing an individual illegally possesses or has illegally possessed a firearm or other dangerous weapon on school premises.

Section 4 of Engrossed Substitute Senate Bill No. 5307 is identical to Senate Bill No. 5107 which I have already signed.

For this reason, I have vetoed section 4 of Engrossed Substitute Senate Bill No. 5307.

With the exception of section 4, Engrossed Substitute Senate Bill No. 5307 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5337

May 6, 1993

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

I am returning herewith, without my approval as to section 6, Substitute Senate Bill No. 5337 entitled:

"AN ACT Relating to the department of transportation's aeronautics division."

Section 6 of the bill amends RCW 47.68.240, addressing the penalties associated with violations of the aeronautics statutes in chapter 47.68 RCW.

Engrossed Substitute House Bill No. 1127, which is awaiting my approval, deals with licensing and penalty issues generally for motor vehicles, water craft and aircraft, and also amends RCW 47.68.240 to make the penalties uniform between all modes of transportation.

In this instance, I believe it is appropriate to defer to the Legislature's judgment in their efforts to have uniform penalties for all modes of transportation.

For these reasons, I have vetoed Section 6 of Substitute Senate Bill No. 5337.

With the exception of section 6, Substitute Senate Bill No. 5337 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5471

May 15, 1993

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

I am returning herewith, without my approval as to sections 12 and 24, Substitute Senate Bill No. 5471, entitled:
"AN ACT Relating to nonprofit corporations;"
Sections 12 and 24 amend current law and duplicate language contained in sections 6 and 8 of Substitute Senate Bill No. 5492 which I signed into law on May 7, 1993. For this reason, I have vetoed sections 12 and 24 of Substitute Senate Bill No. 5471. With the exceptions of sections 12 and 24, Substitute Senate Bill No. 5471 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5474

May 18, 1993

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

I am returning herewith, without my approval as to sections 5 and 19, Senate Bill No. 5474, entitled:
"AN ACT Relating to discrimination;"
Senate Bill No. 5474 strengthens the penalties available to the Human Rights Commission for civil rights violations. I strongly support the bill's direction in this, as well as a number of technical clean up provisions. However, section 5 of the bill would unnecessarily amend the definition of disability in Chapter 49.60 RCW, the state Law Against Discrimination. The determination of disabilities under current law can be examined by the Commission on a case by case basis.
Section 19 of the bill amends RCW 49.60.224. This same section of law is amended to include the changes contained in this bill in section 8 of House Bill No. 1476 which I have already signed. Therefore, section 19 is unnecessary.
For these reasons, I have vetoed sections 5 and 19 of Senate Bill No. 5474.
With the exception of sections 5 and 19, Senate Bill No. 5474 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502

May 18, 1993

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

I am returning herewith, without my approval as to sections 16 and 19, Engrossed Second Substitute Senate Bill No. 5502, entitled:

"AN ACT Relating to state and local government regulation of surface mining;"
This legislation will greatly enhance the state's ability to regulate surface mining reclamation and to protect public resources. However, certain sections of the bill clearly restrict the ability of local governments to regulate surface mining itself.
Section 16 imposes state direction on the designation of mineral resource lands, which the Growth Management Act allows counties free authority to designate. Section 16 also limits the ability of local jurisdictions to regulate surface mining and to provide local protection of air and water resources. Section 19 precludes local jurisdictions from dealing with water impacts of surface mines. Both of these sections limit local jurisdictions regulatory ability to those areas not already regulated by the state or federal governments. This unnecessarily restricts the ability of local government to adequately regulate surface mining.
For these reasons, I am vetoing sections 16 and 19.
With the exception of sections 16 and 19, Engrossed Second Substitute Senate Bill No. 5502 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5717

May 28, 1993

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

I am returning herewith, without my approval as to sections 469(6)(b) and 1023 of Substitute Senate Bill No. 5717, entitled:
"AN ACT Relating to the capital budget;"

My reasons for vetoing these sections are as follows:

Section 469(6)(b), page 79, Washington Wildlife and Recreation Program (Interagency Committee for Outdoor Recreation)

Section 469(6)(b) removes a specific project acquiring habitat for the sharptailed grouse from the Washington Wildlife and Recreation Program's approved project list for 1993-95. Acquisition and preservation of habitat for this species is critical as increasing agricultural development is threatening critical habitat and breeding grounds. Too, this project has already received careful scrutiny by the Interagency Committee for Outdoor Recreation during the project evaluation phase. For this reason, I am vetoing subsection (6)(b) of section 469 and allowing this valuable project to move forward as planned.

Section 1023, page 176, Puget Sound Water Quality Authority

Section 1023 amends the enabling legislation for the Puget Sound Water Quality Authority by removing the requirement that the Authority be housed with the Department of Ecology in Lacey. The state has been actively pursuing opportunities for collocation in agency housing, particularly in those situations where agency missions are compatible. In order to ensure better coordination of the implementation of the Puget Sound Water Quality Authority Management Plan, it makes sense to consider collocation of the PSWQA and the Department of Ecology. Therefore, I am vetoing Section 1023.

For the reasons stated above, I have vetoed sections 469(6)(b) and 1023 of Substitute Senate Bill No. 5717.

With the exceptions of sections 469(6)(b) and 1023, Substitute Senate Bill No. 5717 is approved.

Respectfully submitted,
MIKE LOWRY, Governor, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5724

May 28, 1993

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

I am returning herewith, without my approval as to section 20, Engrossed Substitute Senate Bill No. 5724, entitled:

"AN ACT Relating to nursing home auditing and reimbursement;"

Section 20 of Engrossed Substitute Senate Bill No. 5724 directs the Department of Social and Health Services to provide a prospective rate enhancement of \$50,000 per year to all nursing homes meeting four specific criteria.

Because this rate enhancement will be included in the reimbursement statute, it will become part of the state plan which must be submitted to the federal government. Since it has never been a part of the nursing home rate-setting mechanism, the enhancement jeopardizes federal matching funds and will ultimately be disallowed.

Additionally, I believe Washington's nursing home reimbursement system adequately reimburses facilities for their allowable expenses, and this rate enhancement creates an inequitable situation.

With the exception of section 20, Engrossed Substitute Senate Bill No. 5724 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5736

May 18, 1993

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

I am returning herewith, without my approval of sections 2 and 3, Substitute Senate Bill No. 5736 entitled:

"AN ACT Relating to chiropractic care for industrial insurance;"

Section 2 of Substitute Senate Bill No. 5736 would create the position of associate medical director for chiropractic in state statute. It is my understanding that the Department of Labor and Industries has funding for such a position and intends to hire a qualified candidate. No position other than the Director of the Department of Labor and Industries is currently specified in statute. This requirement appears to be overly prescriptive and limits the discretion of the agency's director.

Section 3 would prohibit the termination of treatment based solely on the number of treatments. This provision is not consistent with the direction in which our state is moving with regard to health care reform.

For these reasons, I have vetoed sections 2 and 3, of Substitute Senate Bill No. 5736.

With the exception of sections 2 and 3, Substitute Senate Bill No. 5736 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5888

May 18, 1993

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

I am returning herewith, without my approval as to sections 22 and 23, Engrossed Substitute Senate Bill No. 5888, entitled:

"AN ACT Relating to improvement of retirement system benefits;"

Engrossed Substitute Senate Bill No. 5888 provides for improvements to retirement system benefits. Sections 22 and 23 of the legislation proposed adding two additional legislators to the existing membership of the State Investment Board (SIB). While I acknowledge the extreme importance of the SIB, the current membership of the board is a balance between legislative and executive branch representatives and representatives of the retirement system membership. In addition, the SIB has new members that are attempting to fulfill this serious responsibility to the State of Washington, and they should be allowed to determine their new direction before the composition of membership is altered.

With the exception of sections 22 and 23, Engrossed Substitute Senate Bill No. 5888 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5925

May 28, 1993

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

I am returning herewith, without my approval as to section 2, Engrossed Senate Bill No. 5925 entitled:

"AN ACT Relating to excise taxation of lodging;"

This bill relates to the assessment and usage of local option hotel/motel taxes.

Section 2 of this bill directs the Department of Revenue to collect the hotel/motel taxes addressed in the bill on behalf of the county and at no cost to the county. Section 2 is not necessary since revenue collection provisions of the hotel/motel tax were amended in Engrossed Substitute House Bill No. 1862 which I signed on May 15th. Engrossed Substitute House Bill No. 1862 contains a more comprehensive treatment of hotel/motel tax collections and is designed to cover all applications of this tax. That bill contains the preferred wording for implementation of both bills.

With the exception of section 2, Engrossed Senate Bill No. 5925 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON REENGROSSED SUBSTITUTE SENATE BILL NO. 5967

May 28, 1993

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

I am returning herewith, without my approval as to sections 306, 405, 406, 407, and 1001, Reengrossed Substitute Senate Bill No. 5967 entitled:

"AN ACT Relating to taxation;"

Section 306 amends current law which provides a sales tax exemption for property purchased for use outside this state by nonresidents of Washington who live in a state or Canadian province with a sales tax rate of less than three percent by adding the requirement that the beneficiary state be "contiguous to the state of Washington." This would effectively limit the exemption to only Oregon residents.

This amendment presents a constitutional problem, since there does not appear to be a rational basis for distinguishing between residents of noncontiguous states and residents of contiguous states. If a successful class action lawsuit was brought on behalf of all affected parties, the state's costs for administering any payout to members of the class could be substantial.

While I agree that amending current law is necessary, I have vetoed this section because I am concerned with the possible unconstitutionality of this amendment and the consequences of potential lawsuits. Therefore, I will ask the Department of Revenue to develop legislation which addresses the proponents concerns and avoids the constitutional problems for consideration during the 1994 Legislative Session.

Sections 405, 406, and 407 extend the sales and use tax deferral program of chapter 82.61 RCW to include any pulp and paper products plant in operation prior to 1960 and located in a county with a population between 40,000 and 70,000. It was the intent of the sales tax deferral program to encourage new business locations in the state, not to provide a tax break for existing businesses. These sections were not intended to benefit the pulp and paper products industry generally; rather, these criteria were very carefully drawn in order to limit availability of the deferral program to a single taxpayer.

However, the impact could be significantly greater because several taxpayers potentially qualify for the program. Counties that are eligible based on the population range of 40,000 to 70,000 are Chelan, Clallam, Grant, Grays Harbor, Island, Lewis, and Walla Walla. At least four pulp and paper products companies located in these counties were in operation prior to 1960. In addition, there are 21 other pulp and paper products companies that were established prior to 1960, but which are

headquartered in non-eligible counties. If any of these 21 other companies also have a plant in an eligible county, they could potentially qualify.

For these reasons, I have vetoed section 405, 406, and 407.

Sections 1001 requires the Department of Revenue to determine the amount of revenue generated in excess of projections during the biennium as a result of this act. The State Treasurer would transfer the excess revenue from the general fund to the budget stabilization account. If actual revenue collections exceed the forecast, the Legislature can always choose to make transfers to the budget stabilization account. Therefore, it is not clear why this section is needed.

In addition, this section would require costly and burdensome accounting procedures for the Department of Revenue and would require the department to make unreasonable, and in some cases impossible requests for information from taxpayers. The Department of Revenue already has the capability to measure these and other revenues by other means which are less costly to administer and do not place unreasonable burdens on taxpayers.

For these reasons, I have vetoed section 1001. However, in line with the intent of this section, I am directing the Department of Revenue to report quarterly how well estimates for all of these revenue sources are tracking.

With the exception of sections 306, 405, 406, 407, and 1001, Reengrossed Substitute Senate Bill No. 5967 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5968

May 28, 1993

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

I am returning herewith, without my approval as to sections 121(2); 125(1), (2); 202(7); 204(2)(d); 205(4)(a)(iii), (4)(b)(lines 12-17), (4)(b)(iii), (4)(b)(iv); 207(2); (3); 209(10); 217(1), (3), (4), (7), (8), (9); 226 lines 22-24; 229(16); 305(1); 308(1), (2), (4), (9); 501(1)(d); 707 line 14; 904; and 905(1) of Substitute Senate Bill No. 5968, entitled:

"AN ACT Relating to fiscal matters;"

My reasons for vetoing these sections are as follows:

Section 121(2), page 7, Performance Audits, (State Auditor)

Sections 121(2) provides \$200,000 in appropriation authority from the Audit Services Revolving Account for the State Auditor to cover the costs of that agency's involvement in the three performance audits required in Section 904. Since I am also vetoing Section 904, I will ask the State Auditor to place these funds in reserve in recognition of this veto.

Section 125(1), page 9, Report on Implementation of Reductions (Office of Financial Management)

This subsection requires the Office of Financial Management to compile agency reports relating to implementation of budget reductions and efficiencies, and to submit those reports to the Legislature by December 1, 1993. Although I understand the Legislature's interest in these issues, the proviso as written is vague as to the intent and content of these reports. The existing allotment process represents the agencies' spending plan under the new budget and will be available long before the December deadline. I am willing to work with the Legislature to see that their interest for budget implementation formation is met, but I'm reluctant to impose a significant workload on agencies without more specific objectives.

Section 125(2), page 9, Administrative Cost Reporting System (Office of Financial Management)

Subsection 125(2) requires OFM to develop and implement a state-wide reporting system in support of the administrative detail required in section 904 (Performance Audits). Since I am vetoing section 904, the specific reason for this reporting system requirement in OFM is eliminated.

I do, however, share the Legislature's interest in uniform accounting practices and a more consistent approach to the reporting of administrative costs. I will instruct the Office of Financial Management to review our existing reporting structure and to work with legislative staff on possible improvements.

Section 202(7), page 19, Child Care Rates (Children and Family Services, Department of Social and Health Services)

This subsection requires the Department of Social and Health Services to reimburse child care providers at the 75th percentile of the 1992 market rate on a phased-in basis beginning on December 1, 1993. I am vetoing this subsection because there is a technical error in the proviso language. It should read "at the 75th percentile or the provider's usual rate, whichever is lower...." I am directing the Department of Social and Health Services to comply with the intent of the proviso to implement changes in child care rates beginning December 1, 1993.

Section 204(2)(d), page 23, Stop-Loss Arrangement (Mental Health, Department of Social and Health Services)

This subsection directs the Department of Social and Health Services to establish contractual relationships with the Regional Support Networks that protect against increased admissions to state hospitals of clients who are eligible for services from other programs in the agency. If the client population exceeds 110 percent of the 1991-93 average level, these other programs must bear the cost of care. I recognize the issue of dually diagnosed clients is troublesome and must be addressed; however, these programs have not been funded at levels sufficient to meet the stop-loss requirement without reducing services to current clients. I am vetoing this subsection, but I am directing DSHS to strengthen the existing collaborative agreements with the Regional Support Networks to ensure the client census is maintained at less than 110 percent of the average utilization during Fiscal Year 1993.

Section 205(4)(a)(iii) page 24, Client Assessments (Developmental Disabilities, Department of Social and Health Services)

This subsection requires the Department of Social and Health Services to assess each Residential Habilitation Center client to determine the level of support necessary to meet the client's needs. There are insufficient time and resources to complete this requirement, and it is unnecessarily duplicative of existing assessment tools. I am vetoing this subsection, but I am directing the Department to complete an independent assessment for each individual who is being moved into the community.

Section 205(4)(b)(lines 12-17), (4)(b)(iii), and (4)(b)(iv), page 25, Community Residential Services Reconfiguration (Division of Developmental Disabilities, Department of Social and Health Services)

This subsection requires the Department of Social and Health Services to reduce the per capita costs of community residential services programs by 6.7 percent during the last 18 months of the 1993-95 Biennium below the amount expended during the last quarter of the current biennium. While I acknowledge these savings must be achieved, subsection (b) and sub-subsections (b)(iii) and (b)(iv) are overly cumbersome, limit the Department's flexibility to manage its resources, and do not provide sufficient time to accomplish their purpose. I am vetoing lines 12 through 17 and 25 through 32, but in order to ensure these savings are maintained consistent with legislative intent, I am directing the Department to explore other means to achieve this reduction, such as implementing the reduction on an earlier date.

Section 207(2), page 27, State Supplementary Income Payments (Income Assistance, Department of Social and Health Services)

This subsection would reduce state supplementary payments to 80,000 blind, disabled, and elderly Washington residents. The current fiscal situation has forced us to make very difficult choices, many of which directly affect people who rely on state services. Nonetheless, I cannot in good conscience approve a measure to reduce state support for these individuals, who are truly our most vulnerable residents. Furthermore, it would be extremely difficult to administer these payments in such a way as to maintain the current spending level while the caseload increases without jeopardizing all federal Title XIX funds. I have therefore directed the Department of Social and Health Services to allocate these funds in accordance with current policy.

Section 207(3), page 27, Public Assistance (Income Assistance, Department of Social and Health Services)

This section would require that the Department of Social and Health Services eliminate the "100-hour rule" for two-parent families receiving aid to families with dependent children. Since this rule acts as a disincentive for families to work, I fully support the intent of this subsection. However, funds for the implementation of this rule change are not included in the budget. Therefore, I am vetoing this subsection and directing the Department to pursue a federal waiver of this rule. I intend to recommend funding in the 1994 legislative session to eliminate the "100-hour rule."

Section 209(10), page 30, Chiropractic Services (Medical Assistance, Department of Social and Health Services)

This proviso earmarks \$3,372,000 General Fund-State to provide chiropractic services for Medical Assistance clients. I am vetoing this subsection because no additional funding has been provided for these services. The Department of Social and Health Services cannot reinstate these services within appropriated funding.

Section 217(1), (3), (4), (8), and (9), page 34-36, General-Fund State Appropriations (Department of Community Development)

Subsections 1, 3, 4, 8, and 9 restrict use of 38 percent of the Department's General Fund-state budget. The language for each of these subsections was intended to allow the Department Flexibility to manage the nonspecific General Fund-State budget reductions. However, conflicting legal interpretations of the language make a veto necessary to ensure the needed flexibility. I am directing the Department to honor the purpose of the proviso language for each subsection by allocating the nonspecific reductions as uniformly as possible. Therefore, I am directing the Department to provide substantially similar funding levels for emergency food assistance, food stamp outreach, the Seattle Children's Museum, emergency medical support for Mt. St. Helens' National Monument, emergency shelter assistance, and growth management grants.

Sections 217(7), page 36, Federal and Private Grant Assistance (Department of Community Development)

Subsection 7 requires the Department to use existing staff resources to research the availability of economic development grants. In addition the Department is required to assist state and local organizations to research the availability of these grants. The economic development budget at the Department has been reduced by 20 percent. At the same time, the expectation is for the economic development program to provide essentially the current service level to federal timber dependent communities, to implement the requirements of House Bill No. 1493 pertaining to women and minority owned businesses, and to maintain a statewide program. Although the Community Finance staff attempt to maximize the use of all resources for economic development, the proviso places an undue burden on the existing resources and sets up expectations that will be difficult to meet. Although I am vetoing this proviso, the Department is directed, within available resources, to provide assistance as required by this proviso.

Section 226, lines 22-24, page 43, (Department of Corrections)

This proviso requires the Department to address the mental health needs of inmates within existing resources. I believe this is an unrealistic expectation. My budget recommendation would have provided \$2,900,000 to begin the expansion of mental health services for offenders. There are an estimated 1,100 mentally ill offenders in Washington's prison system. These offenders generally receive longer sentences, serve more of their total sentence, receive more infractions, and are housed under a higher security level than the rest of the inmate population and are therefore much more expensive to house. If we wish to slow the growth in our prison costs, we must invest the required funding for this program. In vetoing this proviso I am urging the Legislature to recognize these needs with actual funding in future sessions.

Section 229(16), page 45, (Employment Security Department)

This proviso earmarks \$2,000,000 (Employment and Training Trust Fund) for operation of 13 job service centers located in community and technical college campuses. I am vetoing this subsection to maximize the Employment Security Department's flexibility to use its

resources to provide a broad range of services across the state and meet the legislative intent contained in Engrossed Substitute House Bill No. 1988. I will ask that seven co-located Job Service Centers be established in the 1993-95 Biennium.

Section 305(1), page 50, Puget Sound Water Quality Management Plan (State Parks and Recreation Commission)

A technical error was made in the proviso language in this section. The Legislature has provided funding to the State Parks and Recreation Commission for its Plan-related activities out of the Aquatic Lands Enhancement Account (ALEA). This section incorrectly provisos General Fund-State moneys for this purpose. Although I am vetoing this proviso, the \$189,000 in ALEA funds must be spent for Plan activities.

Section 308(1), (2), and (4), page 52, European Trade Office, Washington Technology Center, and the Clean Washington Center (Department of Trade and Economic Development)

I strongly believe that these programs are valuable, productive elements of the state's economic development program. However, the budget for the Department passed by the Legislature will force a reevaluation of all economic development programs and a reprioritization of currently available funding. The programs specified in this section represent approximately one-third of the Department's total budget. I have vetoed these sections not because I believe the programs specified herein should necessarily suffer further budget reductions, but because I believe that they should not be protected or excluded from the comprehensive program and budget evaluation which the Department must conduct. I am directing the Department to honor the purpose of the proviso language for the European Trade Office, the Clean Washington Center, and the Washington Technology Center within this context.

Section 308(9), page 53, Engrossed Substitute House Bill 1493 – Minority and Women-Owned Businesses (Department of Trade and Economic Development)

The Legislature intended to fund the programs established in Engrossed Substitute House Bill No. 1493 using federal dollars transferred from the Washington Economic Development Finance Authority (WEDFA) account. The transfer from WEDFA to the General Fund-Federal account was not included in the appropriation bill and the proviso language in this section incorrectly specifies General Fund-State to implement ESHB No. 1493. I will seek a supplemental budget change to correct this error and make the federal funds available for these programs.

Section 501(1)(d), page 63, Demonstration Project (Superintendent of Public Instruction)

I am vetoing this proviso because it would require the Superintendent of Public Instruction to spend federal Chapter 2 funds in a manner inconsistent with federal government rules and statutes by supplanting state funds that previously funded special education demonstration projects. The Superintendent of Public Instruction has indicated that other available funds have been identified to meet the needs of the special services demonstration projects this proviso was intended to satisfy.

Section 707, page 97, line 14, Basic Data Account Transfer to the Tort Claims Revolving Fund

A transfer of \$16,000 is made from the Basic Data Account into the Tort Claims Revolving Fund. The inclusion of the Basic Data Account in the funds that will be transferred into the Tort Claims Revolving Fund was an error. The transfer should have been from the Lottery Administration Account. Transfer from the correct fund will need to be made in the 1994 supplemental budget.

Section 904, page 113, Performance Audits.

On May 15, 1993, I signed into law the Accountability in Government Act of 1993 (Engrossed Substitute House Bill No. 1372). That new law starts Washington down the road toward performance-based government. It requires agencies to identify measurable, outcome-based objectives for each major program. It also directs the Office of Financial Management to prepare a plan for determining how well agencies are meeting those objectives. I strongly support performance-based government; my office worked directly with the Legislature in the development of this legislation. OFM will involve the Legislature and executive agencies in implementing ESHB No. 1372.

Section 904 is directly tied to ESHB No. 1372. But the work required by the bill must be completed before the three audits mandated by Section 904 can be carried out. OFM and state agencies need time to develop reliable program objectives and the plan to apply those objectives to tangible products, like performance audits, as envisioned in ESHB No. 1372. The audit requirements of Section 904 are, therefore, premature. For this reason, I have vetoed Section 904.

Section 905(1), page 114, Lease/Purchase Financing Agreements

Section 905(1) would require that the Office of Financial Management review all agency requests for the acquisition of equipment by lease/purchase financing agreements to ensure that 1) the method of acquisition offers a significant financial advantage to the state, and 2) the term of the installment contract does not exceed the useful life of the item being purchased. I am vetoing this subsection because under current procedures, the Office of State Treasurer (OST) reviews all agency requests for lease/purchase to ensure that the purchases meet these criteria. I will direct OFM to work with the OST and to manage the allocation of the \$35 million limit on lease/purchases from the General Fund, as was done during the 1991-93 Biennium.

Although this concludes my list of vetoes, I want to register concerns with two sections that I have signed with reservation:

Section 715 directs payment of an industrial insurance death benefit. While I am in sympathy with the facts of this particular case, I am strongly opposed to using the relief process as a way to pay denied industrial insurance claims. I hope that in the future the legislature will not use the sundry claims process to reserve final decisions of this type, but rather will address the underlying question of whether changes in industrial insurance laws and appeals procedures are needed.

Section 924 eliminates the General Fund-State transfer to the Water Quality Account for the 1993-95 Biennium. I believe clean water is vitally important. I also believe it is important to have a stable level of state funding that will enable local governments to dedicate sizable portions of their own resources to clean water efforts and to achieve mandated state and federal water quality requirements. I have signed this section because of the impact that vetoing it would have on the fund balance for the state General Fund and because removal of the General Fund transfer is for the 1993-95 Biennium only.

With the exceptions of sections 121(2); 125(1), (2); 202(7); 204(2)(d); 205(4)(a)(iii), (4)(b)(lines 12-17), (4)(b)(iii), (4)(b)(iv); 207(2), (3); 209(10); 217(1), (3), (4), (7), (8), (9), 226 lines 22-24; 229(16); 305(1), 308(1), (2), (4), (9), 501(1)(d); 707 line 14; 904; and 905(1), Substitute Senate Bill No. 5968 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON REENGROSSED SUBSTITUTE SENATE BILL NO. 5972

May 28, 1993

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

I am returning herewith, without my approval as to sections 1, page 2, lines 1 through 4; 2(2); 2(3); 25(2), page 13, lines 24 through 27; 34, page 17, line 35 through page 18, line 21; and 53, page 25 and 26 of Reengrossed Substitute Senate Bill No. 5972 entitled:

"AN ACT Relating to transportation appropriations;"

My reasons for vetoing these sections are as follows:

Section 1, page 2 lines 1 through 4, Expenditure Prohibition

This provision prohibits funds appropriated in the transportation budget from being used for legislation that was not heard by either of the transportation committees. I am concerned that this administrative restriction creates a bad precedent, and that several essential bills would meet this criteria. For example, because Substitute Senate Bill No. 5968, the omnibus budget bill, and Engrossed Substitute Senate Bill No. 5888, the retirement system bill, were not heard before either of the transportation committees, it is possible that none of the funding provided in the transportation budget bill could be used for State Patrol retirement and other transportation agency health benefits. This would cause an unacceptable disruption in retirement and health system funding for transportation agencies.

In addition, this language would keep the Department of Licensing from implementing the provisions of Substitute House Bill No. 1741, which toughen the penalties against people who ignore traffic tickets. This veto will permit the Department of Licensing to operate the program with existing funds until a supplemental can be considered next session.

Section 2(2), Abolishment of the Traffic Safety Commission

Section 2(2) would abolish the Traffic Safety Commission as of July 1, 1994 and place the Commission's responsibilities into an existing transportation agency. The Traffic Safety Commission provides a valuable multidisciplinary approach to addressing the state's traffic safety issues. Placing the agency into an existing transportation agency would risk losing the independence and broad vision that make the Commission and effective force in reducing traffic fatalities and injuries. Traffic safety is a multidimensional problem, and the current structure of the Commission helps bring together the Department of Transportation's engineering knowledge, the State Patrol's enforcement experience, the Department of Licensing's testing and record keeping activities, the Superintendent of Public Instruction's curriculum guidance, and the Department of Health's data on injuries and fatalities. Having an independent commission unencumbered by a single agency perspective contributes to the effectiveness of the Commission's activities.

Section 2(3), Proviso for \$175,000 Highway Safety Fund-Federal To Be Spent For The Law and Justice Program And Move The Activity From The Department of Licensing To The Traffic Safety Commission.

Section 2(3) moves the Department of Licensing's law and justice program to the Traffic Safety Commission which, in turn, would be slated for elimination under the transportation budget. The program coordinates driver information, such as DWI suspensions and changes in traffic laws, between law enforcement agencies and the courts.

I am vetoing Section 2(3) for several reasons. First, the program belongs in the Department of Licensing and not in the Traffic Safety Commission or, if not for the veto of Section 2(2), within yet another transportation agency in the second half of the 1993-95 Biennium. Second, the amount of funds provided is a full biennial amount, yet the bill calls for its expenditure in one year. This would be a waste of money that could otherwise be used to address critical traffic safety needs of the state. Third, because the activity began as a federally funded pilot project, the proviso is a clear supplantation of federal funds. Finally, the directive is counter to the federally prescribed priority-setting process for the identification of traffic safety problems.

Section 25(2), page 13 beginning on line 24 through line 27, WSDOT - Highway Management and Facilities

This subsection calls for Legislative Transportation Committee approval of a study on the current environmental efforts used at the Department of Transportation and implementation of the study recommendations, including any suggested organizational changes, to maximize the effectiveness of the agency's environmental activities. I support the study, but implementation of the study recommendations is the responsibility of the Transportation Commission and the Secretary of Transportation. Giving administrative responsibility to the Legislative Transportation Committee to control implementation of the study findings would blur the lines of executive responsibility and legislative oversight. This veto maintains the study but gives the implementation authority back to the Department. I recommend that the Transportation Commission present the final report and implementation recommendations for review to the Office of Financial Management and to the Legislative Transportation Committee no later than December 15, 1993.

Section 34, page 17 starting on line 35 through line 21 on page 18, Charges From Other Agencies

Section 34 includes an overall appropriation for revolving fund changes and nine provisos that specify line item appropriations for the individual revolving fund charges to the Department of Transportation. The total appropriation amount is sufficient to meet all the estimated obligations; however, the line items provide too much money for some revolving fund agencies and too little for others. The individual line item provisos are overly cumbersome and limit the Department of Transportation's flexibility to meet all anticipated obligations in 1993-95 Biennium.

Section 53, page 25 and 26, Efficiency Commission Study of Revolving Fund Charges

This section calls for a Washington State Efficiency and Accountability in Government Commission study of revolving fund charges to transportation agencies. No funding has been provided in either the transportation or the operating budgets. I am committed to an overall statewide understanding of the revolving fund services and billing procedures. A study of revolving fund services and billing methodology to only transportation agencies is too limiting. To the extent possible within existing resources, I will direct the Office of Financial Management to review the operation of revolving funds across state government.

With the exceptions of sections 1, page 2, lines 1 through 4; 2(2); 2(3); 25(2), page 13, lines 24 through 27; 34, page 17, line 35 through page 18, line 21; and 53, page 25 and 26, Reengrossed Substitute Senate Bill No. 5972 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5980

May 28, 1993

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

I am returning herewith, without my approval as to sections 33, 50, and 51 of Engrossed Substitute Senate Bill No. 5980, entitled:

"AN ACT Relating to fishing licenses;"

This bill provides important new revenues to the Department of Fisheries which will be used to maintain production at state salmon hatcheries, and other important programs of the Department. The bill also consolidates existing recreational fishing licenses. However, several sections of this legislation present potential problems.

Section 33 provides for the act to expire on January 1, 1998. Allowing this Act to expire would not only remove an important source of revenue for the Department, but would also require the Department to revert back to the current system of multiple recreational licenses. In order to remove an undue administrative burden on the Department of Fisheries and avoid consumer confusion, I am vetoing section 33.

Sections 50 and 51 establish a 400 crab pot limit for commercial fishers of coastal crab. The Department of Fisheries, in conjunction with Oregon, California, and the Pacific States Marine Fisheries Commission, is to complete a report on the economic viability of the coastal crab fishery. While I understand the concern of some segments of the commercial crab industry, establishing such a limit before a final report is completed is premature.

With the exception of sections 33, 50, and 51, Engrossed Substitute Senate Bill No. 5980 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MOTION

On motion of Senator Spanel, the vetoed and partially vetoed bills were held on the desk.

MESSAGES FROM THE GOVERNOR

April 26, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jocelyn H. Marchisio, appointed April 26, 1993, for a term ending December 31, 1996, as a member of the Public Disclosure Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

April 26, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jim Whiteside, appointed April 26, 1993, for a term ending December 31, 1997, as a member of the Public Disclosure Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

April 30, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tobias Washington, Jr., appointed April 17, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 30, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arthur Yeoman, appointed April 30, 1993, for a term ending January 21, 1997, as a member of the Board of Pharmacy.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

May 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dwight K. Imanaka, appointed May 3, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

May 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Veltry Johnson, appointed May 10, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees
for South Puget Sound Community College District No. 24.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

May 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Ed Mayeda, appointed May 10, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for
South Puget Sound Community College District No. 24.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

May 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Busse Nutley, appointed May 18, 1993, for a term ending June 30, 1995, as a member of the Housing Finance
Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

June 1, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Cornell Cebrian, appointed June 1, 1993, for a term ending December 5, 1996, as a member of the Western State
Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

June 1, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Arlene B. Engel, reappointed June 1, 1993, for a term ending December 5, 1996, as a member of the Western State
Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

June 1, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Dr. Darrell Hamilton, appointed June 1, 1993, for a term ending December 5, 1996, as a member of the Western State
Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

June 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Dennis Karras, appointed June 14, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Personnel.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

June 4, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James Flynn, appointed June 4, 1993, for a term ending September 25, 1994, as a member of the Clemency and Pardons

Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

June 7, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith Merchant, appointed June 1, 1993, for a term ending at the Governor's pleasure, as Director of the Energy Office.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Energy and Utilities.

June 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Loren Anderson, appointed June 10, 1993, for a term ending March 26, 1996, as a member of the Higher Education

Facilities Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert L. McCallister, appointed June 29, 1993, for a term ending June 17, 1999, as a member of the Board of Industrial

Insurance Appeals.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

July 1, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

1 Gene Liddell, appointed July 1, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Community Development.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

July 16, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald M. Gould, appointed July 16, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

August 2, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Napolean Caldwell, appointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

August 2, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Jenny Durkan, appointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

August 2, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Norm Maleng, appointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

August 2, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Judge Ricardo Martinez, reappointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

August 5, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Bernadene Dochnahl, appointed August 5, 1993, for a term ending August 5, 1996, or at the Governor's pleasure, as Chair of the Washington Health Services Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

August 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Pam MacEwan, appointed August 16, 1993, for a term ending August 5, 1997, as a member of the Washington Health Services Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

August 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Donald A. Brennan, appointed October 1, 1993, for a term ending August 5, 1998, as a member of the Washington Health Services Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

August 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom L. Hilyard, appointed September 13, 1993, for a term ending August 5, 1998, as a member of the Washington Health Services Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

August 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. George W. Schneider, appointed November 1, 1993, for a term ending August 5, 1997, as a member of the Washington Health Services Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

September 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Shaw, appointed September 8, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 13, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Daley, appointed September 13, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 17, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carlene Garner, appointed September 14, 1993, for a term ending January 19, 1994, as a member of the Board of Pharmacy.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

September 22, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Wendy Pava, appointed July 1, 1993, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

September 17, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Terry Robertson, appointed July 1, 1993, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

September 17, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Cynthia L. Roney, reappointed July 1, 1993, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

October 4, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
John L. Bley, appointed October 4, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Financial Institutions.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Ronald C. Claudon, reappointed October 12, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Fredrica Denton, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Roland Dewhurst, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Dr. Helen Donigan, reappointed October 13, 1993, for a term ending June 30, 1998, as a member of the Human Rights Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patrick F. Donohue, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Eager, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Myrna J. Emerick, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Murray Haskell, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janet Kovatch, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eugene Matt, appointed October 13, 1993, for a term ending January 4, 1995, as a member of the Personnel Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alicia Nakata, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gerald S. Robinson, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Yamashita, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Grace T. Yuan, appointed October 13, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Western Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 22, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ruta E. Fanning, appointed October 22, 1993, for a term ending at the Governor's pleasure, as Director of the Office of Financial Management.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

October 25, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph L. McGavick, appointed October 25, 1993, for a term ending January 15, 1999, as Chair of the Liquor Control Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

November 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jim Jesernig, appointed November 10, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Agriculture.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Agriculture.

November 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Henry Chiles, Jr., appointed November 9, 1993, for a term ending June 15, 1997, as Chair of the Marine Employees' Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

November 22, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Daniel Evans, appointed November 22, 1993, for a term ending September 30, 1999, as a member of the Board of Regents for the University of Washington.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 24, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Hemstad appointed June 1, 1993, for a term ending January 1, 1999, as a member of the Utilities and Transportation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Energy and Utilities.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert J. Bavasi, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Victor H. Clausen, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph Enbody, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roberta J. Greene, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges, District No. 17.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A. M. Jorgenson, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Carolyn Keck, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of
Trustees for South Puget Sound Community College District No. 24.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Robert Kozuki, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of
Trustees for Pierce Community College District No. 11.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Charles Michener, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of
Trustees for Columbia Basin Community College District No. 19.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Larry L. Hanson, appointed December 9, 1993, for a term ending June 30, 1997, as a member of the Higher Education
Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MOTION

At 1:21 p.m., on motion of Senator Spanel, the Senate adjourned until 4:30 p.m., Tuesday, January 11, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 10, 1994

NOTICE: Formatting and page numbering in this document may be different
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SECOND DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Tuesday, January 11, 1994

The Senate was called to order at 4:30 p.m. by President Pritchard. No roll call was taken.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6064 by Senators Vognild, Nelson, Sellar and Oke

AN ACT Relating to motor vehicle emission inspections; and amending RCW 70.120.170.

Referred to Committee on Transportation.

SB 6065 by Senators Ludwig, Nelson, Wojahn, Fraser, Snyder, Bauer and A. Smith

AN ACT Relating to imposition of costs; and amending RCW 10.01.160.

Referred to Committee on Law and Justice.

SB 6066 by Senators Ludwig, Nelson, Wojahn, Snyder, Bauer and A. Smith

AN ACT Relating to the number of district court judges; and amending RCW 3.34.010 and 3.34.020.

Referred to Committee on Law and Justice.

SB 6067 by Senators Wojahn, Ludwig, Nelson, A. Smith, Fraser, Snyder and Bauer

AN ACT Relating to courts of limited jurisdiction; and amending RCW 2.52.010, 3.38.010, 3.70.010, 3.70.020, 3.70.040, 10.04.800, and 12.40.800.

Referred to Committee on Law and Justice.

SB 6068 by Senators Fraser, Deccio, Spanel and Oke

AN ACT Relating to appeals involving boards within the environmental hearings office; amending RCW 90.58.170, 90.58.180, 43.21C.075, 43.21B.180, 43.21B.190, 43.21B.230, and 76.09.230; adding a new section to chapter 90.58 RCW; and adding a new section to chapter 43.21B RCW.

Referred to Committee on Ecology and Parks.

SB 6069 by Senators Haugen, Winsley, Prentice and Pelz

AN ACT Relating to nonvoter-approved municipal indebtedness; and amending RCW 39.36.020.

Referred to Committee on Government Operations.

SB 6070 by Senators Loveland, Winsley and M. Rasmussen (by request of Secretary of State)

AN ACT Relating to public records preservation, maintenance, and disposition by agencies of local government and the secretary of state; adding new sections to chapter 40.14 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6071 by Senators Snyder and Hargrove

AN ACT Relating to industrial development levies; and amending RCW 53.36.100.

Referred to Committee on Ways and Means.

SB 6072 by Senators Prentice and Newhouse (by request of Employment Security Department)

AN ACT Relating to disqualification from unemployment compensation benefits; amending RCW 50.20.060; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6073 by Senators Prentice, Newhouse and Vognild (by request of Employment Security Department)

AN ACT Relating to unemployment compensation; amending RCW 50.04.020 and 50.04.223; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6074 by Senator Gaspard

AN ACT Relating to the Washington award for excellence in education program; amending RCW 28A.625.060 and 28A.625.065; reenacting and amending RCW 28A.625.041; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28B.80 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 6075 by Senators Talmadge, Deccio and Fraser

AN ACT Relating to the listing and setting of priorities for the cleanup of hazardous waste sites; amending RCW 70.105D.030; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6076 by Senators Wojahn, Deccio, Skratek, Moyer, Franklin, Gaspard, Prince, Oke and Erwin

AN ACT Relating to signage concerning alcoholic beverages; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Labor and Commerce.

SJM 8026 by Senators Wojahn, Talmadge, Sellar, Snyder, Newhouse, Bluechel, Winsley, Nelson and M. Rasmussen

Concerning Taiwan.

Referred to Committee on Trade, Technology and Economic Development.

MOTION

On motion of Senator Spanel, the Committee on Rules was relieved of further consideration of the following listed bills and the bills were referred as designated:

SENATE BILLS - SECOND READING

SB 5236 f Water supply system operatrs Ecology and Parks

SB 5308 f Forest fire protection Natural Resources

SB 5970 State highway bonds Transportation

SCR 8404 Veterans/military personnel Government Operations

SCR 8405 f Higher ed coordinating board Higher Education

MOTION

At 4:33 p.m., on motion of Senator Spanel, the Senate was declared to be at recess.

The members of the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard, and Minority Leader George L. Sellar to seats on the rostrum.

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

The Speaker presented the gavel to President Pritchard.

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Haugen and Oke and Representatives Orr and Ballasiotes as a special committee to advise His Excellency, Governor Mike Lowry, that the Joint Session had assembled and to escort him from his office to the House Rostrum.

The President of the Senate appointed Senators Adam Smith, Ludwig and Roach and Representatives Johanson, Caver and Foreman as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Rasmussen, Erwin and Drew and Representatives Veloria, Moak and Chandler as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices and the State Elected Officials.

The President called the Joint Session to order.

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

The Secretary of the Senate called the roll of the Senate.

The President of the Senate presented Speaker Ebersole.

REMARKS BY SPEAKER EBERSOLE

Speaker Ebersole: "Representatives, Senators, distinguished guests all, I now have the privilege and honor of introducing the Governor of our great state. Mike Lowry became the staff director of the State Senate Ways and Means Committee in 1969, and he's devoted his life to the people of this great state ever since. That's twenty-five years of service and that makes this a silver anniversary of sorts. For twenty-five years, Mike has given our state his dedication, his energy, his passion for justice, his compassion for people, his unfailing optimism, his decency, and most of all, his love for our great state. And last year, let's not forget, Mike had a hand in giving us a great and gracious First Lady, Mary Lowry, who's here with us now. Let's give Mary a round of applause.

"I won't try to describe how much Mike Lowry has done for this state over the past twenty-five years. There is not enough time, but as we welcome our Governor to the rostrum for his State of the State address, let's show with our applause how much we value his quarter century of service to this state. Ladies and Gentlemen, Governor Mike Lowry."

STATE OF THE STATE ADDRESS BY GOVERNOR MIKE LOWRY

Governor Lowry: "Thank you, Mr. President, Mr. Speaker, distinguished members of the State Supreme Court, distinguished State Elected officials, distinguished members of the Legislature, and to those who are most important to all of us in this chamber, the people of the state of Washington. Thank you for the opportunity to address you today and thank you for the privilege of serving as your Governor.

"When I addressed you a year ago, our state faced dramatic challenges and daunting choices. Many saw nothing but doom and gloom in our future, but I was optimistic about our future a year ago, and I am even more optimistic about our future today. I am confident because of our accomplishments of the past twelve months.

"This Legislature and this administration, last year, met a difficult economic challenge in our state's budget. We pared \$700 million in the state general fund. We held growth in state expenses and employees to historically low levels. We launched

major reforms in our capital budget process and in the state's civil service system. We consolidated agencies and slashed spending on travel, consultants, and furnishings. We did all this without ignoring the pressing needs of the people of the state.

"We inaugurated the most ambitious health care reform ever undertaken by a state, a program now in the process of enrolling 170,000 people -- most of them children -- while saving taxpayers nearly \$60 million in lower insurance premiums for public employees. We initiated major reforms in public school education and we expanded college enrollments while reducing administrative overhead. We responded to the plight of displaced workers and communities by funding retraining for 5,000 people so that they can fill the jobs of tomorrow.

"Foremost, we forged new partnerships to meet the problems and opportunities before us. We joined forces and we faced the future with confidence, not fear. And we proved the pessimists wrong. Today, there are thirty thousand more jobs in Washington State than one year ago -- despite the layoffs in the aerospace industry. New and expanding businesses have pumped more than \$1.5 billion in new investment into our economy in the past year. Unemployment has fallen. Our population is growing at twice the national average, and our rate of growth ranks seventh among all states. We have proved the pessimists wrong.

"Our state's strength was spotlighted for the whole world to see last November, when many of the most powerful political and industrial leaders of the whole world gathered in Seattle for the summit of the Asian Pacific Economic Cooperation. Washington showed the world that we have the natural resources, the educated work force, the creative entrepreneurs, the ideas, the products, the energy, and the skills to compete in the international marketplace. All who visited Washington during APEC marveled at the quality of life in our state that we have achieved in the arts, in our rich history, in the diversity of our many cultures, in our deep love for nature, and in our respect for human rights and dignity.

"No single institution or sector of society alone can claim credit for these outstanding assets in our state. They are owned in common by all, and they can be enriched through partnership at every level of the community. Partnership -- what is the role of state government in this partnership? First and foremost, we must set and maintain the highest standard of ethics at all levels of government. Everything we aspire to achieve will be impossible if government does not enjoy the respect and the confidence of citizens and taxpayers. That is why under the outstanding leadership of Attorney General Christine Gregoire and co-chairs, Professor Hubert Locke and citizen-activist Delores Teutsch, the seventeen member, bi-partisan Commission on Ethics and Campaign Practices submitted the toughest set of ethical guidelines and enforcement procedures ever proposed for any state government. I will ask you to adopt those recommendations, recognizing Washington State as the national model for integrity in government.

"Second, government must be efficient. We must be diligent and creative in finding new ways to tackle old problems. In this first year, in five major agencies, we have compressed thirty-three divisions into eighteen. What was thirty-three divisions in state government last year, is now eighteen. This session I have proposed that we eliminate fifty boards and commissions. Across state government, we are replacing eight hundred classifications of managers with four -- yes, you heard that right, eight hundred down to four. We have reduced the growth in the state general fund to its lowest level in decades. Where state expenditures had been increasing an average of more than nine percent a year, my budget has cut that to only 3.6 percent -- far below the rates of inflation and population.

"I really appreciate that applause for that, but also I was pausing here because I wanted to give credit to the people really responsible for this achievement and efficiency -- the public employees of Washington State. It has become politically fashionable to deride and scorn public officials and to deride and to scorn public employees, but the public employees, they are the ones who deliver on our promises and our goals. To the extent that we, in this chamber, have enjoyed any measure of success, it is because of the skill, the diligence, creativity and sacrifice of public employees and teachers. Speaking for all of the citizens of the state of Washington I say to you, the employees of this state, 'thank you for a job well done.'

"There are some who believe that the only way to become more efficient is to say, 'No' to old obligations. They could not be more wrong. The way to become more efficient is to say, 'Yes' to new ideas. For proof of this, we need look no further than the health care reform program which this Legislature approved nine months ago. The changes taking place now in our health care system have helped state government reduce health insurance premiums for its employees, saving the state \$59 million. Our state's private employers, who have seen the cost of health benefits rise between fifteen and twenty percent a year, are also benefiting from the measures to tame health care inflation. Our health care plan is now recognized as a model for the nation for a very simple reason. It works and it works well.

"There is much more to be done. The citizens of Washington State are sending us a clear, sensible and fair message. Last November they recognized that deep tax cuts would endanger our fundamental priorities for education, health care, the environment, infrastructure and other investments. At the same time, the voters said, 'Make government more efficient.'

"To this end, I have submitted a supplemental budget which will further tighten state general fund spending by \$93 million and will cut total state funding by \$155 million. It will further reduce authorized state employment by two hundred and seventy full-time positions. We can and we will meet the voter's rightful demand for a dollar of value for every dollar of tax paid. This Governor is determined to make this government highly efficient. We are right on course and I want to thank the state elected officials and the legislators in this chamber for helping to make that happen.

"Government integrity and efficiency, while so important, are not enough, to assure our future success alone. A third responsibility is to be a reliable and responsible partner. Our future economic success depends on forging creative public and private partnerships among business, labor, educators, and environmentalists, Republicans, Democrats, Independents and any and all willing to help shape a better tomorrow.

"The next industrial revolution is here. The business strategies and public policies of the past will no longer create the family-wage jobs of the future. The real-world economies are driven by free and open trade, by technological innovation, and by the most productive application of private and public resources. In our state, we have those resources -- an outstanding private sector, with Boeing and Microsoft, the flagships, but hundreds of other high technology companies, and critically important, the leading research institutions such as the University of Washington, Washington State University, and Fred Hutchinson.

"Washington has the assets to succeed. We have the position and the infrastructure to be the trading hub of the Pacific Rim. We have the knowledge, the skills and the drive to be a world leader in technological innovation and production, and we are building partnerships to turn this promise into prosperity.

"To ensure this state's leadership in world trade -- world trade -- my supplemental budget dedicates \$1.6 million to expand our trade outreach in Japan, Mexico, Taiwan, Canada, China, Korea and Russia. When this plan is approved, Washington State will

command the largest and strongest presence in the Pacific Rim of any of the fifty states of the Union. This will produce high quality, family-wage jobs.

"To ensure this state continues to produce cutting-edge technologies and products, our budget will provide tax incentives for the development of local high-tech industries. We recognize the long lead-time required by high-tech firms to bring their products to market. This proposal minimizes the burden imposed by our state's regressive B&O tax on the most important growth sector in the state's economy. This proposal will produce high quality, family-wage jobs.

"To every community and every citizen, to make sure that all communities have the chance to compete and succeed in the new international economy, this budget proposal contains additional incentives to encourage new manufacturing companies to locate in our depressed economic areas, where we have an outstanding workforce that deserves new opportunities. That proposal, too, will produce high quality, family-wage jobs.

"To ensure that we do not waste public or private resources, we need to implement key recommendations of the Governor's Task Force on Regulatory Reform and we need to coordinate planning under the Growth Management Act with existing environmental laws. That task force on regulatory reform has made a very productive start, and we will continue that work until the job is done. In our state, it is the environment and jobs.

"Just as we can't afford to write off any area of the state, we can't afford to squander a single individual's energy -- least of all through the blindness of ignorance and prejudice. Our economic future and the business climate is dependent on respecting and encouraging diversity. It is essential that we all stand together against all discrimination and guarantee that everyone has equal opportunities and rights in the state of Washington. This supplemental budget proposal is responsive and responsible. It strengthens our state's competitive advantage in the international economy, it primes the industries that will create tomorrow's family-wage jobs, and it keeps faith with the demand of the voters for administrative efficiency and fiscal prudence.

"All of this would be meaningless if it ignored the only bottom line that really matters for society -- our children. Violent crimes perpetrated by young people have doubled since 1981. Most of the victims are other children. Homicide is now the leading cause of death among young African-American males. Our children are killing themselves -- and it must stop. We cannot hope to advance any agenda for this state's future unless we act on the Youth Agenda.

"This supplemental budget invests \$13.2 million in a far-reaching and integrated strategy to reduce violence in our school yards and communities, to strengthen families, and to train and employ teenagers at risk. It recognizes that our children cannot repel the onslaught of violence unless we root out its causes and invest in its prevention. This Youth Agenda was developed through the concerted efforts of hundreds of social service professionals, educators, and law enforcement officials. It builds on the experience of successful local programs and reflects the ideas and comments of more than seven hundred concerned people who attended town meetings around the state. The most important input at those town hall meetings came from the young people themselves.

"This Youth Agenda reorganizes key state agencies delivering family services. Who best knows how to combat crime in their neighborhoods than those who live and work there every day? Our proposal will give these local communities greater responsibility and control. This Youth Agenda challenges the media, educators, business and local governments to create new models for the peaceful resolution of disputes.

"The Youth Agenda does not duck from the epidemic of firearms in the community. It recognizes that the number of guns in the hands of young people is simply out of control and responds by significantly limiting minors' access to handguns. It calls for stiffer penalties for young violent offenders and for those who possess or use handguns and for adults who provide them to them. Let the word go out from this chamber. There is no excuse for the criminal use of a firearm -- be it by a minor or an adult.

"More than two thousand years ago, people asked the philosophers of Greece to define the difference between barbarism and civilization. They replied that barbarians think of only today, that they plunder and consume their resources without thought for tomorrow's needs. Civilized societies, on the other hand, pledge their resources first to the needs of their children and the generations to come. As we approach the turn of this century, this answer is just as true today as it was at the time of Aristotle.

"When all the cuts and adds are totaled, when all the numbers have been crunched, when all the forecasts are in and all the revenues and expenditures have been nailed down to the last decimal point, a budget is just ink on paper if it does not give our children hope for a better life and the opportunity to pursue their dreams. All our grand planning and strategies for this state's economic future -- all the CTEDs, APECs, NAFTAs and GATTs -- will just be alphabet soup if we do not guarantee our children the elementary right of safe schools and neighborhoods in which to learn and master the skills they will need to do the world's work in the 21st century.

"I am confident that they will have that security and that opportunity because this Legislature is ready to do the state's work today. And that is why I remain so optimistic. Let's build on the outstanding progress we have made. Let's do the job that people sent us to do and leave this chamber in two months having achieved:

"A government that meets the strictest standards and codes for government integrity;

"A government that produces the highest value of service for every dollar of revenue;

"A government engaged in creating a productive partnerships with the private sector, local communities, and other institutions to create tomorrow's products, jobs and opportunities;

"A government committed to giving our citizens the best education, a sound environment, affordable health care, secure communities and strong families; and

"Finally, and most importantly, a government that gives our children not only the chance to live and learn, but the optimism to reach for, and build, a better world for their children and all the generations to come. Thank you."

The President of the Senate instructed the special committee to escort Governor and Mrs. Lowry to the State Reception room.

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

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

MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard, and Minority Leader George L. Sellar and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 5:27 p.m. by President Pritchard.

MOTION

At 5:27 p.m., on motion of Senator Spanel, the Senate adjourned until 11:00 a.m., Wednesday, January 12, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 11, 1994

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

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 12, 1994
The Senate was called to order at 11:00 a.m. by President Pritchard. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

January 11, 1994

GA 9408 JIM JESERNIG, appointed November 10, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Agriculture.
Reported by Committee on Agriculture

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton, Snyder.

Passed to Committee on Rules.

CHANGES IN STANDING COMMITTEE ASSIGNMENTS

The President announced the following changes in the Standing Committee assignments: Senator Deccio is removed from the Committee on Trade, Technology and Economic Development and added to the Committee on Labor and Commerce. Senator Cantu is removed from the Committee on Labor and Commerce and added to the Committee on Trade, Technology and Economic Development.

MOTION

On motion of Senator Spanel, the changes in the Standing Committee assignments were confirmed.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
COMMISSION ON ETHICS IN GOVERNMENT
AND CAMPAIGN PRACTICES
406 Legion Way SE Post Office Box 43130
OLYMPIA, WASHINGTON 98504-3130

January 6, 1994

The Honorable Mike Lowry
Governor of the State of Washington
Legislative Building

The Honorable Christine O. Gregoire

Attorney General of the State of Washington
905 Plum Street, Building 3

The Honorable James A. Andersen
Chief Justice of the Supreme Court of the State of Washington
Temple of Justice

The Honorable Marty Brown
Secretary of the Senate
Legislative Building

The Honorable Marilyn Showalter
Acting Chief Clerk of the House of Representatives
Legislative Building
Olympia, Washington 98504

Ladies and Gentlemen:

The Commission on Ethics in Government and Campaign Practices is pleased to provide the following report and recommendations. As directed by the authorizing statute, we are confident that these recommendations will promote public trust and confidence in government, promote fair campaign practices, and ensure the effective administration of public disclosure, conflict of interest and ethics laws.

Thank you for this opportunity to serve the citizens of the State of Washington on these important and challenging issues.
Sincerely,

HUBERT LOCKE DELORES TEUTSCH
Co-Chair Co-Chair

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

WATER RIGHTS FEES
TASK FORCE
FINAL REPORT TO THE LEGISLATURE

January 6, 1994

Marty Brown, Secretary
Washington State Senate

Marilyn G. Showalter, Acting Chief Clerk
Washington State House of Representatives

Dear Mr. Brown and Ms. Showalter:

Section 3 of Engrossed Substitute House Bill No. 1236, enacted during the 1993 Regular Session, required the appointment of a Water Rights Fees Task Force. The legislation assigned the Task Force a number of duties and, as indicated in the following, directed it to provide certain specific recommendations and proposals:

"...the task force shall:

(a) Provide recommendations to the department of ecology on ways to improve the efficiency and accountability of the water rights program;

(b) Provide recommendations to the legislature on statutory changes necessary to make these efficiency and accountability improvements; and

(c) Propose a new fee schedule for the water rights program which incorporates the results of the task force's work and which funds through fees fifty percent of the cost of the activities and services provided by the program." (Section 3(3), Chapter 459, Laws of 1993.)

A list of the members of the Task Force is enclosed. The Task Force was first convened on September 9, 1993; it conducted a total of nine meetings in carrying out its duties.

This report of the Water Rights Fees Task Force contains the policies recommended by the Task Force for improving the efficiency and accountability of the state's water rights program, the changes in statute recommended by the Task Force for implementing those policies, and new fee schedules proposed by the Task Force for the water rights program. Attached to the report are minority recommendations from members of the Task Force.

Sincerely,

SENATOR MARILYN RASMUSSEN MERLE R. GIBBENS
Task Force Co-Chair Task Force Co-Chair

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 11, 1994

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6077 by Senators Skratek, Wojahn, McAuliffe, Loveland, Hargrove, Sheldon, Quigley, Drew, Haugen, Prentice, M. Rasmussen, Franklin, Fraser, Pelz, Winsley and Spanel

AN ACT Relating to informed consent for hysterectomies; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health and Human Services.

SB 6078 by Senators Talmadge, Deccio and Fraser

AN ACT Relating to liability for the cleanup of hazardous waste sites; amending RCW 70.105D.040; and adding new sections to chapter 70.105D RCW.

Referred to Committee on Ecology and Parks.

SB 6079 by Senators Talmadge, Deccio, Fraser, Winsley and Oke

AN ACT Relating to public notice of significant releases of hazardous substances; adding new sections to chapter 70.105D RCW; creating a new section; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6080 by Senators Owen, Oke, Hargrove, Amondson, Haugen, Snyder, Morton, M. Rasmussen and Roach

AN ACT Relating to wrongful property damage to agricultural and forest lands; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 6081 by Senators Haugen, Deccio, Bauer and Winsley

AN ACT Relating to on-site sewage additives; and amending RCW 70.118.020.

Referred to Committee on Ecology and Parks.

SB 6082 by Senators Snyder, Bluechel, Amondson, Skratek, Hargrove, Sheldon, Owen, M. Rasmussen, Oke and Erwin

AN ACT Relating to the center for international trade in forest products; amending RCW 76.56.020, 76.56.050, 43.131.333, and 43.131.334; adding a new section to chapter 28B.50 RCW; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 6083 by Senators Moore, Amondson, Prentice, Prince and Erwin (by request of Attorney General)

AN ACT Relating to mortgage brokers and loan originators; amending RCW 19.146.005, 19.146.010, 19.146.020, 19.146.020, 19.146.0201, 19.146.200, 19.146.205, 19.146.210, 19.146.220, 19.146.225, 19.146.230, 19.146.235, 19.146.030, 19.146.040, 19.146.060, 19.146.240, 19.146.245, 19.146.260, 19.146.265, 19.146.100, and 19.146.280; adding new sections to chapter 19.146 RCW; repealing RCW 19.146.270; repealing 1993 c 468 s 27 (uncodified); prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6084 by Senator Vognild (by request of Office of Financial Management)

AN ACT Relating to transportation appropriations; amending 1993 sp.s. c 23 ss 1, 2, 4, 5, 6, 7, 8, 9, 10, 11,12, 16, 21, 22, 23, 25, 26, 27, 29, 31,32, 34, 35, 37, 39, 40, and 47 (uncodified); adding new sections to 1993 sp.s. c 23; and declaring an emergency.

Referred to Committee on Transportation.

SB 6085 by Senators Fraser and Haugen

AN ACT Relating to the enforcement of the cleanup of hazardous waste sites and exemptions from state and local permit requirements; amending RCW 70.105D.020, 70.105D.030, 70.105D.050, 70.105D.060, and 70.105.050; adding a new section to chapter 70.105D RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Ecology and Parks.

SB 6086 by Senators West, Haugen, Deccio, Prince, Morton and Moyer

AN ACT Relating to public facilities districts; amending RCW 36.100.030, 36.100.070, and 82.14.048; and adding new sections to chapter 36.100 RCW.

Referred to Committee on Ways and Means.

SB 6087 by Senators Prentice, Winsley, Moyer, Talmadge and Pelz

AN ACT Relating to farmworker housing; amending RCW 43.70.330, 43.70.340, and 70.54.110; and adding new sections to chapter 70.54 RCW.

HOLD.

SB 6088 by Senators Haugen and Winsley

AN ACT Relating to library districts; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Government Operations.

SB 6089 by Senators West, Bauer, A. Smith, Vognild, Talmadge, Nelson, Prince, Oke, Sutherland, Winsley, Sheldon, M. Rasmussen, Deccio, Erwin, Roach, Ludwig, Drew, Loveland, Sellar, Cantu, Morton and Skratek (by request of Washington State University)

AN ACT Relating to institutions of higher education collegiate license plates; amending RCW 46.16.332; adding new sections to chapter 46.16 RCW; adding a new chapter to Title 28B RCW; and repealing RCW 46.16.323.

Referred to Committee on Transportation.

SB 6090 by Senators M. Rasmussen and Prince (by request of Washington State University)

AN ACT Relating to rodent control; and repealing RCW 17.16.010, 17.16.020, 17.16.030, 17.16.040, 17.16.050, 17.16.060, 17.16.070, 17.16.080, 17.16.090, 17.16.100, 17.16.110, and 17.16.130.

Referred to Committee on Agriculture.

SB 6091 by Senators Ludwig and Prince (by request of Washington State University)

AN ACT Relating to bidding procedures concerning minority and women-owned businesses; and amending RCW 39.19.070.

Referred to Committee on Government Operations.

SB 6092 by Senators A. Smith and Nelson

AN ACT Relating to the statute of limitations for negotiable instruments; amending RCW 62A.3-118; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6093 by Senators A. Smith and Nelson

AN ACT Relating to collection of debts; and amending RCW 19.16.100.

Referred to Committee on Labor and Commerce.

SB 6094 by Senators Haugen, Winsley and Drew

AN ACT Relating to the sale of port property; and amending RCW 53.08.090.

Referred to Committee on Government Operations.

SB 6095 by Senators Skratek, Anderson, Spanel, Bluechel, M. Rasmussen and Erwin

AN ACT Relating to international trade through Washington ports; amending RCW 53.06.020 and 53.06.070; and repealing RCW 53.31.910 and 53.31.911.

Referred to Committee on Trade, Technology and Economic Development.

SB 6096 by Senators M. Rasmussen, Anderson, Newhouse, Snyder, Morton, Bauer and Quigley

AN ACT Relating to milk and milk products; amending RCW 15.32.010, 15.36.011, 15.36.080, 15.32.110, 15.32.100, 15.32.580, 15.32.590, 15.36.100, 15.36.490, 15.36.500, 15.36.470, 15.36.070, 15.32.160, 15.32.530, 15.36.110, 15.36.090, 15.36.300, 15.36.520, 15.32.610, 15.36.115, 15.36.480, 15.36.107, 15.32.450, 15.35.080, 15.36.120, and 15.36.595; reenacting and amending RCW 35A.69.010; adding new sections to chapter 15.36 RCW; recodifying RCW 15.32.010, 15.36.011, 15.36.080, 15.32.110, 15.32.100, 15.32.580, 15.36.100, 15.36.490, 15.36.500, 15.36.120, 15.32.160, 15.36.150, 15.36.470, 15.36.070, 15.32.530, 15.36.110, 15.36.260, 15.36.265, 15.36.420, 15.36.300, 15.32.410, 15.32.420, 15.32.450, 15.32.460, 15.36.520, 15.36.530, 15.36.115, 15.36.480, 15.32.550, 15.36.595, 15.36.600, 15.32.710, 15.32.720, 15.32.730, 15.36.005, 15.32.900, 15.32.910, 15.36.105, and 15.36.107; repealing RCW 15.32.051, 15.32.060, 15.32.070, 15.32.080, 15.32.090, 15.32.120, 15.32.130, 15.32.140, 15.32.150, 15.32.220, 15.32.250, 15.32.260, 15.32.330, 15.32.340, 15.32.360, 15.32.380, 15.32.430, 15.32.440, 15.32.490, 15.32.500, 15.32.510, 15.32.520, 15.32.540, 15.32.560, 15.32.570, 15.32.582, 15.32.584, 15.32.590, 15.32.600, 15.32.610, 15.32.620, 15.32.630, 15.32.660, 15.32.670, 15.32.680, 15.32.700, 15.32.740, 15.32.750, 15.32.755, 15.32.760, 15.32.770, 15.32.780, 15.32.790, 15.36.020, 15.36.030, 15.36.040, 15.36.055, 15.36.060, 15.36.075, 15.36.090, 15.36.140, 15.36.155, 15.36.160, 15.36.165, 15.36.170, 15.36.175, 15.36.180, 15.36.185, 15.36.190, 15.36.195, 15.36.200, 15.36.205, 15.36.210, 15.36.215, 15.36.220, 15.36.225, 15.36.230, 15.36.235, 15.36.240, 15.36.245, 15.36.250, 15.36.255, 15.36.270, 15.36.280, 15.36.320, 15.36.325, 15.36.330, 15.36.335, 15.36.340, 15.36.345, 15.36.350, 15.36.355, 15.36.360, 15.36.365, 15.36.370, 15.36.375, 15.36.380, 15.36.385, 15.36.390, 15.36.395, 15.36.400, 15.36.405, 15.36.410, 15.36.415, 15.36.425, 15.36.430, 15.36.440, 15.36.460, 15.36.510, 15.36.540, 15.36.550, 15.36.590, and 15.36.900; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6097 by Senators Bauer, Wojahn, Oke, Pelz and Rinehart (by request of Legislative Budget Committee)

AN ACT Relating to special services demonstration projects; amending RCW 28A.630.845 and 28A.630.850; and repealing RCW 28A.630.851.

Referred to Committee on Education.

SB 6098 by Senators M. Rasmussen, Newhouse, Snyder and Quigley (by request of Department of Agriculture)

AN ACT Relating to the dairy inspection program; and amending RCW 15.36.105 and 15.36.107.

Referred to Committee on Agriculture.

SB 6099 by Senators M. Rasmussen, Newhouse and Snyder (by request of Department of Agriculture)

AN ACT Relating to weights and measures; amending RCW 19.94.010, 19.94.160, 19.94.175, 19.94.190, 19.94.255, 19.94.280, 19.94.320, and 19.94.360; and adding a new section to chapter 15.80 RCW.

Referred to Committee on Agriculture.

SB 6100 by Senators M. Rasmussen, Newhouse, Snyder, Prentice and Fraser (by request of Department of Agriculture)

AN ACT Relating to pesticide application regulation; amending RCW 17.21.020, 17.21.030, 17.21.060, 17.21.065, 17.21.070, 17.21.080, 17.21.100, 17.21.110, 17.21.122, 17.21.126, 17.21.128, 17.21.129, 17.21.130, 17.21.132, 17.21.134, 17.21.150, 17.21.160, 17.21.170, 17.21.180, 17.21.190, 17.21.200, 17.21.203, 17.21.220, 17.21.230, 17.21.240, 17.21.260, 17.21.280, 17.21.290, 17.21.310, 17.21.360, 17.21.400, 17.21.410, 17.21.420, and 17.21.910; reenacting and amending RCW 17.21.050; adding new sections to chapter 17.21 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6101 by Senators M. Rasmussen, Newhouse and Snyder (by request of Department of Agriculture)

AN ACT Relating to violations concerning custom slaughtering and poultry products; amending RCW 16.49.444, 16.49.510, and 16.74.650; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6102 by Senators Owen, Snyder, Hargrove, Oke, Amondson, Sheldon and Drew

AN ACT Relating to salmon enhancement; reenacting and amending RCW 75.50.100; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

SB 6103 by Senators Snyder, McCaslin, Loveland, Vognild, Hargrove, Owen, M. Rasmussen, Roach and Oke

AN ACT Relating to burning permits for fire fighting instruction; and amending RCW 70.94.650.

Referred to Committee on Ecology and Parks.

SB 6104 by Senator Fraser

AN ACT Relating to water pollution control and reduction; amending RCW 35.67.010, 35.67.020, 35.92.020, 36.94.010, 36.94.020, 36.94.140, and 56.08.020; reenacting and amending RCW 70.146.060 and 56.08.010; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6105 by Senators Skratek, Bluechel, Sheldon and M. Rasmussen

AN ACT Relating to high performance work organizations; amending RCW 43.330.050, 43.330.060, and 43.330.080; adding a new section to chapter 43.330 RCW; creating a new section; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 6106 by Senators Skratek, Bluechel, Williams, Erwin, Sheldon and M. Rasmussen

AN ACT Relating to the department of community, trade, and economic development; amending RCW 43.330.050; adding a new section to chapter 43.330 RCW; creating a new section; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 6107 by Senators Skratek, Sheldon and M. Rasmussen

AN ACT Relating to fees for services for the department of community, trade, and economic development; amending RCW 70.95H.040; adding new sections to chapter 43.330 RCW; and adding a new section to chapter 70.95H RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 6108 by Senator Skratek

AN ACT Relating to the merger of the departments of community development and trade and economic development into the department of community, trade, and economic development; adding new sections to chapter 43.330 RCW; recodifying RCW 43.31.057, 43.31.083, 43.31.085, 43.31.087, 43.31.089, 43.31.091, 43.31.092, 43.31.0925, 43.31.093, 43.31.125, 43.31.145, 43.31.205, 43.31.207, 43.31.215, 43.31.390, 43.31.403, 43.31.406, 43.31.409, 43.31.411, 43.31.414, 43.31.417, 43.31.422, 43.31.425, 43.31.428, 43.31.502, 43.31.504, 43.31.506, 43.31.508, 43.31.512, 43.31.514, 43.31.522, 43.31.524, 43.31.526, 43.31.545, 43.31.601, 43.31.611, 43.31.621, 43.31.631, 43.31.641, 43.31.651, 43.31.661, 43.31.800, 43.31.810, 43.31.820, 43.31.830, 43.31.832, 43.31.833, 43.31.834, 43.31.840, 43.31.850, 43.31.956, 43.31.960, 43.31.962, 43.31.964, 43.63A.066, 43.63A.067, 43.63A.075, 43.63A.105, 43.63A.115, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.220, 43.63A.230, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.260, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377, 43.63A.380, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.450, 43.63A.460, 43.63A.465, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.690, 43.63A.700, 43.63A.710, 43.63A.900, 43.63A.901, 43.63A.902, and 43.63A.903; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 6109 by Senators A. Smith and Talmadge

AN ACT Relating to custodial interference; amending RCW 9A.40.060 and 26.09.165; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6110 by Senators Spanel, A. Smith, Hargrove and Winsley

AN ACT Relating to the production of family medical history; amending RCW 26.09.050 and 26.09.170; and reenacting and amending RCW 26.26.130.

Referred to Committee on Law and Justice.

SB 6111 by Senators Drew, McCaslin, Gaspard, Sellar, Haugen, Snyder, Fraser, Franklin, Sheldon, Bauer, Owen, Spanel, Pelz, M. Rasmussen, Winsley, Oke and Skratek (by request of Commission on Ethics in Government and Campaign Financing, Governor Lowry and Attorney General Gregoire)

AN ACT Relating to ethics in public service; amending RCW 42.18.270, 42.18.217, 42.18.230, and 42.18.260; adding a new section to chapter 42.23 RCW; adding a new chapter to Title 42 RCW; creating a new section; recodifying RCW 42.18.217, 42.18.230, 42.18.260, 42.18.270, 42.18.330, and 42.22.050; repealing RCW 42.18.010, 42.18.020, 42.18.030, 42.18.040, 42.18.050, 42.18.060, 42.18.070, 42.18.080, 42.18.090, 42.18.100, 42.18.110, 42.18.120, 42.18.130, 42.18.140, 42.18.150, 42.18.170, 42.18.180, 42.18.190, 42.18.200, 42.18.210, 42.18.213, 42.18.215, 42.18.221, 42.18.240, 42.18.250, 42.18.280, 42.18.290, 42.18.300, 42.18.310, 42.18.320, 42.18.900, 42.20.010, 42.21.010, 42.21.020, 42.21.030, 42.21.040, 42.21.050, 42.21.080, 42.21.090, 42.22.010, 42.22.020, 42.22.030, 42.22.040, 42.22.060, 42.22.070, 42.22.120, 44.60.010, 44.60.020, 44.60.030, 44.60.040, 44.60.050, 44.60.070, 44.60.080, 44.60.090, 44.60.100, 44.60.110, 44.60.120, and 44.60.130; and prescribing penalties.

Referred to Committee on Government Operations.

SB 6112 by Senators Drew, McCaslin, Gaspard, Snyder, Fraser, Franklin, Quigley, Sheldon, Bauer, Owen, Spanel, Pelz, M. Rasmussen and Winsley (by request of Commission on Ethics in Government and Campaign Financing, Governor Lowry and Attorney General Gregoire)

AN ACT Relating to fair campaign practices; amending RCW 42.17.020, 42.17.130, 42.17.190, 42.17.240, 42.17.241, 42.17.350, 42.17.405, 42.17.410, 42.17.660, 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.17.510, 42.17.090, 42.17.105, 42.17.640, 42.17.128, 42.17.510, 29.85.060, 43.290.020, 42.17.710, 42.17.395, 42.17.095, 42.17.160, 42.17.170, 42.17.132, 43.07.310, 29.80.010, 29.80.020, 29.81.010, 29.80.040, and 29.80.090; adding new sections to chapter 42.17 RCW; creating new sections; and repealing RCW 42.17.021, 42.17.2415, and 42.17.630.

Referred to Committee on Law and Justice.

SB 6113 by Senators Nelson, A. Smith, Oke, Amondson, L. Smith, Sellar, Roach, Hochstatter, Schow, Haugen, West, Morton, M. Rasmussen, Winsley, Deccio, Anderson, McCaslin and Moyer

AN ACT Relating to restitution payments for juvenile offenses; amending RCW 13.40.190 and 13.40.300; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6114 by Senators Nelson, A. Smith, Oke, Amondson, Haugen, Quigley, M. Rasmussen, Winsley, Skratek, Deccio, McDonald, Anderson, McCaslin, Ludwig and Moyer

AN ACT Relating to limiting availability of weapons to minors; amending RCW 9.41.080 and 9.41.240; reenacting and amending RCW 9.41.010; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6115 by Senators Nelson, A. Smith, Oke, Prince, Amondson, Deccio, Sellar, Roach, Hochstatter, Schow, Haugen, Quigley, West, Morton, M. Rasmussen, Winsley, McDonald, Anderson, McCaslin and Moyer

AN ACT Relating to offenses committed with deadly weapons; amending RCW 9.94A.310; reenacting and amending RCW 9.41.010; adding a new section to chapter 13.40 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6116 by Senators Nelson, A. Smith, Oke, Amondson, Deccio, Sellar, Hochstatter, Morton, Wojahn, M. Rasmussen, Winsley, McDonald, Anderson, McCaslin and Moyer

AN ACT Relating to liability of parents for the acts of children; amending RCW 4.24.190; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6117 by Senators Nelson, A. Smith, Oke, Amondson, L. Smith, Sellar, Hochstatter, Roach, Schow, Haugen, Quigley, West, M. Rasmussen, Winsley, Skratek, Deccio, McDonald, Anderson, McCaslin and Moyer

AN ACT Relating to prior juvenile convictions of offenders; and reenacting and amending RCW 9.94A.030 and 9.94A.360.

Referred to Committee on Law and Justice.

SB 6118 by Senators Nelson, Schow, Sellar, West, Winsley, Oke, Deccio, McDonald, Anderson, McCaslin and Moyer

AN ACT Relating to creating a youthful offender system; amending RCW 9.94A.123, 9.94A.130, 9.94A.210, 18.155.010, 18.155.020, 18.155.030, and 46.61.524; reenacting and amending RCW 9.94A.120, 9.94A.030, and 9.94A.440; adding new sections to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6119 by Senators Nelson, A. Smith, Oke, L. Smith, Sellar, Roach, Schow, Haugen, Quigley, West, M. Rasmussen, Winsley, Hochstatter, Skratek, Deccio, McDonald, Anderson, McCaslin, Ludwig and Moyer

AN ACT Relating to juvenile court jurisdiction; and amending RCW 13.04.030 and 13.40.110.

Referred to Committee on Law and Justice.

SJR 8219 by Senators Drew, McCaslin, Gaspard, Haugen, Snyder, Fraser, Sheldon, Quigley, Bauer, Owen, Spanel, Pelz, M. Rasmussen and Winsley (by request of Commission on Ethics in Government and Campaign Financing, Governor Lowry and Attorney General Gregoire)

Constitutionally authorizing the establishment of a system prescribing ethical conduct for state judicial branch officers and employees.

Referred to Committee on Government Operations.

MOTION

On motion of Senator Spanel, Senate Bill No. 6087 was held on the desk.

MOTION

At 11:05 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The members of the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

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

Speaker Ebersole instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard, and Minority Leader George L. Sellar to seats on the rostrum.

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

The Speaker presented the gavel to President Pritchard.

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Adam Smith and Nelson and Representatives Dellwo and Sheahan as a special committee to advise His Honor, the Chief Justice of the Supreme Court, James Andersen, that the Joint Session had assembled, and to escort him from the State Reception Room to the bar of the House of Representatives.

The President of the Senate appointed Senators Hochstatter, Loveland, McAuliffe and Prince and Representatives Morris, Eide and Tate as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Owen and Linda Smith and Representatives Flemming, Cothorn and McMorris as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices and the State Elected Officials.

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "We are pleased to present the Supreme Court Justices here today and a special welcome back to our old friend, Justice Jim Dolliver. Justice Dolliver, recuperated from medical difficulties, has been a member of the court since 1975. He served as Chief of Staff for Governor Dan Evans from 1964 to 1975, and as Chief Justice in 1985 and 1986; he is beloved by citizens across our state and it is a delight to have him back in these Chambers. Justice Dolliver, we are very happy to see you here with us today. The President would also like to recognize Mrs. Barbara Dolliver in the north gallery, here today for Chief Justice Andersen's speech."

The President welcomed Governor Mike Lowry, who was seated on the rostrum.

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

The Secretary of the Senate called the roll of the Senate.

The President of the Senate called the Joint Session to order.

INTRODUCTION OF CHIEF JUSTICE ANDERSEN

President Pritchard: "The purpose of the Joint Session today is to receive a message from the Chief Justice, James Andersen. It's a great pleasure for me to introduce the Chief Justice. We came to this body and sat in the back and naturally we were seat-mates in 1959 -- in that session. In those days, freshmen hardly talked or were hardly recognized and we were pretty silent through that session. That is the last time the Chief Justice was silent. It is good to see the Chief Justice and the Governor sitting side by side. It has not always been the case in our state. Back in 1856, Governor Stevens declared martial law and the Chief Judge by the name of Lander came down to Olympia and held the Governor in contempt and fined him \$50.00. With that, the Governor threw the Chief Justice in jail and kept him there for three days. Finally, they worked out their differences, so it's nice to see that today, the members of our government -- the different branches -- are working together, because certainly, the issues and problems of our state call for that type of cooperation.

"Chief Justice Andersen was a coal miner, a combat infantryman, deputy prosecutor, trial lawyer, State Representative, State Senator, Court of Appeals, Chief Judge of Division 1 of The Court of Appeals, Justice, and now Chief Justice of the state of Washington Supreme Court. Chief Justice Andersen has had a varied, rich and long career in our state and in service to our state and I know we all look forward to the message he is bringing today on a subject which is so vital to all our state. Chief Justice James Andersen:"

STATE OF THE JUDICIARY ADDRESS
BY CHIEF JUSTICE JAMES A. ANDERSEN

Justice Andersen: "Thank you very much, Mr. President, Speaker, Senators, Representatives, distinguished public officials, my colleagues from the Supreme Court and guests.

"I thank the Legislature for its kind invitation to present this first ever State of the Judiciary Address to a Joint Session of the Legislature. As such, it is truly an historic occasion. I would hope that you might consider making it a regular event at least once a biennium. It could add greatly to the comity between the three branches of state government -- legislative, executive and judicial. "Needless to say, this occasion brings back warm memories of the years when I once sat where you now sit. Those were pleasant years. In these chambers, I was taught Parliamentary Law and Procedure 101 by House Speaker John L. O'Brien. Then later, across the rotunda, I took a post graduate course in the same subject from that grand and gentle man, the late Governor John A. Cherberg, who was assisted in teaching that subject by the then Secretary of the Senate, now Senator, Sid Snyder. I also took a few seminars in State Budget 201 across the way in the Senate from a bright, knowledgeable young man who once staffed the Senate Ways and Means Committee, Mike Lowry, and to whom I administered the oath of Governor on this same podium just one year ago tomorrow.

"What is the state of the State of Washington Judiciary? Fundamentally, it is one of the very best state judicial systems in the United States -- if not, The Best. But it is noticeably bowed under the weight of ever increasing case filings, while at the same time absorbing heavy budget cuts in our relatively slim judicial budget. The judicial budget, as you will recall, is less than one half of one percent of the total state general fund budget.

"Well you may ask, what is the cause of our burgeoning caseload? To which I would respond, 'primarily four things: population growth; new laws enacted by the Legislature in response to public demand; a growing number of youthful offenders; and finally, of course, rampant drug crimes.' A few weeks ago the Census Bureau announced that in the year ending last July 1st -- and I found this surprising in view of the state of our economy -- the population of our state grew by 2.2 percent, twice the national rate. More people; more litigation. As for the additional workload resulting from new legislation, permit me to remind you of a few of those enactments.

"The Domestic Violence Prevention Act created a new cause of action in both superior and district courts. Those cases have had a dramatic impact on both of those courts. Because of the urgent nature of domestic violence cases, requests for protective orders must be heard immediately, often disrupting scheduled cases and delaying other litigants waiting to have their cases heard. Another is the Sentencing Reform Act -- SRA. 'You do the crime, you serve the time.' While the SRA provided equality in sentencing, it also spawned a huge increase in the number of trials and appeals in our courts. Criminal bench trials in superior court alone increased sixteen percent in the one year period from 1991 to 1992. Defendants in criminal cases who find they cannot plea bargain, often feel that they have nothing to lose by going to trial and then appealing to a higher court -- usually at public expense because of their indigency. Much the same thing is true in Driving Under the Influence -- DUI cases, where the law seems to be changed each session and where penalties have become increasingly harsh.

"Oftentimes, also, new laws are required to pass constitutional muster, sometimes resulting in extensive litigation. An example of this is our state's unique Sexual Predator Law which our State Supreme Court recently upheld. As to the epidemic of youth crimes, Governor Lowry spoke eloquently to that yesterday in his State of the State Message. There is nothing I can add. As to drug crimes, well, tragically they are there for all of us to see.

"Washington courts are now processing about two and a half million cases a year. In the foreseeable future, I do not anticipate any relief from increasing caseloads. The President of the United States has announced that he is going to put 100,000 more police officers on the streets. I assume some of these new officers will be on the streets in our state. More officers; more arrests; more cases in our system. The same is true of the \$13 million plus requested by Governor Lowry to combat juvenile violence. That, too, will mean more cases in our judicial system, which has already experienced a ten percent increase in the number of juvenile cases filed last year.

"You are entitled to ask, indeed demand, to know how well this state's judiciary is doing in handling its ever increasing caseload. It is doing very well to my view -- but not nearly as well as we would like. The reason we are doing well at all is primarily due to the superb efforts of a well trained, highly professional and very competent bench. The four hundred or more judges at all levels of our state court system are dedicated to performing their jobs well and doing so in the highest and best traditions of the judiciary. I would be remiss if I didn't also add that the very rapidly growing number of women and minority judges in our state has been enormously helpful to our whole judicial system and the difficult job we have to do. In fact, my colleague Justice Barbara Durham, seated down here before you, will be the first woman Chief Justice in our state's history next year.

"Beginning under the leadership of Justice Brachtenbach, who is present today, when he was serving as Chief Justice, and continuing over the ensuing years, we developed the first successful automated judicial support system of any state in the nation. Computers have almost literally taken the place of pen and paper in much of the modern judiciary. We have had a steady stream of judicial administrators and judges from other states coming out here to 'see how Washington does it.'

"Our programs and policies have been adopted by other courts throughout the country. It is only this support system, along with hard working staffs, that have permitted our judges and courts to function as well as they have. But for that, we would have long since gone down for the third time. I am only too well aware that the mere mention of the word 'computer' raises the hackles on some of you. I, too, have some bitter memories, going back to my legislative days, about the financial hit the state has taken on failed computer programs. Our computer program was user-designed and that is why it is so successful. Please consider this, if you will. A study and evaluation of state computer systems was just recently undertaken by the State Department of Information Services. In its 1992 report, Information Technology in Washington State, the figures set out show that our Judicial Information System -- JIS-- is Number One in the number of people served, but only sixteenth in the number of people it employs and sixteenth in costs. Add to this that not one dollar of tax revenues was used to support JIS; it was entirely paid for out of court penalties and fines. In connection with JIS, I would like to mention an aspect of it which we have developed, but which is not yet in every court that needs it. This is the District and Municipal Court Information System -- DISCIS. DISCIS not only provides invaluable help to trial judges in managing their dockets and following up on fine collections, but it also greatly assists them in bringing repeat offenders to justice.

"At a time when our citizens are becoming increasingly concerned about their personal safety, this latter point deserves more than passing mention. Permit me to explain. Several years ago, we began installation of DISCIS, which is essentially an

integrated computer system for the courts, in counties and cities. It was to be installed first in our state's eighty largest district and municipal courts. Later, as funds permitted, it was to be put into other, smaller courts. A hallmark of this new and improved system was -- and is -- its ability to track offender records statewide. If a person is convicted of driving under the influence of intoxicating liquor or drugs -- DUI -- in one jurisdiction, then later appears before a judge in another, that second judge can discover the defendant's previous record by simply turning on a computer, namely DISCIS. As you can well appreciate, this type of information is absolutely critical to a trial judge's bail and sentencing decisions.

"DISCIS was built, tested and successfully installed in the initially targeted eighty courts at a total cost of just under \$11 million -- about a third of what it cost some of the other, not-so-successful, state systems to be built during this same period. But funds to put DISCIS into the forty or more courts that now want them and need them -- that's forty courts that have asked for them -- like those in Port Orchard, Poulsbo, Kent, Walla Walla, etc., were sidelined by the budget cuts we took in 1992. As a result, judges in one of these smaller jurisdictions could well have a third or fourth time drunk-driving offender before him and not know it. The offender could 'bail out,' to offend again, perhaps even to injure or to kill. I hope that you will agree with me and the leadership of our state judiciary that it is absolutely essential to an effective judiciary to have this tool in every court that needs it.

"In order to better manage our judicial system, we have also developed standards for the performance of our courts. Judges, court personnel, lawyers and other citizens are now testing these standards in three counties - Spokane, Thurston and Whatcom. We have continually worked closely with the Legislature in many things. One particular one being to reduce the costs of our jury system. Washington has been recognized by both the National Center for State Courts and the American Bar Association for its leadership in establishing jury standards.

"For the reasons I have talked about, in many of our trial courts, it is a constant war against congestion and delay. Some significant battles have been won on this front. In 1986, for example, in the Superior Court of the county where almost a third of our state's population live and work, the Superior Court in King County was facing as much as a three year delay in the trial of civil cases. Parenthetically, as you probably know, criminal cases must be given priority in trial settings; a defendant in custody has the right to be tried in thirty days, and if out on bail, within sixty days. After seven years of volunteer help from judges across the state, and helped along by a small investment of state resources, that court has now substantially eliminated civil case delay. Currently, ninety percent of its cases are completed within twenty months of filing. Furthermore, ninety percent of King County's divorce and custody cases are resolved within just thirteen months. These improvements -- these efficiencies, if you will, in the handling of the business of the taxpaying public -- were attained with only a minimum of additional taxpayer dollars. Again this was accomplished through the forceful leadership of the King County Superior Court bench, and with great assistance from the court's administrative staff and the King County Bar.

"A case that we heard oral arguments on in my court just yesterday is a case that will determine the outcome of several hundred pending driving under the influence -- DUI cases -- several hundred. The trial courts have issued conflicting rulings on the issues involved in that case so we will resolve the issues one way or the other. By our reaching down, as it were, to the trial courts and taking direct review of these cases, we have probably speeded up the review process by one or two years.

"When our decision is handed down, it will also directly affect thousands of as yet untried DUI cases. Hopefully, whatever our decision, this will greatly relieve the huge backlog of DUI cases that has developed. The Judiciary has done a great deal more than just process caseloads. We have acted in numerous other ways to improve the quality of justice administered in all of the courts of our state. I have just recently been informed, for example, that the State Court Interpreter Standards we developed here in Washington are now being used as the recommended model for other states to follow.

"In view of many in the court system, our state's judiciary leads the nation in its efforts to recognize cultural and gender diversity. Our Minority and Justice Commission, co-chaired by Justice Charles Z. Smith and Justice James M. Dolliver, and our Gender and Justice Task Force have also become national models. I would like to take the liberty, if I may, to commend the Legislature's efforts, and those of the members of the Commission on Ethics in Government and Campaign Practices headed by Governor Lowry -- or set up by Governor Lowery -- and headed by Attorney General Gregoire, for what they are doing to establish enforceable ethical standards in government. As you know, the State Commission on Judicial Conduct, a majority of whose members are laypersons, has demonstrated that such an approach can help build citizen confidence in public officials.

"The Judiciary, too, has been diligent in the matter of Ethics. In 1992, the Rules Committee of the Supreme Court, which I chaired, appointed a task force to review this state's somewhat aged Code of Judicial Conduct. This is the ethical code established by the Supreme Court under its rulemaking authority and whose canons establish the ethical rules which every judge in the state is required to abide by. That task force, which consists of judges of all levels of court appointed by their respective court associations, along with others such as lay members, are charged with reviewing the entire code, as well as other recommended judicial conduct codes, to see if our existing judicial code requires updating or can be improved in any way. This task force has held public hearings throughout the state and its report to our court is expected shortly.

"Further in the ethical arena, the Supreme Court of this state has the ultimate responsibility within the state for the administration of lawyer discipline. In this connection we have adopted both an ethical code -- Rules of Professional Conduct -- and a procedural code -- Rules For Lawyer Discipline -- which each lawyer must follow or face discipline by the State Bar Association and the Supreme Court. The Rules for Lawyer Discipline have not been significantly modified since 1983, before the Bar so greatly increased in size. We now have some 18,400 lawyers licensed to practice law in this state. Last year, the State Bar Association and the Supreme Court jointly requested that the American Bar Association -- ABA -- completely review our bar discipline rules and procedures and recommend such changes and improvements as it felt were indicated.

"I emphasize that this project was not engendered by any perceived problem in the lawyer discipline area, but rather was by way of evaluating and improving the current system. We have a good bar discipline system in this state. But again, it will benefit from updating and modernizing. The ABA report has now been received. I am pleased at this time to announce the appointment of a 15-person task force of justices, judges, lawyers and laypersons, for the purpose of fully reviewing the ABA report and recommendations, holding such hearings as are indicated and then to report back its recommendations for implementation to the Supreme Court. This task force will be jointly chaired by myself and Mr. Paul Stritmatter of Hoquiam, President of the Washington State Bar Association. I might also add that the other Supreme Court members of the task force will be Justice Charles Z. Smith and Justice Richard Guy.

"Let me now talk a bit more about budgets, and particularly about the savings that the judiciary have instituted. As I mentioned at the outset of my remarks, and would like to again emphasize, the judiciary's budget is less than one-half of 1% of all funds spent each year by the state. All of us in the judiciary well recognize the need for continuing economy and fiscal responsibility

in government. Hopefully, my presence here today, and the presence of the entire Supreme Court, demonstrates the willingness of the judiciary to work with you to initiate meaningful responses to taxpayer demands for efficiency and accountability in government.

"The judiciary in Washington continues to respond to these demands. Budget proposals you have before you at this session are reported by the press to represent the smallest biennial increase in state general fund expenditures in the last twenty years -- 3.6 percent as compared to a previous biennial average increase of 10.5 percent. The Governor talked about that extensively in his State of State Address yesterday. But in the judicial branch of government, our general fund average annual increase has been far below those figures -- less than one percent per annum since 1989. Let me say that again, 'In the judicial branch of government, our general fund average annual increase has been less than one percent per annum since 1989.' Members of the Legislature, during a period when the rest of state government was experiencing double digit general fund increases, the state judiciary's share of the general fund remained virtually unchanged.

"We applaud recent initiatives by the Legislature to bring accountability to state spending, and the executive branch's creation of a special efficiency commission to ferret out unnecessary costs. We know this approach works; Two years ago we initiated a similar program of our own. Let me share, if I may, a few results of that program with you:

. . . Since the 1989-91 biennium, we have reduced our travel expenditures by more than fifty percent.

. . . By order, the Supreme Court imposed a cap on staff salaries at the level recommended by the Governor.

. . . In 1993, we eliminated several new programs at a savings of nearly \$670,000 per biennium, and

. . . In 1993, we tightened our personal belts and, ourselves, recommended to the State Salary Commission that all judicial salaries be frozen at 1992 levels.

. . . In 1991 and 1992, we matched executive and legislative branch budget reductions cut for cut, and did so voluntarily.

"There are other day-to-day actions we have taken to create efficiencies and cost savings in the judicial branch. One example is that since 1991 we have provided support services for a law enforcement scheduling system in the Tacoma District Court. Basically, this system allows the court to more efficiently schedule their cases to reduce the amount of overtime required for law enforcement officers to appear as witnesses. In fact, the new scheduling system has reduced Washington State Patrol overtime costs by sixty-eight percent. Another example is that through an energy-saving program begun last year, we now save \$1,200 a month in electrical costs.

"Overall, this state's judiciary is a budget bargain. What low budget increases we have had, have been considerably lower than cost of living increases. Consider also, each biennium our Judicial Information System tracks and collects more than \$200 million in state and local revenues which you and local government subdivisions then get and are able to appropriate for such uses as you deem fit. The amount collected is double the budget of our entire judicial branch of government. Our heavy budget cuts have not been without pain. The fondest ambition of my adult life has been to put a 'literacy in the courts' program into effect during my term as Chief Justice. I have spent years planning for that. This simply cannot be done given the judiciary's present budgetary constraints. Senator Talmadge, some House members and, of course, Governor Pritchard, who has long been active in this field, are working on much needed literacy legislation. I pass the torch to them, and pledge every bit of support I can muster to aid their efforts. Hopefully, in the not too distant future, everyone, and particularly juveniles, will be given a simple literacy test upon entering the criminal justice system, and can then be matched to a program in one of the many organizations in this state battling illiteracy. If a person cannot read a want ad or fill out an employment application, how in the world is he or she ever going to break their deadly cycle of recidivism?

"Permit me to briefly discuss one final topic, which is as important to the legislative branch of government as it is to the judicial and executive branches. That is something which is at the very core of our democratic form of government, the Separation of Powers Doctrine. It is something which we so much take for granted that it can sometimes be forgotten or overlooked. William Shakespeare expressed it in his Sonnets, 'Sweets grown common lose their dear delight.' I would like to cite you to 'a case in point,' as we are wont to say in my profession. The case is Washington State Motorcycle Dealers Ass'n v. State, a 1988 opinion of the State of Washington Supreme Court. Plaintiffs in that case sought a declaratory judgment invalidating Governor Booth Gardner's vetoes of numerous parts of the Motorcycle Dealers Franchise Bill. Our court held that under Article 3, Section 12, which is the 62nd Amendment, the Veto Powers Clause of our State Constitution, gubernatorial vetoes of less than entire sections of nonappropriation bills are void. A number of the vetoes were thus declared invalid.

"During the course of the Motorcycle Dealers opinion, the Court discussed the Separation of Powers Doctrine, and that is why I cite you to this in this case. We said as follows, 'The importance of the case before us is that it deals directly with one of the cardinal and fundamental principles of the American constitutional system, both state and federal -- the separation of powers doctrine. It has been declared that the division of governmental powers into executive, legislative, and judicial represents probably the most important principle of government declaring and guaranteeing the liberties of the people, and preventing the exercise of autocratic power, and that it is a matter of fundamental necessity, and is essential to the maintenance of a republican form of government.' This opinion is a part of the constitutional law of this state. While as it happens, I wrote the majority opinion for the Court which I just quoted, the Separation of Powers Doctrine language did not originate with me; it goes back centuries. James Madison, a principal author of the Constitution of the United States, expressed it more eloquently when he wrote this, 'The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.'

"In conclusion, part of your job and mine is to preserve open government and prevent the tyranny our forbearers sought to eliminate by recognizing, as well as abiding by, the separate powers and responsibilities entrusted to each of us by the people. So when the push and pull of Olympia tempts you to trade all the phone calls and letters for a 40-hour week and a good book, remember that the people chose us -- and they chose us not to promise but to produce, not to pacify but to protect, and not to compete but to cooperate.

"Thank you very much for inviting me to share this time with you. It has been a genuine privilege and pleasure."

The President of the Senate instructed the special committee to escort Chief Justice James Andersen and the other Supreme Court Justices to the State Reception Room.

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

MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard and Minority Leader George L. Sellar and members of the Senate from the House Chamber.

The Senate was called to order at 12:06 p.m. by President Pritchard.

MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Thursday, January 13, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 12, 1994

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

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 13, 1994

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Deccio, Erwin, McCaslin, Niemi, Owen and Schow. On motion of Senator Oke, Senators Amondson, Deccio, Erwin, McCaslin and Schow were excused. On motion of Senator Drew, Senators Niemi and Owen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tim Erwin and Mina Harper, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 12, 1994

ESB 5018 Prime Sponsor, Senator Nelson: Allowing service of process on a marital community by serving either spouse. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Spanel.

Passed to Committee on Rules for second reading.

January 12, 1994

SB 6004 Prime Sponsor, Senator A. Smith: Changing limitations on trustee's powers. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6004 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Spanel.

Passed to Committee on Rules for second reading.

January 12, 1994

SB 6005 Prime Sponsor, Senator A. Smith: Updating references to the Internal Revenue Code in state trust law. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Spanel.

Passed to Committee on Rules for second reading.

January 12, 1994

SB 6006 Prime Sponsor, Senator A. Smith: Concerning the judicial information system. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Spanel.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 12, 1994

GA 9373 BERNADENE DOCHNAHL, appointed August 5, 1993, for a term ending August 5, 1996, as Chair of the Washington Health Services Commission.

Reported by Committee on Health and Human Services.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules.

January 12, 1994

GA 9378 DONALD A. BRENNAN, appointed October 1, 1993, for a term ending August 5, 1998, as a member of the Washington Health Services Commission.

Reported by Committee on Health and Human Services.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules.

January 12, 1994

GA 9379 TOM L. HILYARD, appointed September 13, 1993, for a term ending August 5, 1998, as a member of the Washington Health Services Commission.

Reported by Committee on Health and Human Services.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules.

January 12, 1994

GA 9380 DR. GEORGE W. SCHNEIDER, appointed November 1, 1993, for a term ending August 5, 1997, as a member of the Washington Health Services Commission.

Reported by Committee on Health and Human Services.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules.

January 12, 1994

GA 9406 PAM MacEWAN, appointed August 16, 1993, for a term ending August 5, 1997, as a member of the Washington Health Services Commission.

Reported by Committee on Health and Human Services.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR

December 30, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

John M. Meyers, appointed December 30, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 30, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nora Reynolds, appointed December 30, 1993, for a term ending July 26, 1999, as a member of the Personnel Appeals Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

January 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Darrell Beers, appointed January 3, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Carter, reappointed January 3, 1994, for a term ending June 30, 1997, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 4, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pat McMullen, appointed January 4, 1994, for a term ending December 31, 1996, as a member of the Fish and Wildlife Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 4, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lisa Pelly, appointed January 4, 1994, for a term ending December 31, 1998, as a member of the Fish and Wildlife Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 4, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sally J. Van Niel, appointed January 4, 1994, for a term ending December 31, 1994, as a member of the Fish and Wildlife Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

INTRODUCTION AND FIRST READING

SB 6120 by Senators Hargrove, Owen, Oke, Haugen, L. Smith, Erwin, Snyder and Winsley

AN ACT Relating to salmon enhancement by cooperative groups and regional fisheries enhancement groups; adding a new section to chapter 90.03 RCW; adding a new section to chapter 76.13 RCW; adding a new section to chapter 90.58 RCW; adding a new chapter to Title 75 RCW; creating new sections; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6121 by Senators Skratek, Bluechel, Sheldon, M. Rasmussen, Snyder, Loveland, Franklin, Winsley and Ludwig

AN ACT Relating to economic development; adding new sections to chapter 44.52 RCW; repealing RCW 44.52.010, 44.52.020, 44.52.030, 44.52.040, 44.52.050, 44.52.060, and 44.52.070; providing an effective date; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 6122 by Senators Skratek, Bluechel, Sheldon, Cantu and Winsley

AN ACT Relating to loans and grants for public facilities; and amending RCW 43.160.060.

Referred to Committee on Trade, Technology and Economic Development.

SB 6123 by Senators Fraser, Deccio, Amondson, Loveland, Snyder, Sellar, Skratek, Pelz and Winsley

AN ACT Relating to authority of the state under the model toxics control act; amending RCW 70.105D.010, 70.105D.020, and 70.105D.030; adding a new section to chapter 70.105D RCW; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Ecology and Parks.

SB 6124 by Senators Prentice, Newhouse, Fraser, Haugen, Winsley, Franklin and Oke

AN ACT Relating to the protection of a homeowner's equity by prohibiting certain unfair business practices; amending RCW 19.146.030 and 19.146.030; adding a new chapter to Title 19 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor and Commerce.

SB 6125 by Senators Owen, Haugen, Sellar, Spanel and Winsley (by request of Department of Fisheries and Department of Wildlife)

AN ACT Relating to the creation of a combined recreational fish and hunting license document; amending RCW 75.25.091, 75.25.092, 75.25.110, 75.25.120, 75.25.150, 77.32.101, 77.32.230, and 77.32.256; reenacting and amending RCW 75.08.011 and 75.25.180; adding a new section to chapter 75.25 RCW; creating a new section; and providing effective dates.

Referred to Committee on Natural Resources.

SB 6126 by Senators McAuliffe, Drew, Talmadge, M. Rasmussen, Haugen and Winsley

AN ACT Relating to enhancement of community facilities for youth activities; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ecology and Parks.

SB 6127 by Senators Wojahn, Prince, Fraser, Winsley, Haugen and Williams

AN ACT Relating to the educational publications of the state historical societies; amending RCW 43.78.030; and adding a new section to chapter 27.34 RCW.

Referred to Committee on Government Operations.

SB 6128 by Senators Anderson, Amondson, McDonald, Nelson, Bluechel, Oke, Morton, L. Smith, Cantu, Schow, Sellar, Hochstatter, Moyer, Erwin, Roach, Ludwig, McAuliffe, Quigley and A. Smith

AN ACT Relating to review of administrative rules; amending RCW 34.05.630, 34.05.640, and 34.05.660; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Labor and Commerce.

SB 6129 by Senators Anderson, Amondson, McDonald, Nelson, Oke, Morton, Erwin, Cantu, Bluechel, Hochstatter, L. Smith, Moyer, Schow, Roach, Ludwig, McAuliffe, Quigley and A. Smith

AN ACT Relating to administrative rule making; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 6130 by Senators Anderson, Amondson, McDonald, Nelson, Bluechel, Morton, Oke, Hochstatter, Erwin, Moyer, Schow, Roach, McAuliffe, Quigley, Cantu, A. Smith and Haugen

AN ACT Relating to fees and costs of the judicial review of agency actions; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 6131 by Senators Anderson, Amondson, McDonald, Morton, Bluechel, Erwin, Hochstatter, L. Smith, Oke, Moyer, Sellar, Schow, Prince, Winsley, Roach, Ludwig, McAuliffe, Cantu and Haugen

AN ACT Relating to rule-making authority; amending RCW 43.70.040, 82.01.060, 46.01.110, 50.12.010, 77.04.090, and 43.17.060; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.24 RCW; adding a new section to chapter 50.12 RCW; creating a new section; and repealing RCW 43.21A.080 and 50.12.040.

Referred to Committee on Labor and Commerce.

SB 6132 by Senators Anderson, Amondson, McDonald, Oke, Nelson, Morton, Bluechel, L. Smith, Hochstatter, Moyer, Erwin, Sellar, Schow, Prince, Winsley, Roach, Ludwig, Quigley, Cantu, A. Smith and Haugen

AN ACT Relating to business regulations; adding a new section to chapter 82.02 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.24 RCW; adding a new section to chapter 77.04 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor and Commerce.

SB 6133 by Senators Roach, Skratek, Vognild, Snyder, Morton and M. Rasmussen

AN ACT Relating to parades on state highways; and amending RCW 47.24.020.

Referred to Committee on Transportation.

SB 6134 by Senators Haugen, Owen, Winsley, Oke and M. Rasmussen

AN ACT Relating to property tax deferrals for senior citizens and disabled persons; amending RCW 84.38.020 and 84.38.030; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6135 by Senators Talmadge, McDonald and Prentice

AN ACT Relating to psychologists; amending RCW 18.83.010, 18.83.050, 18.83.100, 18.83.135, 18.83.155, 18.83.910, and 18.83.911; and repealing RCW 18.83.025 and 18.83.168.

Referred to Committee on Health and Human Services.

SB 6136 by Senators McAuliffe, Drew, Quigley, Bluechel, Vognild, McDonald and Cantu

AN ACT Relating to higher education; amending RCW 28B.50.040; adding a new section to chapter 28B.50 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6137 by Senators McAuliffe, M. Rasmussen, Sheldon, Loveland and Haugen

AN ACT Relating to at-risk citizens; and amending RCW 43.150.080.

Referred to Committee on Government Operations.

SB 6138 by Senators A. Smith and Nelson

AN ACT Relating to obstructing a law enforcement officer; and amending RCW 9A.76.020.

Referred to Committee on Law and Justice.

SB 6139 by Senators Newhouse, Ludwig, Prince and Winsley

AN ACT Relating to jurisdiction of courts of limited jurisdiction over juvenile offenses; amending RCW 13.04.030 and 35.20.030; adding a new section to chapter 13.04 RCW; adding a new section to chapter 28A.225 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6140 by Senator McCaslin

AN ACT Relating to reporting by lobbyists; and amending RCW 42.17.170.

Referred to Committee on Law and Justice.

SB 6141 by Senators Talmadge, Moyer, Gaspard, Sellar, Wojahn and Winsley

AN ACT Relating to composition of the public employees' benefits board; amending RCW 41.05.055; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 6142 by Senators Fraser, Sheldon, Prentice and Winsley (by request of Office of Minority and Women's Business Enterprises)

AN ACT Relating to exempting materials submitted for certification under chapter 39.19 RCW from public records disclosure requirements; reenacting and amending RCW 42.17.310; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6143 by Senators Spanel, Newhouse, Bauer, Nelson, Vognild, Winsley, Moore and Haugen

AN ACT Relating to establishing membership service credit for prior service rendered or restoring membership service credit represented by withdrawn contributions; amending RCW 41.26.170, 41.26.192, 41.26.194, 41.26.425, 41.26.520, 41.26.550, 41.32.010, 41.32.025, 41.32.240, 41.32.310, 41.32.498, 41.32.500, 41.32.510, 41.32.762, 41.32.810, 41.32.812, 41.32.825, 41.40.010, 41.40.023, 41.40.058, 41.40.150, 41.40.625, 41.40.710, 41.40.740, 41.50.010, 41.50.160, 41.54.020, 43.43.130, 43.43.260, and 43.43.280; reenacting and amending RCW 41.26.030; adding new sections to chapter 41.50 RCW; creating new sections; making an appropriation; and providing effective dates.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Spanel, Senate Bill No. 6087 which was held on the desk, January 12, 1994, was referred to the Committee on Health and Human Services.

MOTIONS

On motion of Senator Spanel, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6092 and Senate Bill No. 6093.

On motion of Senator Spanel, Senate Bill No. 6092 and Senate Bill No. 6093 were referred to the Committee on Labor and Commerce.

MOTION

At 10:09 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Friday, January 14, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 13, 1994

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

FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 14, 1994
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 13, 1994
SB 5057 Prime Sponsor, Senator A. Smith: Correcting a double amendment related to exceptions to the right of privacy. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5057 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley and Roach.

Passed to Committee on Rules for second reading.

January 13, 1994
SB 5058 Prime Sponsor, Senator A. Smith: Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley and Roach.

Passed to Committee on Rules for second reading.

January 13, 1994
SB 5158 Prime Sponsor, Senator Talmadge: Requiring the reporter of decisions to include the date of argument and date decided in published court opinions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley and Roach.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6144 by Senators Roach, Nelson, L. Smith, Snyder, Franklin and Oke

AN ACT Relating to the department of licensing; amending RCW 46.01.260 and 46.61.515; reenacting and amending RCW 46.61.515; providing an effective date; and providing an expiration date.

Referred to Committee on Law and Justice.

SB 6145 by Senators Roach, Nelson, Oke, Hochstatter, Snyder, Anderson, Prince, Franklin and Quigley

AN ACT Relating to crimes committed by inmates; amending RCW 9.94.030; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6146 by Senators Skratek, Bluechel, Sheldon, Erwin, M. Rasmussen, Drew, McAuliffe, Roach and Snyder

AN ACT Relating to economic diversification through film and video production; amending RCW 43.330.090; making an appropriation; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 6147 by Senators Wojahn, Moyer and Prentice

AN ACT Relating to the Washington council for the prevention of child abuse and neglect; and amending RCW 43.121.020.

Referred to Committee on Health and Human Services.

SB 6148 by Senators Haugen, Winsley and Drew

AN ACT Relating to flood damage reduction; amending RCW 86.16.010, 86.16.041, 86.16.020, 86.16.045, 86.26.010, 86.26.105, 86.12.200, 86.26.050, 86.15.030, 86.15.050, 86.15.160, 58.19.055, and 86.16.031; adding new sections to chapter 86.16 RCW; adding a new section to chapter 38.52 RCW; adding new sections to chapter 86.12 RCW; adding new sections to chapter 64.04 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6149 by Senators Haugen and Spanel

AN ACT Relating to deeding tidelands to the city of La Conner; and creating a new section.

Referred to Committee on Natural Resources.

SB 6150 by Senators McAuliffe, M. Rasmussen, Bauer, Franklin, Prentice and Pelz

AN ACT Relating to reimbursement for classified school employees; amending RCW 28A.160.220; adding a new section to chapter 28A.300 RCW; and recodifying RCW 28A.160.220.

Referred to Committee on Education.

SB 6151 by Senators A. Smith, Ludwig, Quigley and Niemi (by request of Department of Corrections)

AN ACT Relating to discharge of offenders; and amending RCW 9.94A.220.

Referred to Committee on Law and Justice.

SB 6152 by Senators A. Smith, Ludwig, Quigley and Niemi (by request of Department of Corrections)

AN ACT Relating to supervision of misdemeanants; and amending RCW 9.95.200, 9.95.210, 9.95.220, 9.95.250, and 9.92.060.

Referred to Committee on Law and Justice.

SB 6153 by Senators Pelz and Loveland

AN ACT Relating to the authority of the state board of education to adopt rules about transporting students; and amending RCW 28A.160.210.

Referred to Committee on Education.

SB 6154 by Senators Prentice, Sutherland, McAuliffe and Vognil

AN ACT Relating to ex parte contact with physicians or medical providers regarding industrial insurance matters; amending RCW 51.04.050 and 51.36.060; and adding a new section to chapter 51.52 RCW.

Referred to Committee on Labor and Commerce.

SB 6155 by Senators McAuliffe, Winsley, Franklin, Prentice and Bauer

AN ACT Relating to schools; amending RCW 9.41.280, 13.32A.040, 28A.225.160, and 13.40.080; reenacting and amending RCW 42.17.310; adding a new section to chapter 28A.415 RCW; and providing an effective date.

Referred to Committee on Education.

SB 6156 by Senator Quigley

AN ACT Relating to the sale of malt liquor in kegs; and amending RCW 66.24.400, 66.28.200, and 66.28.220.

Referred to Committee on Labor and Commerce.

SB 6157 by Senators Talmadge, Winsley, Wojahn, McAuliffe and Fraser

AN ACT Relating to the 1994 omnibus antihunger act; amending RCW 43.23.010, 69.80.900, 38.12.020, 28A.235.140, 28A.235.150, and 28A.235.155; adding a new section to chapter 43.23 RCW; adding a new section to chapter 69.80 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 15.65 RCW; adding a new section to chapter 15.66 RCW; adding a new section to chapter 15.24 RCW; adding a new section to chapter 16.67 RCW; adding a new section to chapter 15.44 RCW; adding a new section to chapter 15.28 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 81.04 RCW; adding a new section to Title 75 RCW; adding new sections to chapter 28A.235 RCW; adding new sections to chapter 43.70 RCW; adding new sections to chapter 74.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 7.80 RCW; creating new sections; repealing RCW 69.80.030 and 69.80.040; making appropriations; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 6158 by Senators Talmadge, Moyer, Wojahn and McAuliffe (by request of Department of Health)

AN ACT Relating to tuberculosis; and adding new sections to chapter 70.28 RCW.

Referred to Committee on Health and Human Services.

SB 6159 by Senators Talmadge, Moyer and McAuliffe (by request of Department of Health)

AN ACT Relating to health care professional temporary substitute resource pool; and amending RCW 70.180.020, 70.180.030, and 70.180.040.

Referred to Committee on Health and Human Services.

SB 6160 by Senators Talmadge, Moyer and McAuliffe (by request of Department of Health)

AN ACT Relating to the use of examinations in the credentialing of health professionals; and amending RCW 18.92.030, 18.92.100, 18.54.070, 18.53.060, and 18.25.030.

Referred to Committee on Health and Human Services.

SB 6161 by Senators Skratek, Bluechel, Sheldon, Erwin, M. Rasmussen and Oke

AN ACT Relating to the department of community, trade, and economic development; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 6162 by Senators Sheldon, Bluechel, Skratek, Williams, Erwin, M. Rasmussen, Haugen and Oke

AN ACT Relating to economic development; adding a new section to chapter 43.330 RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 6163 by Senators Sheldon, Bluechel, Skratek, Williams and Oke

AN ACT Relating to economic development; adding a new section to chapter 43.330 RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 6164 by Senators Sheldon, Bluechel, Skratek, Williams, Erwin and M. Rasmussen

AN ACT Relating to rural economic development; adding a new section to chapter 43.330 RCW; creating a new section; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 6165 by Senators Sheldon, Skratek, Williams and Franklin

AN ACT Relating to community reinvestment by banking institutions; amending RCW 30.60.010, 30.60.020, 32.40.010, and 32.40.020; adding new sections to chapter 30.60 RCW; adding new sections to chapter 32.40 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 6166 by Senators Fraser and Talmadge

AN ACT Relating to the containerization and source separation of residential sharps waste; amending RCW 70.95.030 and 70.95K.010; adding a new section to chapter 70.95K RCW; adding new sections to chapter 70.95 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6167 by Senators Snyder, Anderson, Hargrove, Amondson, M. Rasmussen, Bauer, Oke, Erwin, L. Smith, Owen, Vognild, Prince, Bluechel, Loveland, Roach, Nelson, Morton, Ludwig, Hochstatter, Williams, Sheldon, Moyer, A. Smith, Newhouse, McAuliffe, Wojahn, West, McDonald, Moore, Sellar, Quigley and Schow

AN ACT Relating to the regulation of private property; and adding new sections to chapter 8.28 RCW.

Referred to Committee on Natural Resources.

SB 6168 by Senators Fraser, Hochstatter and Sutherland (by request of Department of Community Development)

AN ACT Relating to confidentiality of enhanced 911 information; reenacting and amending RCW 42.17.310; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6169 by Senators Sutherland, Hochstatter and Haugen (by request of Department of Community Development and State Building Code Council)

AN ACT Relating to thermal transmittance rating standards for fenestration products; and amending RCW 19.27A.020.

Referred to Committee on Energy and Utilities.

SB 6170 by Senators Pelz and McDonald (by request of Department of Community Development)

AN ACT Relating to clarifying the statutory language governing the early childhood education and assistance program; amending RCW 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, and 28A.215.200; amending 1988 c 174 s 1 (uncodified); amending 1987 c 518 s 1 (uncodified); and providing an effective date.

Referred to Committee on Education.

SB 6171 by Senators Vognild, Loveland, Ludwig, Franklin and Hargrove

AN ACT Relating to the cashing of government issued checks or warrants; and amending RCW 39.58.108.

Referred to Committee on Labor and Commerce.

SB 6172 by Senators Moore, Loveland, Quigley, Sheldon, Franklin and Fraser

AN ACT Relating to securities; amending RCW 21.20.135 and 21.20.430; and adding new sections to chapter 21.20 RCW.

Referred to Committee on Labor and Commerce.

SB 6173 by Senators Bauer, Oke and Wojahn (by request of Legislative Budget Committee)

AN ACT Relating to sunset provisions; amending RCW 43.131.381 and 43.131.382; and repealing RCW 43.131.215, 43.131.216, 43.131.327, 43.131.328, 43.131.347, 43.131.348, 43.131.365, 43.131.366, 43.131.371, and 43.131.372.

Referred to Committee on Government Operations.

SB 6174 by Senators Talmadge, Wojahn, Ludwig, Gaspard, Pelz, Niemi, Prentice, Fraser, Spanel, Franklin, Rinehart, Moore and Williams (by request of Governor Lowry)

AN ACT Relating to violence prevention; amending RCW 74.14A.020, 70.190.010, 70.190.005, 70.190.030, 74.14A.050, 43.330.010, 50.65.030, 50.65.040, 50.65.065, 9.41.050, 9.41.060, 9.41.070, 9.41.080, 9.41.090, 9.41.110, 9.41.180, 9.41.190, 9.41.220, 9.41.240, 9.41.250, 9.41.260, 9.41.270, 9.41.280, 9.41.300, 9.94A.040, 9.94A.125, 13.04.030, 13.40.020, 13.40.027, 13.40.040, 13.40.0357, and 13.40.210; reenacting and amending RCW 9.41.010 and 9.41.040; adding new sections to chapter 70.190 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 50.65 RCW; adding new sections to chapter 9.41 RCW; adding a new section to chapter 13.40 RCW; adding a new chapter to Title 7 RCW; creating new sections; recodifying RCW 9.41.160; repealing RCW 50.65.150, 9.41.030, 9.41.093, 9.41.100, 9.41.130, 9.41.200, 9.41.210, and 9.41.230; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Human Services.

MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Monday, January 17, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 14, 1994

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

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 17, 1994

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.
Rev. Herbert Chambers, Jr., pastor of the New Life Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 14, 1994

SB 5071 Prime Sponsor, Senator Haugen: Correcting unconstitutional provisions regarding the construction, sale, and conditions of revenue bonds for pollution control facilities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 14, 1994

SB 5072 Prime Sponsor, Senator Haugen: Deleting obsolete provisions relating to the printing and duplicating center. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 14, 1994

SB 5103 Prime Sponsor, Senator Loveland: Authorizing emergency service communication districts to issue general obligation bonds. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 14, 1994

SSB 5329 Prime Sponsor, Senator Haugen: Changing provisions relating to port districts. Reported by Committee on Government Operations

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5329 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

January 14, 1994

SB 5645 Prime Sponsor, Senator Spanel: Restricting property divisions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 14, 1994

SB 6037 Prime Sponsor, Senator Owen: Increasing the reward for information regarding certain violations. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder and Spanel.

Passed to Committee on Rules for second reading.

January 14, 1994

SB 6080 Prime Sponsor, Senator Owen: Prohibiting wrongful property damage to agricultural and forest lands. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Sellar, L. Smith, Snyder and Spanel.

Passed to Committee on Rules for second reading.

January 14, 1994

SJR 8203 Prime Sponsor, Senator Haugen: Amending the Constitution to revise the method of altering county boundaries. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Oke and Winsley.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
MARINE OVERSIGHT BOARD
711 State Avenue NE, PO Box 42408
Olympia, Washington 98504-2408

January 14, 1994

TO: GOVERNOR LOWRY AND MEMBERS OF THE WASHINGTON STATE LEGISLATURE

The Marine Oversight Board presents this annual report as required by RCW 90.56.450.

The Board, established by Engrossed Substitute House Bill No. 1027 in May 1991, and activated in April 1992, provides independent oversight of the activities of federal and state agencies and industry with respect to oil spill prevention and response for covered vessels and onshore and offshore facilities. The Board's fundamental goal is to make Washington's marine waters the safest in the world.

The state oil spill program involves multiple state and federal agencies, industry, international organizations, the environmental community, and the public. It has an affect on regional, national, and international relations. This complex program demands a degree of oversight that we believe is most effectively accomplished by a dedicated independent organization. The Marine Oversight Board is the only entity charged with looking at all state, federal, and industry spill related activities.

The following report summarizes the Board's activities during the past year. Should you or your staff have any questions regarding this report, or about the Board's activities, please do not hesitate to call any member or our Staff Director, Mr. Michael L. Karl, at (206) 664-9130.

Very truly yours,
RICHARD D. FORD, Chair
NAKI STEVENS
CAPTAIN JERRY ASPLAND
USCG (Ret) CHESTER RICHMOND, JR.
DR. MEGAN N. DETHIER

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

December 30, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment subject to your confirmation:
William S. Fearn, appointed December 30, 1993, for a term ending December 31, 1997, as a member of the Interagency
Committee for Outdoor Recreation.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 11, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment subject to your confirmation:
Barney A. Goltz, reappointed January 11, 1994, for a term ending April 3, 1998, as a member of the State Board for
Community and Technical Colleges.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 11, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment subject to your confirmation:
William Selby appointed January 11, 1994, for a term ending April 3, 1998, as a member of the State Board for
Community and Technical Colleges.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 11, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment subject to your confirmation:
Joan Yoshitomi, reappointed January 11, 1994, for a term ending April 3, 1998, as a member of the State Board for
Community and Technical Colleges.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

January 14, 1993

MR. PRESIDENT:

The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 4423,
HOUSE CONCURRENT RESOLUTION NO. 4424,
HOUSE CONCURRENT RESOLUTION NO. 4425,
HOUSE CONCURRENT RESOLUTION NO. 4426, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4423,
HOUSE CONCURRENT RESOLUTION NO. 4424,

HOUSE CONCURRENT RESOLUTION NO. 4425,
HOUSE CONCURRENT RESOLUTION NO. 4426.

INTRODUCTION AND FIRST READING

SB 6175 by Senators L. Smith, Oke, Hochstatter, Moyer and Roach

AN ACT Relating to dedication of roadside safety rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

SB 6176 by Senators L. Smith, Nelson, Oke, Winsley, Hochstatter, Moyer, Anderson and Roach

AN ACT Relating to collection agencies; and adding a new section to chapter 19.16 RCW.

Referred to Committee on Labor and Commerce.

SB 6177 by Senators L. Smith, Oke, Hochstatter, Moyer, Nelson, Anderson, Roach, Sellar and Morton

AN ACT Relating to unlawful sexual contact; and amending RCW 9A.44.050 and 9A.44.100.

Referred to Committee on Law and Justice.

SB 6178 by Senator Talmadge

AN ACT Relating to wastewater discharge permits; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6179 by Senators Vognild, Sellar and McAuliffe

AN ACT Relating to state patrol funding; amending RCW 82.44.020, 46.16.060, 46.68.030, 70.94.015, and 82.44.150; reenacting and amending RCW 82.44.110; adding a new section to chapter 46.68 RCW; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Transportation.

SB 6180 by Senators Erwin and McAuliffe

AN ACT Relating to vehicle wreckers; amending RCW 46.12.050, 46.12.310, 46.80.005, 46.80.010, 46.80.020, 46.80.040, 46.80.050, 46.80.060, 46.80.070, 46.80.080, 46.80.090, 46.80.100, 46.80.110, 46.80.130, 46.80.150, 46.80.160, 46.80.170, and 46.80.900; adding a new section to chapter 46.12 RCW; adding new sections to chapter 46.80 RCW; creating a new section; repealing RCW 46.80.055; and prescribing penalties.

Referred to Committee on Transportation.

SB 6181 by Senators Haugen, Winsley, M. Rasmussen, Moyer, Oke and Roach

AN ACT Relating to murder of an unborn viable child resulting from the injury or death of the child's mother; amending RCW 9A.32.030, 9A.32.050, and 9A.32.060; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6182 by Senators Winsley, Haugen and M. Rasmussen (by request of Secretary of State)

AN ACT Relating to initiative and referendum petitions; and amending RCW 29.79.090, 29.79.100, and 29.79.110.

Referred to Committee on Government Operations.

SB 6183 by Senators Hochstatter, Winsley, Moyer, L. Smith, Anderson, Oke, Nelson, Erwin, Prince, Amondson, Sellar, Bluechel, McDonald, Morton, West, Cantu, Roach, Schow and Deccio

AN ACT Relating to job placement for recipients and noncaretaker parents of recipients of aid to families with dependent children, food stamp, or unemployment insurance; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 74 RCW; creating a new section; and providing a contingent expiration date.

Referred to Committee on Health and Human Services.

SB 6184 by Senators Amondson, Hargrove, Newhouse, L. Smith, Haugen and M. Rasmussen

AN ACT Relating to game management; amending RCW 77.04.055; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6185 by Senators A. Smith, Erwin, Nelson, Quigley, Oke, Bauer, M. Rasmussen, Winsley and Roach (by request of Washington Traffic Safety Commission)

AN ACT Relating to persons under the age of twenty-one driving with alcohol in their systems; amending RCW 46.04.480 and 46.20.311; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6186 by Senators Prentice and Prince; (by request of Department of Licensing)

AN ACT Relating to professional athletics; amending RCW 67.08.002, 67.08.030, 67.08.100, 67.08.120, and 67.08.180; prescribing penalties; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6187 by Senators Drew, Winsley, Spanel and Haugen (by request of Secretary of State)

AN ACT Relating to relief for election officers; and amending RCW 29.45.050.

Referred to Committee on Government Operations.

SB 6188 by Senators Haugen, Winsley and Drew (by request of Secretary of State)

AN ACT Relating to voting; amending RCW 29.01.006, 29.04.040, 29.04.070, 29.04.100, 29.04.110, 29.07.010, 29.07.025, 29.07.070, 29.07.080, 29.07.090, 29.07.100, 29.07.115, 29.07.120, 29.07.130, 29.07.140, 29.07.170, 29.07.180, 29.07.260, 29.07.270, 29.07.300, 29.07.400, 29.07.410, 29.08.010, 29.08.050, 29.08.060, 29.10.020, 29.10.040, 29.10.051, 29.10.090, 29.10.100, 29.15.050, 29.24.040, 29.36.120, 29.36.121, 29.36.122, 29.48.010, and 46.20.205; reenacting and amending RCW 29.10.180; adding a new section to chapter 10.64 RCW; adding a new section to chapter 29.04 RCW; adding new sections to chapter 29.07 RCW; adding new sections to chapter 29.10 RCW; repealing RCW 29.07.015, 29.07.020, 29.07.050, 29.07.060, 29.07.065, 29.07.095, 29.07.105, 29.10.095, and 29.10.080; prescribing penalties; and providing an effective date.

Referred to Committee on Government Operations.

SB 6189 by Senator Fraser (by request of Department of Ecology)

AN ACT Relating to review and approval of sewerage or disposal systems; and amending RCW 90.48.110.

Referred to Committee on Ecology and Parks.

SB 6190 by Senators McAuliffe, Erwin, M. Rasmussen, Quigley and Winsley

AN ACT Relating to possession of explosives on school grounds or at school activities; and amending RCW 9.41.280.

Referred to Committee on Education.

SB 6191 by Senators McAuliffe, Erwin, M. Rasmussen, Bauer and Winsley

AN ACT Relating to violence prevention for safe schools; adding new sections to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Education.

SB 6192 by Senators Prentice and Amondson (by request of Department of Licensing)

AN ACT Relating to registration of engineers-in-training; and amending RCW 18.43.020 and 18.43.040.

Referred to Committee on Labor and Commerce.

SB 6193 by Senator Erwin (by request of Washington Traffic Safety Commission)

AN ACT Relating to safety belts; and amending RCW 46.61.688.

Referred to Committee on Transportation.

SB 6194 by Senator Erwin (by request of Washington Traffic Safety Commission)

AN ACT Relating to child passenger restraint systems; and amending RCW 46.61.687.

Referred to Committee on Law and Justice.

SB 6195 by Senators Prentice, Moore, McAuliffe, West, Franklin, Ludwig, Roach, Fraser, Bauer, Vognild and Pelz

AN ACT Relating to the public employment relations commission; amending RCW 41.56.160; adding a new section to chapter 41.56 RCW; and repealing RCW 41.56.170, 41.56.180, and 41.56.190.

Referred to Committee on Labor and Commerce.

SB 6196 by Senator A. Smith

AN ACT Relating to public hazards; adding new sections to chapter 4.24 RCW; creating new sections; repealing RCW 4.24.600, 4.24.610, and 4.24.620; repealing 1993 c 17 s 4 (uncodified); repealing 1993 c 17 s 5; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6197 by Senators McAuliffe, Newhouse, Prentice, Loveland, Amondson, Moore, M. Rasmussen and Ludwig

AN ACT Relating to shipments of wine; amending RCW 66.12.120; adding a new section to chapter 66.12 RCW; and repealing RCW 66.12.190, 66.12.200, 66.12.210, and 66.12.220.

Referred to Committee on Labor and Commerce.

SB 6198 by Senators Skratek, Prentice, Drew and McAuliffe

AN ACT Relating to increasing the area of land considered a residence for property tax exemption purposes; and amending RCW 84.36.383.

Referred to Committee on Ways and Means.

SB 6199 by Senators Franklin, Erwin, Moyer, Fraser, Talmadge and Winsley

AN ACT Relating to bicycle safety; amending RCW 46.61.750, 28A.220.050, 46.20.095, 46.82.430, and 46.83.040; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 6200 by Senator Owen

AN ACT Relating to metals mining and milling operations; amending RCW 90.03.350, 90.48.090, and 78.44.161; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new chapter to Title 78 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 6201 by Senators Vognild, Owen, Newhouse, Ludwig, Snyder, Amondson and Sellar

AN ACT Relating to compensation for occupational disease; and amending RCW 51.32.100.

Referred to Committee on Labor and Commerce.

SB 6202 by Senators Vognild and Nelson

AN ACT Relating to the size and weight of motor vehicles; and amending RCW 46.44.0941 and 46.44.030.

Referred to Committee on Transportation.

SB 6203 by Senators Snyder, Haugen and Spanel

AN ACT Relating to limits on rural partial-county library districts; and amending RCW 27.12.010 and 27.12.470.

Referred to Committee on Government Operations.

SB 6204 by Senators Snyder and Haugen

AN ACT Relating to seaweed harvesting; amending RCW 79.01.805, 79.01.810, and 79.01.815; decodifying RCW 79.96.907; repealing RCW 79.01.820; prescribing penalties; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6205 by Senators Vognild and Prince

AN ACT Relating to load regulations for ready-mix mixer trucks; adding a new section to chapter 46.44 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6206 by Senators Owen, Oke, Hargrove, Erwin and Haugen

AN ACT Relating to game fish; adding a new chapter to Title 77 RCW; and providing effective dates.

Referred to Committee on Natural Resources.

SB 6207 by Senators Owen, Hargrove and Oke

AN ACT Relating to metal detectors in state parks; adding a new section to chapter 43.51 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6208 by Senators Moore, Prince, Prentice, Amondson and McAuliffe (by request of Insurance Commissioner)

AN ACT Relating to making form and rate filings of health maintenance organizations and health care service contractors subject to prior approval; and amending RCW 48.44.020, 48.44.070, 48.46.060, and 48.46.243.

Referred to Committee on Labor and Commerce.

SB 6209 by Senators Moore, Prince, Prentice, Amondson and McAuliffe (by request of Insurance Commissioner)

AN ACT Relating to the Insurer Holding Company Act's application to insurers; amending RCW 48.31B.005 and 48.31B.015; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Labor and Commerce.

SB 6210 by Senators Moore, Prince and Prentice (by request of Insurance Commissioner)

AN ACT Relating to capital and surplus requirements of insurers; and amending RCW 48.05.340.

Referred to Committee on Labor and Commerce.

SB 6211 by Senators Moore, Anderson, Sheldon, Amondson, McAuliffe, Bauer, Winsley, Williams and Ludwig

AN ACT Relating to state agency rule making; amending RCW 34.05.325, 34.05.330, 34.05.350, 34.05.370, 34.05.620, 34.05.630, and 34.05.640; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Labor and Commerce.

SB 6212 by Senators Moore, Anderson, Sheldon, Amondson, McAuliffe, Quigley, Oke, Bauer, Winsley, Roach and Ludwig

AN ACT Relating to the cost of rule making on small businesses; amending RCW 19.85.020 and 34.05.320; reenacting and amending RCW 19.85.030 and 19.85.040; adding a new section to chapter 19.85 RCW; adding a new section to chapter 43.31 RCW; repealing RCW 19.85.010, 19.85.060, and 19.85.080; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6213 by Senators Pelz, Franklin, Prentice and Moyer (by request of Department of Community Development)

AN ACT Relating to the housing trust fund; and amending RCW 43.185.050, 43.185.060, 43.185A.030, and 43.185A.040.

Referred to Committee on Labor and Commerce.

SB 6214 by Senators Moore, Sheldon and Amondson

AN ACT Relating to gasoline vapor recovery at service stations and other dispensing facilities; adding a new section to chapter 70.94 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6215 by Senators Skratek and Vognild

AN ACT Relating to public service companies; amending RCW 81.04.110, 81.04.385, and 81.04.405; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 6216 by Senators Snyder, Anderson, Fraser and Sellar (by request of Department of Community Development)

AN ACT Relating to mortgage and rental assistance for dislocated forest products workers; amending RCW 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, and 43.63A.640; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6217 by Senators Newhouse, Vognild, Moore, Amondson, Prentice, Sutherland, Fraser, McAuliffe and Winsley

AN ACT Relating to the joint task force on unemployment insurance; and amending 1993 c 483 s 22 (uncodified).

Referred to Committee on Labor and Commerce.

SB 6218 by Senators Sheldon, Bluechel, Skratek, M. Rasmussen, Erwin, McAuliffe, Oke and Winsley

AN ACT Relating to self-employment for low-income individuals; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 6219 by Senators Skratek, Bluechel, Sheldon, Williams, Erwin, M. Rasmussen and Winsley

AN ACT Relating to establishing the Washington manufacturing extension center; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.80 RCW; adding a new chapter to Title 24 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 6220 by Senator Cantu

AN ACT Relating to quality awards; adding a new section to chapter 43.330 RCW; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 6221 by Senators A. Smith and Quigley

AN ACT Relating to genetic testing to determine parentage; and amending RCW 26.26.100, 26.26.110, 26.26.120, 26.26.140, and 74.20A.056.

Referred to Committee on Law and Justice.

SB 6222 by Senators Fraser, Amondson, L. Smith, Anderson, M. Rasmussen, Morton and Roach

AN ACT Relating to the establishment of a Washington state horse park; reenacting and amending RCW 41.06.070 and 43.19.190; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.01 RCW; and adding a new chapter to Title 67 RCW.

Referred to Committee on Ecology and Parks.

SB 6223 by Senator Williams

AN ACT Relating to radioactive waste; amending RCW 43.145.020 and 43.200.080; adding new sections to chapter 43.06 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6224 by Senators Williams and Talmadge

AN ACT Relating to the community redevelopment financing act; amending RCW 82.03.130; creating a new section; and repealing RCW 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 39.88.915, and 84.55.080.

Referred to Committee on Ways and Means.

SB 6225 by Senators Williams, Drew, Quigley and Sheldon

AN ACT Relating to lobbying by public agencies; and amending RCW 42.17.190.

Referred to Committee on Law and Justice.

SB 6226 by Senators Moyer, Anderson, Nelson, Bluechel and Roach

AN ACT Relating to charter schools; adding a new chapter to Title 28A RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 6227 by Senators McDonald, Moyer, L. Smith and West

AN ACT Relating to an extended school year; amending RCW 28A.300.138; and creating a new section.

Referred to Committee on Education.

SB 6228 by Senators Haugen, Anderson, Owen, Hargrove, Sellar, Oke, McAuliffe and M. Rasmussen

AN ACT Relating to definitions of agricultural and forest land of long-term commercial significance; and amending RCW 36.70A.030, 36.70A.060, and 36.70A.170.

Referred to Committee on Natural Resources.

SB 6229 by Senators Spanel, Prince, Bauer, Drew, West, Quigley, Wojahn, Sheldon, M. Rasmussen and Winsley

AN ACT Relating to the Washington state scholars programs; and amending RCW 28A.600.110.

Referred to Committee on Higher Education.

SB 6230 by Senators M. Rasmussen, Nelson and Haugen (by request of Secretary of State)

AN ACT Relating to business organizations; amending RCW 19.09.076, 19.09.100, 19.09.230, 19.77.090, 23B.01.570, 23B.14.200, 24.03.302, 24.03.388, 24.06.290, and 24.06.465; adding a new section to chapter 19.09 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6231 by Senators Hargrove, Owen, M. Rasmussen and Morton

AN ACT Relating to life-threatening animals; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Natural Resources.

SB 6232 by Senators Hargrove, Owen and Snyder

AN ACT Relating to public highways; and amending RCW 47.42.020.

Referred to Committee on Transportation.

SB 6233 by Senators Hargrove, M. Rasmussen and Morton

AN ACT Relating to forest land; and amending RCW 84.33.100 and 84.33.130.

Referred to Committee on Ways and Means.

SB 6234 by Senators Hargrove, Quigley and M. Rasmussen

AN ACT Relating to conversion of forest lands; and amending RCW 76.09.060.

Referred to Committee on Natural Resources.

SB 6235 by Senators Hargrove, Snyder, Pelz and Drew

AN ACT Relating to artificial turf; adding a new section to Title 70 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 6236 by Senators Sutherland and Hochstatter (by request of Utilities and Transportation Commission)

AN ACT Relating to interest on delinquent payment of regulatory fees imposed by the utilities and transportation commission; amending RCW 80.24.010, 81.70.350, 81.80.321, and 81.108.090; and adding a new section to chapter 81.24 RCW.

Referred to Committee on Energy and Utilities.

SB 6237 by Senators Franklin, M. Rasmussen, Winsley, Erwin, Quigley, Sellar and Oke (by request of Department of Veterans Affairs)

AN ACT Relating to the veteran estate management program; amending RCW 73.04.130 and 73.36.040; and adding new sections to chapter 73.04 RCW.

Referred to Committee on Government Operations.

SB 6238 by Senators Wojahn, McDonald, Ludwig, Quigley, Loveland, Franklin, Haugen, Hargrove, Rinehart, Spanel, Snyder, Erwin and M. Rasmussen

AN ACT Relating to the lottery commission; amending RCW 67.70.040; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Labor and Commerce.

SB 6239 by Senators Bluechel, McDonald, Cantu, Oke, Sellar, Erwin, Roach and Nelson

AN ACT Relating to decreasing business and occupation taxes; and amending RCW 82.04.290.

Referred to Committee on Ways and Means.

SB 6240 by Senators Snyder, Bluechel, Vognild and Newhouse

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

Referred to Committee on Government Operations.

SB 6241 by Senators Prentice, Talmadge, Franklin, Pelz, Niemi and Williams (by request of Health Services Commission and Governor Lowry)

AN ACT Relating to employer-sponsored health benefits coverage for seasonal workers; amending RCW 43.72.010, 43.72.060, and 43.72.040; and adding a new section to chapter 43.72 RCW.

Referred to Committee on Health and Human Services.

SB 6242 by Senators Sheldon, Sellar, Moore, Anderson, Gaspard, Snyder, Quigley, Franklin, McAuliffe, Oke, Pelz, M. Rasmussen, Winsley, Drew and Ludwig (by request of Governor Lowry)

AN ACT Relating to implementation of the recommendations of the governor's task force on regulatory reform; amending RCW 34.05.370, 34.05.350, 34.05.330, 34.05.355, 19.85.020, 19.85.060, 19.85.010, 34.05.640, 34.05.660, 36.70A.270, 36.70A.290, 36.70A.300, 36.70A.030, 58.17.330, 35A.63.170, 43.21C.075, 35.63.130, 36.70.970, 70.105D.020, 70.105D.030, 70.105D.050, and 70.105D.060; reenacting and amending RCW 19.85.030 and 19.85.040; adding a new section to chapter 44.04 RCW; adding new sections to chapter 34.05 RCW; adding a new section to chapter 43.17 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70.105D RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 34.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6243 by Senators Rinehart and Quigley (by request of Office of Financial Management)

AN ACT Relating to the capital budget; amending 1993 sp.s. c 22 ss 106, 122, 157, 202, 210, 214, 252, 279, 280, 282, 300, 303, 306, 401, 406, 408, 428, 431, 460, 462, 463, 466, 469, 474, 475, 476, 477, 507, 518, 708, 745, 757, 791, 808, 813, 1001, and 1002 (uncodified); adding new sections to 1993 sp.s. c 22; repealing 1993 sp.s. c 22 s 147 (uncodified); making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6244 by Senators Rinehart and Quigley (by request of Office of Financial Management)

AN ACT Relating to fiscal matters; amending RCW 70.146.080; amending 1993 sp.s. c 24 101, 102, 103, 104, 106, 107, 109, 110, 111, 112, 113, 114, 117, 118, 119, 120, 121, 123, 125, 217, 126, 127, 129, 131, 133, 134, 135, 138, 139, 140, 141, 142, 143, 145, 146, 147, 149, 150, 152, 308, 318, 316, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 314, 315,

317, 401, 402, 501, 502, 504, 505, 507, 509, 512, 513, 515, 516, 517, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 614, 615, 616, 617, 618, 619, 710, 701, 703, 705, 706, 716, 801, 802, 803, and 805; adding new sections to 1993 sp.s. c 24; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SJM 8027 by Senators Vognild, Newhouse, Moore, Amondson, Prentice, Sutherland, McAuliffe and Fraser

Requesting that Congress help states with employment security system funding.

Referred to Committee on Labor and Commerce.

SJR 8220 by Senators Owen, Hargrove, Haugen, Oke and M. Rasmussen

Amending the Constitution to change the definition of true and fair value of real property.

Referred to Committee on Ways and Means.

SJR 8221 by Senator L. Smith

Amending the Constitution to require a two-thirds vote in order to amend any law enacted by a vote of the people.

Referred to Committee on Government Operations.

SCR 8419 by Senators Skratek, Sheldon and M. Rasmussen

Creating a joint select committee on sustainable development.

Referred to Committee on Trade, Technology and Economic Development.

SCR 8420 by Senators Skratek and Sheldon

Concerning sustainable development.

Referred to Committee on Trade, Technology and Economic Development.

SCR 8421 by Senators Skratek, Newhouse, Vognild, Moore, Amondson, Prentice, Sutherland, Fraser, McAuliffe, Snyder, M. Rasmussen and Winsley

Creating the Joint Legislative Oversight Committee on Training and Retraining.

Referred to Committee on Trade, Technology and Economic Development.

MOTION

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

SENATE RESOLUTION 1993-8658

By Senators Franklin, Gaspard, Skratek, Prentice, Prince, Loveland, Haugen, McAuliffe, Owen, Sutherland, Morton, Wojahn, Rasmussen, Ludwig, Fraser, Spanel, Roach, Quigley, Snyder, A. Smith, Pelz, Talmadge and Bauer

WHEREAS, The Reverend Dr. Martin Luther King, Jr., dedicated his life to the proposition that we are all created equal, endowed by our Creator with the inalienable rights to life, liberty, and the pursuit of happiness; and
WHEREAS, Dr. King's principles exemplified the ideal of one nation, under God, with liberty and justice for all; and
WHEREAS, Dr. King fought tirelessly, yet nonviolently, for social, economic, and educational equality for all persons; and
WHEREAS, Dr. King had the courage and dedication to stand up for the rights of all - rich and poor; young and old; black, brown, red, yellow, and white; and
WHEREAS, Dr. King taught us to judge people by the content of their character rather than the color of their skin; and

WHEREAS, The work and legacy of Dr. King continues to confirm the strength of our country and its dedication to the principles that justice must overcome injustice, that peace must overcome violence, that love must triumph over hate; and

WHEREAS, We, the members of the Washington State Senate are privileged to pay tribute to a man who set an example of strength and dedication to principles; and

WHEREAS, January 17, 1994, is the day we honor the life and legacy of the Reverend Dr. Martin Luther King, Jr., as both a Washington state and federal holiday;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pay homage to one of this country's most honorable and honored citizens, the Reverend Dr. Martin Luther King, Jr., and call on all Washingtonians to continue his work toward the principles of love, hope, peace, freedom, and equality; and

BE IT FURTHER RESOLVED, That the Washington State Senate urge every Washington corporation, business, and employer to join our state and nation in commemorating Dr. King's life and work.

Senators Franklin and Sellar spoke to Senate Resolution 1993-8658.

MOTION

At 12:19 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Tuesday, January 18, 1994.

2MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 17, 1994

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

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 18, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Amondson. On motion of Senator Oke, Senator Amondson was excused.

The Sergeant at Arms Color Guard consisting of Pages Ashley Alder and Joel Finch, presented the Colors. Reverend Joseph S. Kalama of the Red Road Ministry and Chaplain for Native Americans for the Department of Corrections, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 17, 1994

SB 5697 Prime Sponsor, Senator Bluechel: Preempting local regulation of amateur radios. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach and A. Smith.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

January 17, 1994

GA 9363 JUDITH MERCHANT, appointed June 1, 1993, for a term ending at the Governor's pleasure as Director of the State Energy Office.
Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, West, and Williams.

Passed to Committee on Rules.

January 17, 1994

GA 9405 RICHARD HEMSTAD, appointed June 1, 1993, for a term ending January 1, 1999, as a member of the Utilities and Transportation Commission.
Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, and Williams.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 17, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1090, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6245 by Senators Haugen and Vognild

AN ACT Relating to public transportation benefit area transit sales tax revenue; and amending RCW 82.14.045.

Referred to Committee on Transportation.

SB 6246 by Senators Fraser and Amondson

AN ACT Relating to delinquency and cancellation charges on premium finance agreements; and amending RCW 48.56.100.

Referred to Committee on Labor and Commerce.

SB 6247 by Senators Newhouse, Vognild, Pelz and McAuliffe

AN ACT Relating to school construction standards for fire protection and safety; and amending RCW 19.27.113.

Referred to Committee on Education.

SB 6248 by Senators Erwin, Owen, Oke, Anderson, Hargrove, Snyder, Amondson, Roach, Sellar, Franklin and M. Rasmussen

AN ACT Relating to flood damage reduction; amending RCW 43.21C.020, 86.12.200, 86.16.025, 86.26.105, 75.20.100, 75.20.100, 75.20.103, 75.20.103, 75.20.130, 75.20.130, 79.90.150, 79.90.300, 90.58.030, 90.58.180, 47.28.140, 86.15.030, 86.15.050, 86.15.160, and 86.16.031; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding new sections to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; creating new sections; repealing RCW 79.90.325; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6249 by Senator Vognild (by request of Utilities and Transportation Commission)

AN ACT Relating to the appointment and recovery of maintenance costs of railroad crossing protective devices; and amending RCW 81.53.271 and 81.53.281.

Referred to Committee on Transportation.

SB 6250 by Senators Sheldon, Nelson, Vognild and Oke

AN ACT Relating to ferry advisory committees; and amending RCW 47.60.310.

Referred to Committee on Transportation.

SB 6251 by Senators Vognild and Oke (by request of Department of Transportation)

AN ACT Relating to funding for highway improvements necessitated by planned economic development; reenacting and amending RCW 47.10.801; and declaring an emergency.

Referred to Committee on Transportation.

SB 6252 by Senators Vognild and Nelson (by request of Department of Transportation)

AN ACT Relating to state and local government; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Transportation.

SB 6253 by Senators Loveland and Winsley

AN ACT Relating to county departments of family services; amending RCW 13.04.035; adding a new section to chapter 36.39 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 6254 by Senators Fraser, Loveland, M. Rasmussen and Winsley

AN ACT Relating to funeral or burial expenses of indigent persons; and amending RCW 36.39.030.

Referred to Committee on Government Operations.

SB 6255 by Senators Talmadge, Wojahn, Haugen, Winsley and McAuliffe (by request of Attorney General)

AN ACT Relating to permanency planning and guardianship for dependent children; and amending RCW 13.34.130, 13.34.145, 13.04.011, 13.34.231, 13.34.232, 13.34.233, 13.34.234, and 13.34.236.

Referred to Committee on Health and Human Services.

SB 6256 by Senators Moore, Erwin, Nelson, Prentice, Haugen, McCaslin, West, Winsley, Ludwig and McAuliffe

AN ACT Relating to coin-operated laundry facilities; and amending RCW 82.04.050.

Referred to Committee on Ways and Means.

SB 6257 by Senators Talmadge, Fraser and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to involuntary treatment; and amending RCW 70.96A.020.

Referred to Committee on Health and Human Services.

SB 6258 by Senator Talmadge (by request of Department of Social and Health Services)

AN ACT Relating to sexually aggressive youth; and reenacting and amending RCW 74.13.075.

Referred to Committee on Health and Human Services.

SB 6259 by Senator A. Smith (by request of Department of Social and Health Services)

AN ACT Relating to employers in the standard industrial classification; and amending RCW 26.23.040.

Referred to Committee on Law and Justice.

SB 6260 by Senators A. Smith, Wojahn and Moyer (by request of Department of Social and Health Services)

AN ACT Relating to child support enforcement operations; amending RCW 26.09.105, 26.09.120, 26.18.070, 26.18.100, 26.18.110, 26.18.140, 26.18.170, 26.23.045, 26.23.050, 26.23.060, 26.23.100, 26.26.040, 26.26.150, 26.26.165, 74.20A.056, 74.20A.240, and 74.20A.300; reenacting and amending RCW 26.23.120 and 74.20A.080; adding a new section to chapter 74.20 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6261 by Senator L. Smith

AN ACT Relating to personal services contracts benefitting state officials; adding a new section to chapter 39.29 RCW; and adding a new section to chapter 42.20 RCW.

Referred to Committee on Government Operations.

SB 6262 by Senators L. Smith, Erwin and Oke

AN ACT Relating to the state treasurer; reenacting and amending RCW 42.17.2401 and 42.17.2401; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.33 RCW; adding a new section to chapter 43.33A RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations.

SB 6263 by Senators A. Smith and Quigley

AN ACT Relating to the surrender of deadly weapons in domestic violence situations; amending RCW 9A.46.050, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.137, and 26.50.070; reenacting and amending RCW 9.41.010, 26.26.130, and 26.50.060; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law and Justice.

SB 6264 by Senators Sutherland, Oke and Fraser

AN ACT Relating to an interstate compact for restoration of native salmonid fish runs; adding new sections to chapter 75.40 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6265 by Senators Sutherland, Amondson, Snyder, Pelz, Erwin, Fraser and Winsley

AN ACT Relating to the implementation of the cellular communications tax study recommendations regarding 911 emergency communication system funding; amending RCW 82.14B.020, 82.14B.030, 82.14B.040, and 38.52.540; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6266 by Senators Haugen and Winsley

AN ACT Relating to sewer district commissioners; and amending RCW 56.32.110.

Referred to Committee on Government Operations.

SB 6267 by Senators Owen, Hargrove, Erwin and Winsley

AN ACT Relating to the definition of "dependent child" for purposes of aid to families with dependent children; and amending RCW 74.12.010.

Referred to Committee on Health and Human Services.

SB 6268 by Senator A. Smith

AN ACT Relating to use of thumbprint scans to prevent fraud; amending RCW 46.20.091, 46.20.117, 46.20.118, 46.20.120, and 74.04.060; adding new sections to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6269 by Senators Moore, Amondson, Prentice, McAuliffe, Deccio, Sellar, Vognoild, Newhouse, Bauer, Winsley and Ludwig

AN ACT Relating to review of administrative rules; amending RCW 34.05.620, 34.05.630, 34.05.640, and 34.05.660; adding a new section to chapter 34.05 RCW; and repealing RCW 34.05.670 and 34.05.680.

Referred to Committee on Labor and Commerce.

SB 6270 by Senators Moore, Amondson, Prentice, McAuliffe, Deccio, Sellar, Vognoild, Newhouse, Oke, Bauer, Moyer, Winsley, Roach and Ludwig

AN ACT Relating to termination of agency rules; amending RCW 34.05.380; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Labor and Commerce.

SB 6271 by Senators Sutherland, Amondson, Moore, Erwin, Hargrove, Winsley and Quigley

AN ACT Relating to construction services; amending RCW 18.27.020, 18.27.030, 18.27.040, 18.27.090, 18.27.100, 18.27.104, 18.27.114, 18.27.117, 18.27.340, 43.22.434, 43.22.480, 43.22.500, and 84.36.400; adding new sections to chapter 18.27 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6272 by Senators Moore, Deccio, Pelz, Amondson and Winsley

AN ACT Relating to reinsurance and surplus lines of insurance involving incorporated entities; and amending RCW 48.12.160 and 48.15.090.

Referred to Committee on Labor and Commerce.

SB 6273 by Senators Winsley, Wojahn, Franklin, Bauer, Roach, Oke, M. Rasmussen, Rinehart, Erwin, Skratek, Moyer and McAuliffe

AN ACT Relating to pension payments to retired teachers; amending RCW 41.32.570; and creating a new section.

Referred to Committee on Education.

SB 6274 by Senators Prentice, Moore, Winsley, Pelz, Vognild, Skratek and Rinehart

AN ACT Relating to restoring local control of educational employees' salaries; amending RCW 28A.400.200; and repealing RCW 41.59.935.

Referred to Committee on Labor and Commerce.

SB 6275 by Senators A. Smith, Owen, Roach, Ludwig, L. Smith, Hochstatter, Erwin, Oke, Skratek, Nelson, Bauer, Vognild and Winsley

AN ACT Relating to enforcement of visitation provisions of parenting plans; amending RCW 26.09.260; and adding a new chapter to Title 26 RCW.

Referred to Committee on Law and Justice.

SB 6276 by Senators Haugen, Winsley, Nelson and M. Rasmussen (by request of Secretary of State)

AN ACT Relating to trademarks; amending RCW 19.77.030, 19.77.050, 19.77.060, and 43.07.120; and adding a new section to chapter 19.77 RCW.

Referred to Committee on Law and Justice.

SB 6277 by Senators Haugen, Winsley and M. Rasmussen (by request of Secretary of State)

AN ACT Relating to corporations; and amending RCW 24.03.030, 24.03.070, and 24.03.265.

Referred to Committee on Law and Justice.

SB 6278 by Senators Gaspard, Haugen, Fraser and M. Rasmussen

AN ACT Relating to public facilities; and reenacting and amending RCW 67.28.210.

Referred to Committee on Government Operations.

SB 6279 by Senators Moore, Amondson, Sutherland and Winsley (by request of Department of Labor and Industries)

AN ACT Relating to the calculation of employers' experience ratings; and amending RCW 51.24.050 and 51.24.060.

Referred to Committee on Labor and Commerce.

SB 6280 by Senators Pelz and Hochstatter (by request of Department of Labor and Industries)

AN ACT Relating to certificates of competency of electricians; and amending RCW 19.28.550.

Referred to Committee on Labor and Commerce.

SB 6281 by Senators Pelz, Prentice, Winsley and Quigley (by request of Department of Labor and Industries)

AN ACT Relating to penalties for multiple failures by a contractor or subcontractor to pay the prevailing rate of wage; amending RCW 39.12.065; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 6282 by Senators Wojahn and Winsley (by request of Department of Labor and Industries)

AN ACT Relating to industrial safety and health appeals; and amending RCW 49.17.140.

Referred to Committee on Labor and Commerce.

SB 6283 by Senators Haugen, Winsley, Spanel, Quigley, Drew, Erwin, Fraser and Ludwig

AN ACT Relating to real estate disclosures; and adding a new chapter to Title 64 RCW.

Referred to Committee on Government Operations.

SB 6284 by Senators Wojahn, Amondson, Pelz, Winsley, Haugen, Quigley, Drew, Erwin, Spanel, Fraser and Ludwig

AN ACT Relating to the requirements to obtain a real estate broker's or salesperson's license; amending RCW 18.85.090, 18.85.095, and 18.85.215; and repealing RCW 18.85.097.

Referred to Committee on Labor and Commerce.

SB 6285 by Senators Moore and Sellar (by request of Department of Financial Institutions)

AN ACT Relating to the strengthening and reform of the regulation of financial institutions and securities; amending RCW 21.20.035, 21.20.040, 21.20.050, 21.20.060, 21.20.080, 21.20.090, 21.20.110, 21.20.120, 21.20.130, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.275, 21.20.310, 21.20.330, 21.20.340, 21.20.370, 21.20.380, 21.20.390, 21.20.450, 21.20.510, 21.20.702, 23B.02.020, 23B.07.010, 23B.08.030, 23B.08.050, 30.04.020, 30.04.125, 30.04.130, 30.04.180, 30.04.210, 30.04.215, 30.04.555, 30.04.565, 30.04.575, 30.08.010, 30.08.020, 30.08.040, 30.08.082, 30.08.087, 30.08.088, 30.08.090, 30.08.092, 30.08.095, 30.08.180, 30.08.190, 30.12.010, 30.12.020, 30.49.090, 31.12.005, 31.12.015, 31.12.025, 31.12.055, 31.12.065, 31.12.115, 31.12.125, 31.12.136, 31.12.155, 31.12.195, 31.12.235, 31.12.255, 31.12.265, 31.12.315, 31.12.335, 31.12.385, 31.12.406, 31.12.415, 31.12.425, 31.12.435, 31.12.526, 31.12.555, 31.12.565, 31.12.695, 32.04.030, 32.04.060, 32.04.080, 32.04.085, 32.08.010, 32.08.142, 32.12.050, 32.12.090, 32.16.020, 32.16.070, 32.16.100, 32.32.025, 32.32.290, 32.32.480, 32.32.485, 32.32.490, 32.32.495, 32.32.500, 32.32.505, 32.32.515, 32.34.030, 32.34.060, 33.08.030, 33.08.100, 33.12.012, 33.12.014, 33.12.060, 33.16.030, and 33.16.090; reenacting and amending RCW 21.20.005; adding a new section to chapter 15.66 RCW; adding a new section to chapter 23B.05 RCW; adding new sections to chapter 30.08 RCW; adding a new section to chapter 30.20 RCW; adding a new section to chapter 30.43 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.08 RCW; adding a new section to chapter 32.32 RCW; adding a new chapter to Title 30 RCW; creating a new section; recodifying RCW 30.04.370 and 30.04.085; and repealing RCW 30.04.235, 30.04.250, 30.04.270, 30.04.290, 30.04.900, 30.08.110, 30.08.120, 30.12.050, 30.43.010, 30.43.020, 30.43.030, 30.43.040, 30.43.045, 30.43.050, 31.12.095, 31.12.175, 31.12.355, 32.04.040, 32.12.060, 32.20.290, 32.32.510, and 33.12.020.

Referred to Committee on Labor and Commerce.

SB 6286 by Senator A. Smith

AN ACT Relating to technical corrections made necessary by the creation of the department of financial institutions; and amending RCW 11.102.010, 11.110.073, 19.100.010, 19.110.020, 21.30.010, 21.30.380, 30.04.010, 30.04.060, 30.04.075, 30.04.230, 30.04.232, 30.04.240, 30.04.550, 30.04.565, 30.04.570, 30.04.575, 30.04.900, 30.08.095, 30.12.060, 30.12.240, 30.20.090, 30.42.020, 30.42.140, 30.43.010, 30.44.020, 30.44.050, 30.44.130, 30.44.270, 30.44.280, 30.46.040, 30.49.060, 30.49.070, 30.49.090, 30.49.100, 30.49.110, 30.49.120, 30.56.020, 30.60.010, 30.60.020, 30.60.030, 30.60.901, 31.04.015, 31.12.005, 31.12.905, 31.12A.010, 31.24.120, 31.30.010, 31.30.020, 31.30.150, 31.30.180, 31.30.190, 31.35.010, 31.35.020,

31.35.070, 31.40.010, 31.40.020, 31.45.010, 32.04.020, 32.04.080, 32.04.085, 32.04.110, 32.04.211, 32.04.220, 32.08.210, 32.08.230, 32.12.050, 32.16.140, 32.24.020, 32.24.090, 32.24.100, 32.32.025, 32.32.415, 32.32.425, 32.32.450, 32.32.485, 32.32.500, 32.34.020, 32.34.040, 32.40.010, 32.40.020, 32.40.030, 33.08.010, 33.40.120, 33.40.150, 33.44.020, 33.44.090, 33.44.125, 33.44.130, 33.46.020, 33.46.030, 33.46.040, 33.46.050, 33.46.060, 33.46.080, 33.46.130, 39.58.010, 43.19.015, 43.24.020, 43.24.024, 43.163.010, 43.163.110, 46.01.011, 46.01.050, 48.18A.060, 48.18A.070, 58.19.030, and 70.37.020.

Referred to Committee on Labor and Commerce.

SB 6287 by Senators A. Smith, Roach and Quigley

AN ACT Relating to restrictions in parenting plans; and reenacting and amending RCW 26.09.191.

Referred to Committee on Law and Justice.

SB 6288 by Senators A. Smith, Oke, Roach and Quigley

AN ACT Relating to false accusations of child abuse or neglect; adding a new section to chapter 26.44 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6289 by Senators Quigley, Bauer, A. Smith, West and Winsley

AN ACT Relating to telemarketing; and amending RCW 42.17.020.

Referred to Committee on Law and Justice.

SB 6290 by Senators M. Rasmussen, Erwin, Loveland, Snyder, Newhouse, Sellar, Amondson and Bauer

AN ACT Relating to protecting agriculture producers and products from defamation; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6291 by Senators M. Rasmussen, Prince, McCaslin, Bauer, Winsley and Newhouse

AN ACT Relating to the processing of water rights; amending RCW 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.320, 90.03.380, 90.03.390, 90.44.100, 90.03.260, 90.44.060, 90.03.250, 90.03.470, 90.03.--- (section 26 of this act), 89.30.001, 90.03.471, and 90.40.090; adding new sections to chapter 43.21B RCW; adding new sections to chapter 90.03 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Agriculture.

SB 6292 by Senators Gaspard, Sellar, Snyder, Anderson, Erwin and Oke

AN ACT Relating to post-audits of legislative and judicial branch agencies; and amending RCW 43.09.300.

Referred to Committee on Ways and Means.

SB 6293 by Senator Fraser (by request of Law Revision Commission)

AN ACT Relating to making technical corrections related to air pollution control authorities; and reenacting and amending RCW 70.94.053 and 70.94.055.

Referred to Committee on Ecology and Parks.

SB 6294 by Senators Fraser and Morton (by request of Law Revision Commission)

AN ACT Relating to correcting a repeal and amendment related to flood plain management appeals; amending 1987 c 523 s 12 (uncodified); and reenacting RCW 86.16.110.

Referred to Committee on Ecology and Parks.

SJM 8028 by Senators Sutherland, Newhouse, Oke and Winsley

Requesting that Congress clarify the Indian Gaming Regulatory Act of 1988.

Referred to Committee on Labor and Commerce.

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 1090 by House Committee on Judiciary (originally sponsored by Representative Scott)

Protecting communications in law enforcement officers peer support groups.

Referred to Committee on Law and Justice.

MOTIONS

On motion of Senator Spanel, the Committee on Transportation was relieved of further consideration of Senate Bill No. 6199.

On motion of Senator Spanel, Senate Bill No. 6199 was referred to the Committee on Health and Human Services.

MOTION

At 10:08 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Wednesday, January 19, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 18, 1994

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

TENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 19, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 1994
ESB 5020 Prime Sponsor, Senator Nelson: Providing for a ten-day period to repair a vehicle before a traffic infraction may be issued for defective equipment. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, M. Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1994
ESB 5155 Prime Sponsor, Senator Skratek: Changing requirements for the establishment of community councils. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1994
SB 5819 Prime Sponsor, Senator Haugen: Authorizing voting by mail for any primary or election for a two-year period. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5819 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1994
SB 6045 Prime Sponsor, Senator A. Smith: Authorizing an additional ten years for execution of judgments. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6045 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 18, 1994

SB 6065 Prime Sponsor, Senator Ludwig: Allowing costs to be imposed against a defaulting defendant. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 18, 1994

SB 6066 Prime Sponsor, Senator Ludwig: Determining the number of district court judges. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6066 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 18, 1994

SB 6067 Prime Sponsor, Senator Wojahn: Changing the Washington state magistrates' association. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6295 by Senators Sheldon, Morton, Drew and Fraser

AN ACT Relating to procurement of products containing recycled material; and amending RCW 43.19.538.

Referred to Committee on Ecology and Parks.

SB 6296 by Senator Skratek

AN ACT Relating to payment for improvements to state-owned or operated transportation facilities; amending RCW 36.70A.020, 36.70A.030, 36.70A.070, 36.70A.280, 82.02.050, 82.02.060, 82.02.070, and 82.02.090; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Transportation.

SB 6297 by Senators Moore, Prentice and Newhouse (by request of Liquor Control Board)

AN ACT Relating to eliminating the requirement for revenue stamps on beer packages and containers; and amending RCW 66.24.290 and 66.24.300.

Referred to Committee on Labor and Commerce.

SB 6298 by Senators Moore, Prentice and Newhouse (by request of Liquor Control Board)

AN ACT Relating to the improvement of the licensing and enforcement sections of the Washington State Liquor Act; and amending RCW 66.20.200, 66.24.350, 66.24.490, 66.28.070, 66.28.140, 66.44.300, and 66.44.310.

Referred to Committee on Labor and Commerce.

SB 6299 by Senators Cantu, McDonald, Oke, Bluechel, Roach, Nelson, Anderson, Moyer, Hochstatter, L. Smith and Newhouse

AN ACT Relating to limiting regular property taxes; and amending RCW 84.55.010.

Referred to Committee on Ways and Means.

SB 6300 by Senators Quigley, West, Anderson, A. Smith, Bauer, Vognild, Snyder, Loveland, Talmadge and Ludwig

AN ACT Relating to abolishing the office of the superintendent of public instruction; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 6301 by Senators Quigley, Vognild, Pelz, Snyder, Loveland, Talmadge and Ludwig

AN ACT Relating to abolishing the office of the commissioner of public lands; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 6302 by Senators Quigley, West, Bauer, Vognild, Snyder, Loveland and Talmadge

AN ACT Relating to abolishing the office of the insurance commissioner; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

SB 6303 by Senators Quigley, Haugen, Snyder, McAuliffe, Roach, Franklin, McDonald, Hargrove, Pelz, Bauer, Wojahn, Williams, Prentice, Sheldon, Loveland, Skratek, Owen, Ludwig, Sutherland, A. Smith, Winsley, Spanel, West, Moyer, Vognild, M. Rasmussen, Oke, Anderson and Drew

AN ACT Relating to the termination of state boards and commissions; adding a new section to chapter 43.88 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6304 by Senators Fraser, Winsley and Vognild

AN ACT Relating to licensing and registration crimes; amending RCW 43.10.232, 46.16.010, 46.16.160, 47.68.255, 88.02.118, and 82.32.330; and prescribing penalties.

Referred to Committee on Transportation.

SB 6305 by Senators Snyder, Skratek, Roach, Nelson, Loveland, West, Winsley and M. Rasmussen

AN ACT Relating to the process for obtaining variances from the minor employment law; and amending RCW 26.28.060.

Referred to Committee on Labor and Commerce.

SB 6306 by Senators Drew, Winsley and Vognild

AN ACT Relating to rental car businesses; and amending RCW 46.87.023.

Referred to Committee on Transportation.

SB 6307 by Senators Talmadge and Winsley (by request of Health Care Authority)

AN ACT Relating to clarifying health care authority powers and duties; amending RCW 41.05.075, 70.47.020, 70.47.060, and 70.47.130; and reenacting and amending RCW 41.05.021 and 41.05.050.

Referred to Committee on Health and Human Services.

SB 6308 by Senators Quigley and Talmadge

AN ACT Relating to abolishing the office of lieutenant governor; amending RCW 28B.07.030, 29.30.020, 29.80.030, 29.81.090, 41.60.015, 43.01.010, 43.03.010, 43.03.011, 43.03.020, 43.06.040, 43.33.010, 43.34.010, 43.43.858, 44.52.010, and 70.37.030; adding a new section to chapter 43.06 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

SB 6309 by Senators Vognild and Sellar (by request of Washington State Patrol)

AN ACT Relating to state patrol funding; amending RCW 46.16.060, 46.16.070, 46.68.030, 46.68.035, and 82.44.020; reenacting and amending RCW 82.44.110; adding a new section to chapter 82.44 RCW; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Transportation.

SB 6310 by Senators Snyder and Fraser (by request of Department of Labor and Industries)

AN ACT Relating to penalties for violation of industrial welfare laws; amending RCW 49.46.100, 49.48.040, and 49.48.060; adding new sections to chapter 49.12 RCW; creating a new section; repealing RCW 49.12.161 and 49.12.170; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 6311 by Senators Prentice and Pelz (by request of Department of Labor and Industries)

AN ACT Relating to adjusting permanent partial disability payments using the state average wage; and amending RCW 51.32.080.

Referred to Committee on Labor and Commerce.

SB 6312 by Senators Fraser and Moore (by request of Department of Labor and Industries)

AN ACT Relating to conforming burden of proof for criminal sanctions provisions in the Washington industrial safety and health act; and amending RCW 49.17.190(3).

Referred to Committee on Labor and Commerce.

SB 6313 by Senator Prentice (by request of Department of Labor and Industries)

AN ACT Relating to asbestos certification appeals; and amending RCW 49.26.110.

Referred to Committee on Labor and Commerce.

SB 6314 by Senators Vognild, Nelson, Skratek and Winsley

AN ACT Relating to railroad employee health and sanitation; and amending RCW 81.40.095.

Referred to Committee on Transportation.

SB 6315 by Senators Moore, Amondson, Ludwig, A. Smith and Winsley (by request of Department of Labor and Industries)

AN ACT Relating to clarifications in the organizational structure of the department of labor and industries specific to current departmental functions and responsibilities; amending RCW 15.24.086, 43.22.010, 43.22.020, 43.22.030, 43.22.040, 43.22.050, 43.22.053, 43.22.200, 43.22.210, 43.22.260, 43.22.270, 43.78.150, 49.12.005, 49.12.041, 49.12.050, 49.12.091, 49.12.101, 49.12.105, 49.12.110, 49.12.140, 49.12.170, 49.12.180, 49.24.070, 51.04.020, 51.16.105, 70.79.120, and 70.87.030; reenacting and amending RCW 51.04.030; and repealing RCW 49.12.035, 49.12.125, and 49.12.161.

Referred to Committee on Labor and Commerce.

SB 6316 by Senators Haugen, A. Smith, Oke, M. Rasmussen, Loveland, Winsley and Ludwig

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

Referred to Committee on Government Operations.

SB 6317 by Senators Haugen, Oke, Owen, Bauer, Winsley and M. Rasmussen

AN ACT Relating to procedures for fees for governmental services; adding a new section to chapter 34.05 RCW; and adding a new section to chapter 19.85 RCW.

Referred to Committee on Government Operations.

SB 6318 by Senators Hargrove, Skratek, Owen, Erwin, Vognild, Sellar, Nelson, Newhouse, McDonald, Roach and Hochstatter

AN ACT Relating to child support; and amending RCW 26.19.001, 26.19.071, 26.19.075, and 26.09.100.

Referred to Committee on Law and Justice.

SB 6319 by Senators Moore, Prentice and Prince

AN ACT Relating to insurance; amending RCW 48.30.320; and adding a new chapter to Title 48 RCW.

Referred to Committee on Labor and Commerce.

SB 6320 by Senators Moore, Newhouse, Winsley and Spanel (by request of Joint Committee on Pension Policy)

AN ACT Relating to postretirement adjustments to retirement allowances; amending RCW 41.32.010, 41.32.575, 41.40.010, and 41.40.325; reenacting and amending RCW 43.88.030; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6321 by Senators Bluechel, Skratek, Cantu, Sheldon, Williams, Erwin, M. Rasmussen, Snyder, Winsley and Oke

AN ACT Relating to networks for assisting businesses; amending RCW 43.330.010 and 43.330.060; adding new sections to chapter 43.330 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 6322 by Senators Skratek, Bluechel, Sheldon, Williams, M. Rasmussen, Snyder and Winsley

AN ACT Relating to industrial and commercial development; amending RCW 43.163.010, 43.163.070, and 43.163.120; adding a new section to chapter 43.163 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 6323 by Senators Bluechel and Moore

AN ACT Relating to exempting photography studios from cosmetology licensing requirements; amending RCW 18.16.080; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6324 by Senators Moore, Anderson, Amondson, Newhouse, Prince and Winsley

AN ACT Relating to regulatory reform; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Labor and Commerce.

SB 6325 by Senators Fraser and Hargrove

AN ACT Relating to child support; amending RCW 26.19.071 and 26.19.075; reenacting and amending RCW 7.06.020; and adding a new section to chapter 26.19 RCW.

Referred to Committee on Law and Justice.

SB 6326 by Senators Fraser, A. Smith and Franklin

AN ACT Relating to release of offenders; amending RCW 9.94A.150, 9.92.151, 9.95.110, and 70.48.210; reenacting and amending RCW 9.94A.120; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law and Justice.

SB 6327 by Senators Prentice, Fraser and Sutherland

AN ACT Relating to the development of integrated pesticide management programs; amending RCW 70.104.010, 70.104.020, 70.104.030, 70.104.060, and 70.104.090; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 27.12 RCW; and adding a new section to chapter 70.104 RCW.

Referred to Committee on Agriculture.

SB 6328 by Senators Fraser, Prentice and Sutherland

AN ACT Relating to the development of integrated pesticide management programs; amending RCW 70.104.010, 70.104.020, 70.104.030, 70.104.060, and 70.104.090; and adding new sections to chapter 70.104 RCW.

Referred to Committee on Agriculture.

SB 6329 by Senators West, Snyder, Moore and Sellar

AN ACT Relating to avoiding the appearance of favoritism in the state's selection of service providers or underwriters; reenacting and amending RCW 42.17.2401; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.33 RCW; adding a new section to chapter 43.33A RCW; adding a new section to chapter 39.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Government Operations.

SB 6330 by Senators Owen, Erwin and Hargrove

AN ACT Relating to parenting; amending RCW 26.09.002, 26.09.004, 26.09.184, 26.09.187, 26.09.194, 26.09.197, 26.09.255, 26.09.260, 26.09.285, and 26.26.160; reenacting and amending RCW 26.09.191 and 26.26.130; adding new sections to chapter 26.09 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6331 by Senators Snyder, Haugen, Gaspard, Winsley, Erwin, Franklin, Moore, Wojahn, M. Rasmussen, Loveland, West, Spanel and Ludwig (by request of State Treasurer)

AN ACT Relating to municipal bond dealers; adding a new section to chapter 43.33 RCW; and prescribing penalties.

Referred to Committee on Government Operations.

SB 6332 by Senators Bauer, West, Sutherland, Drew and Snyder

AN ACT Relating to credit equivalencies for credits earned at institutions of higher education; amending RCW 28A.305.220; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6333 by Senators Skratek, Gaspard, Quigley, Sheldon, Vognild, M. Rasmussen, McAuliffe, Wojahn, Drew, Snyder and Winsley

AN ACT Relating to economic development; creating new sections; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 6334 by Senators Snyder, Wojahn, Spanel, Rinehart, Drew, Williams, Franklin, McAuliffe, Skratek, Ludwig, Loveland, M. Rasmussen, Pelz and Gaspard

AN ACT Relating to campaign contribution limitations; and amending RCW 42.17.640.

Referred to Committee on Law and Justice.

SB 6335 by Senators Snyder, Owen, Oke, Haugen, Erwin, Hargrove, Drew, Bauer, M. Rasmussen, Sutherland and Pelz

AN ACT Relating to operation of state-owned salmon hatcheries by nonprofit corporations, municipal corporations, and treaty Indian tribes; and adding new sections to chapter 75.50 RCW.

Referred to Committee on Natural Resources.

SB 6336 by Senators Snyder, Owen, Oke, Haugen, Erwin, Hargrove, Loveland, M. Rasmussen, Bauer and Sutherland

AN ACT Relating to fish and wildlife commission members; amending RCW 77.04.030; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6337 by Senator Snyder

AN ACT Relating to food fish; adding new sections to chapter 75.10 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6338 by Senators A. Smith, Morton and Oke

AN ACT Relating to liens; amending RCW 60.68.015; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Law and Justice.

SB 6339 by Senators Sheldon, Amondson, Moore, Morton, Snyder, Gaspard, Skratek, Loveland, Quigley, Fraser, Drew, Hargrove, McAuliffe, Franklin, Haugen, Williams, Spanel, M. Rasmussen, Pelz, A. Smith, Wojahn, Winsley and Ludwig

AN ACT Relating to facilitating growth management planning and decisions, integration with related environmental laws, and improving procedures for cleanup of hazardous waste sites; amending RCW 36.70A.270, 36.70A.290, 36.70A.300, 36.70A.030, 58.17.330, 35A.63.170, 43.21C.075, 35.63.130, 36.70.970, 70.105D.020, 70.105D.030, 70.105D.050, and 70.105D.060; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70.105D RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 34.12 RCW; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6340 by Senator Sellar

AN ACT Relating to local health department governance; amending RCW 43.72.915; repealing RCW 70.05.035; and repealing 1993 c 492 ss 234, 235, 236, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256 (uncodified), 257 (uncodified), and 258 (uncodified).

Referred to Committee on Health and Human Services.

SB 6341 by Senators West, Bauer, Winsley and M. Rasmussen

AN ACT Relating to the future teachers conditional scholarship program; amending RCW 28B.102.020 and 28B.102.060; and repealing RCW 28B.102.900.

Referred to Committee on Higher Education.

SB 6342 by Senator Nelson

AN ACT Relating to aquatic lands; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources.

SB 6343 by Senators Nelson and Oke

AN ACT Relating to sex offenses; amending RCW 9.92.151, 9.94A.150, 9.95.110, and 70.48.210; and reenacting and amending RCW 9.94A.030.

Referred to Committee on Law and Justice.

SB 6344 by Senators Snyder, Bluechel, Franklin, Spanel, Owen, Pelz, Hochstatter, Deccio, McAuliffe, Quigley, Hargrove, Sheldon, Sellar, McDonald, Winsley, Moyer and M. Rasmussen (by request of Governor Lowry)

AN ACT Relating to tax deferrals for investment projects in distressed areas; amending RCW 82.60.020, 82.60.030, 82.60.065, and 82.60.050; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6345 by Senators Skratek, Sellar, Haugen, Franklin, Bluechel, Deccio, Winsley, Moyer, Sheldon, Moore, Drew, Spanel, McAuliffe, McDonald, A. Smith, Oke and Snyder (by request of Governor Lowry)

AN ACT Relating to expediting the implementation of the merger of the departments of community development and trade and economic development; amending RCW 43.330.902; amending 1993 c 280 s 8 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 6346 by Senators Owen, Oke, Spanel, Drew, Sheldon, Deccio, Winsley, Skratek, Moore, Haugen, Hargrove, Franklin, McAuliffe, A. Smith, Sellar, McDonald, Moyer and Snyder (by request of Governor Lowry)

AN ACT Relating to expediting the implementation of the merger of the departments of fisheries and wildlife into the department of fish and wildlife; amending RCW 43.300.900; amending 1993 sp.s. c 2 s 7 (uncodified); amending 1993 sp.s. c 2 s 79 (uncodified); repealing RCW 75.54.006; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 6347 by Senators Skratek, Sellar, Gaspard, Owen, Bluechel, Pelz, Winsley, McAuliffe, Quigley, Ludwig, A. Smith, Deccio, Moyer and M. Rasmussen (by request of Governor Lowry)

AN ACT Relating to the taxation of high-technology businesses; providing business and occupation tax credits for qualifying research and development expenditures; providing tax deferrals for research and development and pilot scale manufacturing facilities; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 6348 by Senators Quigley, Winsley, Skratek, Drew, Owen, Sheldon, Spanel, Wojahn, Haugen, Franklin, McAuliffe, Ludwig, A. Smith and Snyder (by request of Governor Lowry)

AN ACT Relating to the restructuring of boards, committees, commissions, and councils; amending RCW 18.25.005, 18.25.006, 18.25.019, 18.25.020, 18.25.025, 18.25.030, 18.25.035, 18.25.040, 18.25.070, 18.25.075, 18.25.180, 18.25.190, 18.32.010, 18.32.030, 18.32.040, 18.32.050, 18.32.100, 18.32.120, 18.32.160, 18.32.180, 18.32.190, 18.32.195, 18.32.215, 18.32.534, 18.32.640, 18.32.655, 18.32.665, 18.32.745, 18.32.755, 18.71.010, 18.71.017, 18.71.019, 18.71.050, 18.71.051, 18.71.055, 18.71.060, 18.71.070, 18.71.085, 18.71.090, 18.71.095, 18.71.205, 18.71.230, 18.71A.010, 18.71A.020, 18.71A.030, 18.71A.040, 18.71A.045, 18.71A.050, 18.71A.060, 18.71A.085, 18.72.155, 18.72.165, 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340, 18.72.345, 18.19.070, 18.06.080, 18.84.020, 18.84.040, 18.84.070, 18.84.090, 18.84.110, 18.89.020, 18.89.050, 18.89.080, 18.135.030, 18.138.070, 18.130.010, 18.130.020, 18.130.040, 18.130.300, 4.24.260, 4.24.290, 5.62.010, 18.32.030, 18.50.032, 18.50.040, 18.50.140, 18.50.115, 18.88A.020, 18.88A.030, 18.88A.060, 18.88A.080, 18.88A.085, 18.88A.090, 18.88A.130, 18.89.040, 18.100.140, 18.120.020, 18.135.020, 28A.210.260, 28A.210.280, 28A.210.290, 28C.10.030, 35.21.692, 35A.82.025, 36.32.122, 41.05.075, 41.05.180, 42.17.316, 43.70.220, 48.20.393, 48.20.411, 48.21.141, 48.21.225, 48.44.026, 48.44.290, 48.44.325, 48.46.275, 50.04.223, 69.41.030, 69.45.010, 69.50.101, 69.50.402, 70.02.030, 70.41.200, 70.41.210, 70.41.230, 70.127.250, 70.180.030, 71.24.025, 74.09.290, 74.42.010, 74.42.230, 74.42.240, 74.42.380, 74.46.020, 41.04.395, 43.19.558, 43.19.554, 70.148.030, 70.175.030, 78.52.010, 78.52.025, 78.52.030,

78.52.031, 78.52.032, 78.52.033, 78.52.035, 78.52.037, 78.52.040, 78.52.050, 78.52.070, 78.52.100, 78.52.120, 78.52.125, 78.52.140, 78.52.150, 78.52.155, 78.52.200, 78.52.205, 78.52.210, 78.52.220, 78.52.230, 78.52.240, 78.52.245, 78.52.250, 78.52.257, 78.52.260, 78.52.270, 78.52.280, 78.52.290, 78.52.300, 78.52.310, 78.52.320, 78.52.330, 78.52.335, 78.52.365, 78.52.460, 78.52.463, 78.52.467, 78.52.470, 78.52.480, 78.52.490, 78.52.530, 78.52.540, 90.48.366, and 90.54.190; reenacting and amending RCW 18.71.015, 18.71.030, 18.71.080, 18.71.030, 18.88A.100, 69.41.010, 71.05.210, and 75.30.050; adding new sections to chapter 18.25 RCW; adding new sections to chapter 18.32 RCW; adding new sections to chapter 18.71 RCW; adding a new section to chapter 75.30 RCW; adding new sections to chapter 88.46 RCW; creating new sections; adding new chapters to Title 18 RCW; recodifying RCW 18.25.130, 18.25.140, 18.25.150, 18.25.160, 18.25.170, 18.72.155, 18.72.165, 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340, 18.72.345, 18.72.010, and 18.72.321; repealing RCW 18.22.005, 18.22.010, 18.22.013, 18.22.014, 18.22.015, 18.22.018, 18.22.021, 18.22.025, 18.22.035, 18.22.040, 18.22.045, 18.22.060, 18.22.082, 18.22.083, 18.22.110, 18.22.120, 18.22.125, 18.22.191, 18.22.210, 18.22.220, 18.22.230, 18.22.900, 18.22.910, 18.22.911, 18.22.950, 18.36.035, 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.060, 18.36A.070, 18.36A.080, 18.36A.090, 18.36A.100, 18.36A.110, 18.36A.120, 18.36A.130, 18.36A.140, 18.36A.900, 18.36A.901, 18.57.001, 18.57.003, 18.57.005, 18.57.011, 18.57.020, 18.57.031, 18.57.035, 18.57.040, 18.57.045, 18.57.050, 18.57.080, 18.57.130, 18.57.140, 18.57.145, 18.57.150, 18.57.160, 18.57.174, 18.57.245, 18.57.900, 18.57.910, 18.57.915, 18.57A.010, 18.57A.020, 18.57A.025, 18.57A.030, 18.57A.040, 18.57A.050, 18.57A.060, 18.57A.070, 18.25.015, 18.25.016, 18.25.017, 18.25.120, 18.26.010, 18.26.020, 18.26.028, 18.26.030, 18.26.040, 18.26.050, 18.26.060, 18.26.070, 18.26.080, 18.26.090, 18.26.110, 18.26.320, 18.26.330, 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.380, 18.26.390, 18.26.900, 18.32.035, 18.32.037, 18.32.042, 18.32.500, 18.32.510, 18.32.520, 18.32.560, 18.32.570, 18.32.580, 18.32.590, 18.32.600, 18.32.610, 18.32.620, 18.34.010, 18.34.020, 18.34.030, 18.34.050, 18.34.060, 18.34.070, 18.34.080, 18.34.110, 18.34.115, 18.34.120, 18.34.136, 18.34.141, 18.34.900, 18.53.005, 18.53.010, 18.53.021, 18.53.030, 18.53.035, 18.53.040, 18.53.050, 18.53.055, 18.53.060, 18.53.070, 18.53.100, 18.53.101, 18.53.140, 18.53.145, 18.53.150, 18.53.160, 18.53.165, 18.53.170, 18.53.175, 18.53.180, 18.53.185, 18.53.190, 18.53.200, 18.53.900, 18.53.901, 18.53.910, 18.53.911, 18.53.912, 18.53.920, 18.54.010, 18.54.020, 18.54.030, 18.54.040, 18.54.050, 18.54.060, 18.54.070, 18.54.076, 18.54.090, 18.54.130, 18.54.140, 18.54.150, 18.54.900, 18.54.910, 18.54.920, 18.72.020, 18.72.045, 18.72.090, 18.72.100, 18.72.110, 18.72.120, 18.72.130, 18.72.150, 18.72.154, 18.72.190, 18.72.380, 18.72.390, 18.72.400, 18.72.900, 18.72.910, 18.78.005, 18.78.010, 18.78.020, 18.78.030, 18.78.040, 18.78.050, 18.78.054, 18.78.055, 18.78.058, 18.78.060, 18.78.070, 18.78.072, 18.78.080, 18.78.090, 18.78.100, 18.78.160, 18.78.182, 18.78.225, 18.78.900, 18.78.901, 18.88.010, 18.88.020, 18.88.030, 18.88.050, 18.88.060, 18.88.070, 18.88.080, 18.88.086, 18.88.090, 18.88.100, 18.88.110, 18.88.120, 18.88.130, 18.88.140, 1

Referred to Committee on Government Operations.

SB 6349 by Senators Quigley, West, Snyder and Pelz

AN ACT Relating to abolishing the office of the state treasurer; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations.

SJM 8029 by Senators Morton, A. Smith, Hochstatter, Prince, McDonald, Oke, Bluechel, L. Smith, Sellar, McCaslin, Moyer, Winsley, Decchio, West and Roach

Petitioning Congress to allow states to require a notice requirement before imposing a federal lien on real property.

Referred to Committee on Law and Justice.

SJR 8222 by Senators Quigley, West, Anderson, Bauer, A. Smith, Vognild, Snyder, Loveland, Talmadge and Ludwig

Abolishing the office of the superintendent of public instruction.

Referred to Committee on Government Operations.

SJR 8223 by Senators Quigley, Pelz, Snyder, Loveland and Talmadge

Amending the Constitution to abolish the secretary of state.

Referred to Committee on Government Operations.

SJR 8224 by Senators Quigley, West, Pelz, Snyder and Talmadge

Amending the Constitution to eliminate the state treasurer.

Referred to Committee on Government Operations.

SJR 8225 by Senators Quigley, Vognild, Snyder, Loveland, Pelz, Talmadge and Ludwig

Amending the Constitution to eliminate the position of commissioner of public lands.

Referred to Committee on Government Operations.

MOTIONS

On motion of Senator Spanel, the Committee on Labor and Commerce was relieved of further consideration of Senate Bill No. 6165.

On motion of Senator Spanel, Senate Bill No. 6165 was referred to the Committee on Trade, Technology and Economic Development.

MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Thursday, January 20, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 19, 1994

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

ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 20, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Moore and Sellar. On motion of Senator Oke, Senator Sellar was excused. On motion of Senator Drew, Senator Moore was excused.

The Sergeant at Arms Color Guard consisting of Pages Justin Pritchard and Jeanine Reedy, presented the Colors. Reverend Joseph S. Kalama of the Red Road Ministry and Chaplain for Native Americans for the Department of Corrections, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 1994

SB 5180 Prime Sponsor, Senator Vognild: Revising provisions relating to the legislative transportation committee. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, M. Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 19, 1994

SB 5348 Prime Sponsor, Senator A. Smith: Authorizing disclosure of tax information to peace officers and prosecuting attorneys. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 19, 1994

SB 6003 Prime Sponsor, Senator A. Smith: Protecting children from sexually explicit films, publications, and devices. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 19, 1994

SB 6027 Prime Sponsor, Senator Winsley: Creating urban emergency medical service districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

January 19, 1994
SB 6030 Prime Sponsor, Senator Haugen: Reenacting bidding procedures for water and sewer districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1994
SB 6054 Prime Sponsor, Senator Loveland: Concerning the Washington state patrol's dental identification system. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, M. Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 19, 1994
SB 6060 Prime Sponsor, Senator Owen: Correcting a double amendment related to commercial salmon fishing licenses and delivery licenses. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

January 18, 1994
SB 6064 Prime Sponsor, Senator Vognild: Removing the requirement of an emission inspection upon change of vehicle registration. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, M. Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1994
SB 6100 Prime Sponsor, Senator M. Rasmussen: Modifying the Washington pesticide application act. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

January 19, 1994
SJM 8013 Prime Sponsor, Senator Winsley: Petitioning the president on behalf of disabled veterans. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 19, 1994
GA 9382 RONALD C. CLAUDON, reappointed October 12, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Green River Community College District No. 10.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9383 FREDERICA DENTON, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9384 ROLAND DEWHURST, reappointed October 28, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Bates Technical College District No. 28.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9386 PATRICK F. DONOHUE, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9387 BETTY EAGER, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9388 MYRNA J. EMERICK, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9390 MURRAY HASKELL, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9391 JANET KOVATCH, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Clover Park Technical College District No. 29.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 19, 1994

GA 9393 ALICIA NAKATA, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 17, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe C. Jones, reappointed January 17, 1994, for a term ending December 31, 1996, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 17, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donna M. Mason, reappointed January 17, 1994, for a term ending December 31, 1996, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

MESSAGE FROM THE HOUSE

January 19, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1005,
HOUSE BILL NO. 1029,
HOUSE BILL NO. 1133,
SUBSTITUTE HOUSE BILL NO. 1159,
HOUSE BILL NO. 1295,
SUBSTITUTE HOUSE BILL NO. 1375,
HOUSE BILL NO. 1930, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6350 by Senator L. Smith

AN ACT Relating to regulation of the sale of farm equipment; and amending RCW 19.98.010, 19.98.110, and 19.98.130.

Referred to Committee on Agriculture.

SB 6351 by Senator Owen

AN ACT Relating to leasehold excise taxes; amending RCW 82.29A.060 and 82.29A.120; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6352 by Senators Snyder, Oke, Owen, Haugen, Bauer and Winsley

AN ACT Relating to the state building code; amending RCW 19.27.015 and 19.27.040; reenacting and amending RCW 19.27.060; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6353 by Senators Williams, Bluechel, Sheldon and Pelz

AN ACT Relating to disclosure of information in local government economic development programs; reenacting and amending RCW 42.17.310; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6354 by Senators L. Smith and Hochstatter

AN ACT Relating to the department of education; amending RCW 28A.300.040, 28A.300.060, 28A.300.070, 28A.505.020, 28A.505.090, 28A.505.100, 28A.505.110, 28A.505.120, 28A.505.130, 28A.505.140, 28A.505.170, 28A.505.180, 28A.505.200, 28A.510.250, 28A.510.260, and 84.52.0531; reenacting and amending RCW 43.17.010 and 43.17.020; adding a new section to chapter 41.06 RCW; adding a new section to chapter 28A.150 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 28A.300.010, 28A.300.020, and 28A.300.030; making an appropriation; and providing contingent effective dates.

Referred to Committee on Government Operations.

SB 6355 by Senator L. Smith

AN ACT Relating to expenditure limitations for local governments; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

ESB 6356 by Senator Quigley

AN ACT Relating to cigarette machine locations; and amending RCW 70.155.030.

Referred to Committee on Health and Human Services.

SB 6357 by Senator Quigley

AN ACT Relating to the creation of the liquor control agency; amending RCW 66.04.010, 66.08.020, 66.08.030, 66.08.150, 10.93.020, 19.02.050, and 43.82.010; reenacting and amending RCW 43.17.010, 43.17.020, and 42.17.2401; adding new sections to chapter 66.08 RCW; creating new sections; repealing RCW 66.08.012, 66.08.014, 66.08.016, and 66.08.050; and providing an effective date.

Referred to Committee on Government Operations.

SB 6358 by Senators Vognild, Newhouse, Prentice, Fraser, Morton, Winsley and McAuliffe

AN ACT Relating to check fraud; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 6359 by Senators Erwin, Moore, Snyder, Winsley and McAuliffe

AN ACT Relating to allowing raffles that benefit bona fide charitable or nonprofit organizations; and amending RCW 9.46.0277, 9.46.0315, and 9.46.070.

Referred to Committee on Labor and Commerce.

SB 6360 by Senators Vognild, Nelson, Drew, Sellar, Sheldon, Oke, Hargrove, Skratek, Haugen, Loveland, Franklin, A. Smith, Wojahn, Sutherland, Prentice, Snyder, Bauer, McDonald, Prince, Bluechel, Morton, Cantu, Moyer, L. Smith, Winsley, Hochstatter, Anderson, West, M. Rasmussen, Newhouse, Owen and Fraser

AN ACT Relating to transferring moneys in funds related to transportation; amending RCW 82.44.110 and 82.44.150; reenacting and amending RCW 82.44.110; adding a new section to chapter 43.84 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6361 by Senators Moore, Bauer and Wojahn

AN ACT Relating to labor relations in institutions of higher education; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6362 by Senators Bauer, Prince, Winsley and Drew (by request of Office of Financial Management)

AN ACT Relating to operational flexibility of institutions of higher education; and amending RCW 28B.50.330, 28B.10.350, and 43.88.150.

Referred to Committee on Higher Education.

SB 6363 by Senator Vognild (by request of Transportation Improvement Board)

AN ACT Relating to transportation improvement funding procedures; amending RCW 35.77.010, 36.81.121, 46.68.090, 46.68.095, 46.68.100, 47.26.040, 47.26.080, 47.26.084, 47.26.090, 47.26.121, 47.26.140, 47.26.160, 47.26.170, 47.26.185, 47.26.190, 47.26.260, 47.26.270, 47.26.305, 47.26.425, 47.26.4252, 47.26.4254, 47.26.440, 47.26.450, 47.26.460, 47.26.500, 47.26.505, and 82.36.025; adding new sections to chapter 47.26 RCW; and repealing RCW 47.26.042, 47.26.043, 47.26.180, 47.26.220, 47.26.230, 47.26.240, 47.26.265, 47.26.310, 47.26.315, and 47.26.430.

Referred to Committee on Transportation.

SB 6364 by Senator West

AN ACT Relating to valuation of vehicles for excise tax; amending RCW 82.44.041; and providing an effective date.

Referred to Committee on Transportation.

SB 6365 by Senators Prentice, Erwin, Snyder, McAuliffe, Niemi, Oke, McDonald, Winsley and Fraser

AN ACT Relating to regulating speech-language and hearing service; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 6366 by Senator L. Smith

AN ACT Relating to child support; and amending RCW 26.18.090.

Referred to Committee on Law and Justice.

SB 6367 by Senators Moore and Newhouse

AN ACT Relating to activities of microbreweries; and amending RCW 66.28.010 and 66.28.070.

Referred to Committee on Labor and Commerce.

SB 6368 by Senators Haugen and Winsley

AN ACT Relating to filing declarations and withdrawals of candidacy; amending RCW 29.15.020, 29.15.120, 29.15.160, 29.15.200, and 29.27.020; and repealing RCW 29.18.150

Referred to Committee on Government Operations.

SB 6369 by Senators Prentice and Amondson

AN ACT Relating to information provided by banks for customers' examination; amending RCW 62A.4-406; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6370 by Senators Prentice, Haugen, Erwin, Anderson, Nelson, Winsley, Fraser, Vognild, Owen, Sheldon, Bauer, Hochstatter, Prince, Loveland, Franklin and M. Rasmussen

AN ACT Relating to taxation of massage services; amending RCW 82.04.050; adding a new section to chapter 18.108 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6371 by Senators Bauer, Prince, Sheldon, Winsley and Drew

AN ACT Relating to degree-granting authority; amending RCW 28B.85.020 and 28B.85.040; and adding a new section to chapter 28B.85 RCW.

Referred to Committee on Higher Education.

SB 6372 by Senators A. Smith, Nelson, Oke, M. Rasmussen and Haugen

AN ACT Relating to liability for cleanup and repair of damaged lodging or accommodation premises; and amending RCW 4.24.230.

Referred to Committee on Law and Justice.

SB 6373 by Senators A. Smith, Nelson, Oke and Haugen

AN ACT Relating to smoking in hotels, motels, and other lodging establishments; amending RCW 4.24.230; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6374 by Senators Sutherland, Vognild and Winsley

AN ACT Relating to the clarification of employee transfer rights for fire fighters; and amending RCW 35.10.365, 35.10.520, 35.13.225, 52.04.121, and 52.06.120.

Referred to Committee on Labor and Commerce.

SB 6375 by Senators Haugen, Winsley, M. Rasmussen and Oke

AN ACT Relating to waiver of the one hundred six percent property tax limitation by counties for a veteran's assistance levy; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Ways and Means.

SB 6376 by Senator Moore

AN ACT Relating to expenditures of earnings on investments; amending RCW 43.84.160; and providing a retroactive effective date.

Referred to Committee on Labor and Commerce.

SB 6377 by Senator Moore

AN ACT Relating to compensation of insurance brokers; and amending RCW 48.17.270, 48.18.180, 48.30.140, and 48.30.170.

Referred to Committee on Labor and Commerce.

SB 6378 by Senators Newhouse, Vognild, Prentice, Deccio, Amondson and Winsley

AN ACT Relating to unemployment insurance administrative costs for reimbursable employers; and adding a new section to chapter 50.44 RCW.

Referred to Committee on Labor and Commerce.

SB 6379 by Senators Newhouse, Vognild, Prentice, Deccio, Amondson and Winsley

AN ACT Relating to unemployment insurance experience rating; amending RCW 50.16.094, 50.22.090, 50.29.020, 50.29.025, and 50.29.025; reenacting and amending RCW 50.29.025; providing effective dates; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6380 by Senators Vognild and McAuliffe

AN ACT Relating to defining the responsibilities and liabilities of skating center operators and persons who use skating centers; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health and Human Services.

SB 6381 by Senators Owen, Fraser, Amondson, Franklin, Roach, M. Rasmussen, Moyer and Winsley

AN ACT Relating to business and occupation tax on hospitals; amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 6382 by Senators Prentice, Amondson, Fraser and Winsley

AN ACT Relating to correcting multiple amendments related to public employees' collective bargaining; amending RCW 41.56.465; amending 1993 c 398 s 5 (uncodified); reenacting and amending RCW 41.56.030 and 41.56.460; creating a new section; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6383 by Senators M. Rasmussen, Bluechel, Skratek, Sheldon, Erwin, Anderson and Haugen

AN ACT Relating to a use tax exemption for custom designed and constructed equipment used in manufacturing; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6384 by Senators Drew and Roach

AN ACT Relating to boards of trustees for county hospitals; and amending RCW 36.62.110 and 36.62.120.

Referred to Committee on Government Operations.

SB 6385 by Senators Fraser, Talmadge, Moore, Winsley and Skratek

AN ACT Relating to the integration of environmental permits; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6386 by Senators Moore and Fraser (by request of Department of Ecology and Office of Marine Safety)

AN ACT Relating to oil spill response accounts; amending RCW 82.23B.020, 90.56.500, and 90.56.510; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6387 by Senators Owen, Morton, Oke, Sellar, Hargrove, M. Rasmussen and Haugen

AN ACT Relating to grizzly bear management; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 6388 by Senators Moore and Amondson

AN ACT Relating to cigarette vending machines; and amending RCW 70.155.030.

Referred to Committee on Health and Human Services.

SJR 8226 by Senators Cantu, Hochstatter, Winsley, West and Oke

Ratifying the 27th Amendment to the United States Constitution.

Referred to Committee on Government Operations.

SJR 8227 by Senators L. Smith, McDonald, Hochstatter and Anderson

Abolishing the office of the superintendent of public instruction.

Referred to Committee on Government Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1005 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Wood, Ogden, Schmidt, Dellwo, Miller, Sheldon, Basich, Mielke, Ludwig, Morris, J. Kohl, Wineberry, Anderson, Orr, Brumsickle, Kremen, H. Myers, Pruitt, Romero, Van Luven, Long, King, Springer, Dyer, Brown, Quall, Veloria, Chappell, Leonard, Edmondson, Sehlin, Rayburn, Flemming, Roland, Karahalios, Shin and Hansen)

Adding student members to the governing boards of institutions of higher education.

Referred to Committee on Higher Education.

HB 1029 by Representatives H. Myers, Vance and Flemming

Purchasing manufactured homes.

Referred to Committee on Labor and Commerce.

HB 1133 by Representatives Kremen, Ballasiotes, Ludwig, Long, Riley, H. Myers, Zellinsky, Schmidt, Padden, Fuhrman and Johanson

Allowing the assignment of claims for unlawful conversion of goods and unlawful leaving without paying.

Referred to Committee on Law and Justice.

SHB 1159 by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Ludwig, Scott, Campbell, Kremen, Rayburn and Johanson)

Disclosing improper governmental action.

Referred to Committee on Government Operations.

HB 1295 by Representatives Orr, Mielke, Heavey, Scott, Quall, Chappell, R. Meyers, R. Fisher, Zellinsky, Ludwig, R. Johnson, Wood, Grant, Riley, Mastin, Johanson, Locke, Flemming, Jacobsen, H. Myers, Romero, King, Morris, Forner, Leonard, Brown, Wang, Finkbeiner, Holm, Eide, Karahalios, G. Cole, Ogden, Jones, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, Cothorn, L. Johnson, J. Kohl, Voloria, Dunshee, Basich, Campbell, Kessler, Vance, Brough, Schmidt, Cooke and Brumsickle

Recodifying RCW 41.26.281.

Referred to Committee on Labor and Commerce.

SHB 1375 by House Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick, Padden, Heavey, Ballard, Ludwig, Vance, Forner, Wineberry, Jones, Roland, Horn, Casada, Sheahan, Long, Foreman, Rayburn, Brumsickle, Van Luven, Springer, Wood, Johanson, Miller, Schoesler, Reams and Silver)

Imposing liability for furnishing liquor to minors.

Referred to Committee on Law and Justice.

HB 1930 by Representatives Schmidt and Zellinsky

Restricting consideration of old traffic tickets.

Referred to Committee on Law and Justice.

MOTION

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

SENATE RESOLUTION 1994-8659

By Senators Wojahn, Gaspard, Snyder, Talmadge, Winsley, Franklin, Rasmussen, Oke and Pelz

WHEREAS, Education is crucial to the success of every child; and
WHEREAS, Some individuals have learning disabilities that prevent them from achieving their full potential; and
WHEREAS, The challenge to helping persons with learning disabilities is to find each person's individual path to learning;
and
WHEREAS, Keys can be found to unlock the door to education for individuals with learning disabilities; and
WHEREAS, Located in Tacoma, Washington, is an educational resource that has provided students of all ages with the map to find their learning paths; and
WHEREAS, This educational treasure is a not-for-profit educational clinic, Another Door to Learning, that helps students with learning disabilities find the key to unlock the door to life long learning and successful development; and
WHEREAS, Another Door to Learning was founded in 1980 by two Washington educators, Judy Schwarz and Carol Stockdale; and
WHEREAS, During the past fourteen years, research and development at the clinic have produced innovative teaching methods and materials that have resulted in academic success for individuals with learning disabilities; and
WHEREAS, Another Door to Learning has served as a resource for educators, sharing the skills and knowledge developed in the clinic to train educators in better methods of teaching students with learning disabilities; and
WHEREAS, The clinic also works with parents to help support the families of children with learning disabilities; and
WHEREAS, The work of the clinic has contributed to the life long success of former students who have left the clinic to attend college and trade schools and to become teachers, fire fighters, electricians, dentists, salespeople, accountants, janitors, attorneys, nurses, and farmers; and
WHEREAS, Educators from all over the country have come for training at Another Door to Learning and the resources of the clinic have been further spread throughout the nation through a recently published book by Judy Schwarz, entitled "Another Door To Learning: True Stories of Children and Adults and the Keys to their Success";
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That Judy Schwarz and Carol Stockdale and the staff of Another Door to Learning be honored for their dedication and talent in providing for the educational success of Washington's students and with sharing their research and methods with other educators both in the state of Washington and throughout this nation; and

BE IT FURTHER RESOLVED, That the members of the Senate enthusiastically endorse the work of Another Door to Learning and urge the dedicated staff of the clinic to continue to both educate students and train educators in unlocking the door to learning for students with learning disabilities; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Another Door to Learning, to the Superintendent of Public Instruction, the State Board of Education, and the Commission for Student Learning.

Senators Wojahn and McCaslin spoke to Senate Resolution 1994-8659.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Another Door to Learning educators Judy Schwarz and Carol Stockdale, as well as other educators with the program, who were seated in the gallery.

MOTION

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

SENATE RESOLUTION 1994-8660

By Senators Wojahn, Winsley, Franklin, Rasmussen and Oke

WHEREAS, The dedication and devotion of Betty Rushing Gutoski has brought the joy of roses and rose gardening to a generation of youngsters through the Junior Rose Club of Tacoma; and

WHEREAS, The Junior Rose Club of Tacoma was the first club of its kind in the nation when organized by her in March 1977; and

WHEREAS, Betty Rushing Gutoski and her husband, Walt, opened their home to provide a meeting place for the Junior Rose Club of Tacoma; and

WHEREAS, It took the selection of three people to replace Betty when she stepped down as Junior Rose club Counselor; and

WHEREAS, Betty Rushing Gutoski has also enjoyed success and respect as a horticulture instructor at Bates Technical Community College and a teacher of rose gardening classes for employees of Tacoma General Hospital; and

WHEREAS, She has been a mainstay of the Tacoma Rose Society for more than three decades and has served three times as president of the society; and

WHEREAS, Betty Rushing Gutoski was chosen Outstanding Consulting Rosarian for the Pacific Northwest District of the American Rose Society in 1986; and

WHEREAS, She has earned American Rose Society recognition as a Rose Judge and Arrangement Judge, as well as a consulting Rosarian. As a Consulting Rosarian, Betty helped design rose gardens at Tacoma General Hospital and the remodeled Pierce County Courthouse;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington congratulate Betty Rushing Gutoski on her many past accomplishments and wish her a rosy future.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Betty Rushing Gutoski.

MOTION

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

SENATE RESOLUTION 1994-8661

By Senator Roach

WHEREAS, Former Colonel Vo Dai Ton, aka Hoang Phong Linh (the Poet) is deserving of the highest praise and commendations for his valiant efforts to secure freedom for the Vietnamese people; and

WHEREAS, Born in 1936 in central Vietnam, Vo Dai Ton made the commitment to serve the South Vietnamese Army Special Forces; and

WHEREAS, Colonel Vo Dai Ton had an outstanding military career and received forty-three medals for his exceptional service; and

WHEREAS, Although he was sent to a re-education camp following the fall of South Vietnam, Vo Dai Ton escaped in 1976 and went to Sydney, Australia; and

WHEREAS, At great personal risk to himself, Vo Dai Ton returned to Vietnam in 1981 to assist in efforts to overthrow the communist regime; and

WHEREAS, The Vietnamese government captured Vo Dai Ton one year later, arrested him, subjected him to ten years of solitary confinement, fed him only two bowls of soup a day and tortured him ninety-six times; and

WHEREAS, On July 13, 1982, the Vietnamese government organized an international press conference and pressured Vo Dai Ton to read a statement prepared by Vietnamese authorities that he acted on behalf of the Central Intelligence Agency of the United States, but instead he declared his commitment to a free Vietnam; and

WHEREAS, In December 1991, Vietnam succumbed to pressure from the free world and released Vo Dai Ton; and
WHEREAS, Vo Dai Ton wrote many poems while in prison and, upon his release, published a renowned book of poetry entitled Despair Sounds of Birds Along the Champy Fall;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Vo Dai Ton for his courage and devotion to the cause of securing freedom and expresses gratitude to him and his family for their sacrifices; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Vo Dai Ton.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Colonel Vo Dai Ton and his wife Mai Vo who were seated on the rostrum.

MOTION

At 10:29 a.m., on motion of Senator Spanel, the Senate recessed until 11:30 a.m..

The Senate was called to order at 11:41 a.m. by President Pritchard.

MOTION

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

MOTION

On motion of Senator Oke, Senators Amondson, Erwin and McCaslin were excused.

SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9373, Bernadene Dochnahl, as Chair of the Washington Health Services Commission, was confirmed.

APPOINTMENT OF BERNADENE DOCHNAHL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogt, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Smith, L. - 1.

Absent: Senator Prince - 1.

Excused: Senators Amondson, Erwin, McCaslin, Moore and Sellar - 5.

MOTION

On motion of Senator Oke, Senators Prince and Roach were excused.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9378, Donald A. Brennan, as a member of the Washington Health Services Commission, was confirmed.

Senators Talmadge and Moyer spoke to the confirmation of Donald A. Brennan, as a member of the Washington Health Services Commission.

APPOINTMENT OF DONALD A. BRENNAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Amondson, Erwin, McCaslin, Moore, Prince, Roach and Sellar - 7.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9379, Tom L. Hilyard, as a member of the Washington Health Services Commission, was confirmed.

Senators Talmadge and Moyer spoke to the confirmation of Tom L. Hilyard, as a member of the Washington Health Services Commission.

APPOINTMENT OF TOM L. HILYARD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 40.

Absent: Senator Deccio - 1.

Excused: Senators Amondson, Erwin, McCaslin, Moore, Prince, Roach, Sellar and Vognild - 8.

MOTION

On motion of Senator Oke, Senator Deccio was excused.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9380, Dr. George W. Schneider, as a member of the Washington Health Services Commission, was confirmed.

Senators Talmadge and Moyer spoke to the confirmation of Dr. George W. Schneider, as a member of the Washington Health Services Commission.

APPOINTMENT OF DR. GEORGE W. SCHNEIDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Deccio, Erwin, McCaslin, Moore, Prince, Roach, Sellar and Vognild - 8.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9406, Pam MacEwan, as a member of the Washington Health Services Commission, was confirmed.

Senators Talmadge and Moyer spoke to the confirmation of Pam MacEwan, as a member of the Washington Health Services Commission.

APPOINTMENT OF PAM MacEWAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 2; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Smith, L. and West - 2.

Excused: Senators Amondson, Deccio, Erwin, McCaslin, Moore, Prince, Roach, Sellar and Vognild - 9.

MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Spanel, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6086 and Senate Bill No. 6344.

On motion of Senator Spanel, Senate Bill No. 6086 and Senate Bill No. 6344 were referred to the Committee on Trade, Technology and Economic Development.

MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Friday, January 21, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 20, 1994

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

TWELFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 21, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 19, 1994
ESSB 5372 Prime Sponsor, Senator Loveland: Changing multiple tax provisions. Reported by Committee on Government Operations

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5372 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

January 20, 1994
SB 6021 Prime Sponsor, Senator Haugen: Providing a procedure for consolidation or dissolution of emergency service communication districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

January 20, 1994
SB 6025 Prime Sponsor, Senator Winsley: Changing provisions relating to cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 20, 1994
SB 6029 Prime Sponsor, Senator Owen: Prescribing exemptions from energy standards for certain log built homes. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6029 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

January 20, 1994

SB 6095 Prime Sponsor, Senator Skratek: Revising provisions relating to international trade through Washington ports. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

January 19, 1994

SB 6125 Prime Sponsor, Senator Owen: Revising fees and procedures for recreational fish and hunting licenses. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6125 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Franklin, Oke, Sellar, Snyder and Spanel.

Referred to Committee on Ways and Means.

January 20, 1994

SB 6169 Prime Sponsor, Senator Sutherland: Changing the energy building code for glazing, doors, and skylights. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6169 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, Vogndild, West and Williams.

Passed to Committee on Rules for second reading.

January 20, 1994

SB 6220 Prime Sponsor, Senator Cantu: Creating the quality award council. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6389 by Senators Oke, Erwin, Nelson, McDonald, Winsley, Hochstatter, Schow and West

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050, 82.04.290, and 82.04.2201; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6390 by Senators Haugen, Oke and Snyder

AN ACT Relating to proposals to reinstate salmon and steelhead in the Tilton and Cowlitz rivers; repealing RCW 77.04.100; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6391 by Senators Haugen and Oke

AN ACT Relating to hunting postmature, trophy-quality animals; and repealing RCW 77.12.700.

Referred to Committee on Natural Resources.

SB 6392 by Senators Haugen and Oke

AN ACT Relating to long-term regional policy statements regarding salmon; and repealing RCW 75.50.020.

Referred to Committee on Natural Resources.

SB 6393 by Senators McAuliffe, Erwin, Prentice, M. Rasmussen and Oke

AN ACT Relating to prescription drug abuse; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.88 RCW; adding a new section to chapter 18.92 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 43.72 RCW; adding a new section to chapter 10.05 RCW; adding a new section to chapter 18.130 RCW; and creating new sections.

Referred to Committee on Health and Human Services.

SB 6394 by Senators Moore, Winsley, Spanel, Nelson and Bauer (by request of Joint Committee on Pension Policy)

AN ACT Relating to creating new retirement systems; amending RCW 41.40.005, 41.40.010, 41.40.045, 41.32.005, 41.32.010, 41.32.032, 41.26.005, 41.45.010, 41.45.020, 41.45.040, 41.45.050, 41.45.070, 41.50.075, 41.50.110, 43.43.040, 41.50.030, 41.50.050, 41.50.060, 41.54.010, 41.04.440, 41.04.445, and 41.04.450; reenacting and amending RCW 41.40.088 and 41.26.030; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.26 RCW; adding new sections to chapter 41.50 RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 43.33A RCW; adding a new chapter to Title 41 RCW; creating new sections; decodifying RCW

Referred to Committee on Ways and Means.

SB 6395 by Senators Skratek, Bluechel, Williams, Erwin, M. Rasmussen and Snyder (by request of Department of Trade and Economic Development)

AN ACT Relating to the Washington economic development finance authority; amending RCW 43.163.010; adding a new section to chapter 43.163 RCW; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 6396 by Senators Bauer, McCaslin, Owen, Snyder, Oke, Anderson and Vognild

AN ACT Relating to public agency lobbyists; amending RCW 42.17.160 and 42.17.190; and reenacting and amending RCW 43.88.030.

Referred to Committee on Law and Justice.

SB 6397 by Senators Moore and Nelson (by request of Department of Retirement Systems)

AN ACT Relating to retirement contributions and recovery of overpayments; amending RCW 41.50.130, 41.32.500, 41.32.510, and 41.40.280; adding new sections to chapter 41.50 RCW; adding a new section to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6398 by Senators Moore and Nelson (by request of Department of Retirement Systems)

AN ACT Relating to cross-referencing pension statutes; amending RCW 41.40.010, 41.32.010, and 41.32.470; adding a new section to chapter 41.26 RCW; creating a new section; and recodifying RCW 41.26.180.

Referred to Committee on Ways and Means.

SB 6399 by Senators McAuliffe and M. Rasmussen

AN ACT Relating to child care for school-age children; adding new sections to chapter 74.13 RCW; adding a new section to chapter 28A.335 RCW; and making appropriations.

Referred to Committee on Education.

SB 6400 by Senators Snyder and Owen

AN ACT Relating to authorizing the provision of pilotage services in the Grays Harbor pilotage district by port districts; amending RCW 88.16.005, 88.16.010, and 88.16.035; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Transportation.

SB 6401 by Senators Franklin, Winsley, Prentice, Rinehart, Pelz, Talmadge, Moore, Drew, Fraser, Moyer, Wojahn and Williams

AN ACT Relating to environmental equity; and creating new sections.

Referred to Committee on Ecology and Parks.

SB 6402 by Senators Loveland, Ludwig, Snyder, Newhouse, Franklin, Sheldon, Hargrove, Spanel, Cantu, M. Rasmussen, Prince, Wojahn, Prentice, Williams, Oke, Moyer, Bluechel, Sellar, Schow, Pelz, Morton, McAuliffe, Haugen, Hochstatter and Winsley

AN ACT Relating to the retired senior volunteer program; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6403 by Senator Ludwig (by request of Department of Licensing)

AN ACT Relating to court reporters; amending RCW 18.145.005, 18.145.010, 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.080, 18.145.090, 18.145.100, 18.145.120, 18.145.130, and 18.145.900; and repealing RCW 18.145.060, 18.145.070, and 18.145.110.

Referred to Committee on Labor and Commerce.

SB 6404 by Senators Wojahn, McAuliffe and Moyer (by request of Department of Social and Health Services)

AN ACT Relating to excluding medical assistance administration fee and reimbursement schedules from the administrative procedure act; and amending RCW 34.05.030.

Referred to Committee on Health and Human Services.

SB 6405 by Senator Talmadge (by request of Department of Health)

AN ACT Relating to transient accommodations licensing and inspections; amending RCW 70.62.200, 70.62.220, 70.62.240, 70.62.250, 70.62.260, and 70.62.270; repealing RCW 70.62.230 and 70.62.290; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 6406 by Senator Prentice

AN ACT Relating to public employees' collective bargaining; amending RCW 41.56.465; amending 1993 c 398 s 5 (uncodified); reenacting and amending RCW 41.56.030 and 41.56.460; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6407 by Senators Talmadge, Oke and Pelz

AN ACT Relating to health and safety; adding a new section to chapter 4.24 RCW; adding a new section to chapter 70.54 RCW; adding a new section to chapter 70.160 RCW; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 6408 by Senators Spanel, Owen, Prentice, Sheldon, Fraser and Hargrove

AN ACT Relating to including tribal authorities in mental health systems; and amending RCW 71.24.025 and 71.24.300.

Referred to Committee on Health and Human Services.

SB 6409 by Senator Hargrove

AN ACT Relating to actions for injury or death against third persons; and amending RCW 51.24.050.

Referred to Committee on Labor and Commerce.

SB 6410 by Senator Hargrove

AN ACT Relating to signature requirements for recalls; and amending RCW 29.82.060.

Referred to Committee on Government Operations.

SB 6411 by Senators Sutherland and Ludwig (by request of Utilities and Transportation Commission)

AN ACT Relating to the regulation by the utilities and transportation commission of securities issued by regulated utilities and transportation companies; amending RCW 80.08.040, 81.80.010, 80.08.100, 80.08.110, 80.08.120, 80.08.130, 81.08.040, 81.08.100, 81.08.110, 81.08.120, and 81.08.130; adding a new section to chapter 80.08 RCW; adding a new section to chapter 81.08 RCW; repealing RCW 80.08.045, 80.08.050, 80.08.060, 80.08.105, 81.08.010, 81.08.050, 81.08.060, and 81.08.105; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 6412 by Senators Sutherland, Ludwig, Hochstatter and Vognild

AN ACT Relating to 911 compatibility with private telecommunications systems and private shared telecommunications services; amending RCW 80.04.010 and 43.63A.320; adding new sections to chapter 80.36 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 38.52 RCW; adding a new section to chapter 43.22 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 6413 by Senators M. Rasmussen, Erwin, Snyder, Loveland, Oke, Anderson, Owen, Prince, Roach, McAuliffe, Moyer and Hargrove

AN ACT Relating to the health of domestic livestock and animals; and amending RCW 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060, 16.36.070, 16.36.080, and 16.36.100.

Referred to Committee on Agriculture.

SB 6414 by Senators Haugen, Oke and Winsley (by request of State Treasurer)

AN ACT Relating to campaign financing and public disclosure for the office of state treasurer; amending RCW 42.17.2401; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations.

SB 6415 by Senators Sheldon, Gaspard, Moyer, Loveland, McAuliffe, M. Rasmussen, Drew, Prentice, Quigley, Prince, Hargrove and Winsley

AN ACT Relating to student records; amending RCW 28A.635.060; and adding a new section to chapter 28A.225 RCW.

Referred to Committee on Education.

SB 6416 by Senators Skratek, Pelz, Winsley and McAuliffe

AN ACT Relating to legislator-teachers; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

SB 6417 by Senators Owen, Oke, Prentice, Vognild, Nelson, Haugen and Winsley

AN ACT Relating to requiring establishment of uniform county-wide wetlands policies; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 6418 by Senators West, Talmadge, Moyer, Erwin, Deccio, Winsley and Nelson

AN ACT Relating to immunizations; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health and Human Services.

SB 6419 by Senators Bluechel, Snyder, Sellar, Wojahn, Hochstatter, Williams, Cantu, Hargrove, McDonald, Owen, Roach, Ludwig, L. Smith, McAuliffe, Oke, Bauer, Deccio, Winsley, Prince, Moyer and McCaslin

AN ACT Relating to delinquent taxes; amending RCW 84.64.050; reenacting and amending RCW 84.56.020; and creating a new section.

Referred to Committee on Ways and Means.

SB 6420 by Senators Moyer, Hochstatter, Winsley, Sheldon, M. Rasmussen, McAuliffe, Deccio and Oke

AN ACT Relating to school graduation incentives for recipients of public assistance; and adding a new section to chapter 74.12 RCW.

Referred to Committee on Health and Human Services.

SB 6421 by Senators Moyer, Wojahn, Winsley, Pelz, Haugen, Loveland, Hochstatter, M. Rasmussen, Morton, Prentice, Prince, Sheldon, Quigley, Deccio, L. Smith, Bluechel, Sellar and Oke

AN ACT Relating to long-term care insurance; adding a new section to chapter 48.84 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 6422 by Senators Erwin, Talmadge, Winsley, Moyer, Wojahn, Hochstatter, Prentice, Nelson, Quigley, Deccio, Hargrove, Franklin, McAuliffe, Fraser, L. Smith, Williams, Roach, Pelz, Bluechel, Sellar, West, Oke, Bauer, Owen, Anderson, Sutherland, M. Rasmussen and Ludwig

AN ACT Relating to the definition of developmental disability; and amending RCW 71A.10.020.

Referred to Committee on Health and Human Services.

SB 6423 by Senators Prentice, Winsley, Vognild, Erwin, Bauer, Moore, Snyder, Hochstatter, Newhouse, Prince, Talmadge, Pelz, Franklin, Fraser and Sellar

AN ACT Relating to health insurance; adding a new section to chapter 41.04 RCW; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6424 by Senators Haugen, Winsley, Owen, Loveland, Oke, Snyder and Ludwig

AN ACT Relating to limiting impact fees imposed under chapter 82.02 RCW; adding a new section to chapter 36.70A RCW; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Government Operations.

SB 6425 by Senators Sutherland and Ludwig

AN ACT Relating to information and telecommunications policy; amending RCW 80.04.010, 80.36.430, 28A.530.010, 43.105.052, 19.27.078, and 43.63A.320; adding new sections to chapter 80.36 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 54.04 RCW; adding new sections to chapter 23.86 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 79.08 RCW; adding new sections to chapter 43.17 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28B.80 RCW; adding new sections to chapter 28B.50 RCW; adding a new section to chapter 28A.150 RCW; adding new sections to chapter 38.52 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 54.16 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SB 6426 by Senators Sutherland, Ludwig, Talmadge, Quigley, Vognild, Williams, Owen, McCaslin, Amondson, Hochstatter, West, Erwin, Bauer, Pelz, A. Smith, Hargrove, Skratek and Oke

AN ACT Relating to public electronic access to government information; amending RCW 43.105.041; adding a new section to chapter 43.17 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 27.04 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6427 by Senator Quigley

AN ACT Relating to health care employer mandates; amending RCW 70.47.020, 43.72.090, 43.72.120, 43.72.140, 43.72.220, 82.24.020, and 82.26.020; and providing for submission of this act to a vote of the people.

Referred to Committee on Health and Human Services.

SB 6428 by Senators M. Rasmussen, Newhouse, Fraser, Gaspard and Winsley

AN ACT Relating to water systems; amending RCW 57.04.050 and 43.70.195; reenacting and amending RCW 84.09.030; adding a new section to chapter 35.13A RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 57.24 RCW; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6429 by Senators Ludwig, M. Rasmussen, Newhouse, A. Smith, Loveland and McDonald

AN ACT Relating to increasing the business and occupation tax threshold amounts; amending RCW 82.32.030 and 70.95E.020; adding a new section to chapter 82.04 RCW; and repealing RCW 82.04.300.

Referred to Committee on Ways and Means.

SB 6430 by Senators Ludwig, Loveland, Bluechel, M. Rasmussen, Hargrove, Oke and Anderson

AN ACT Relating to agency rule making; amending RCW 34.05.310; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Labor and Commerce.

SB 6431 by Senator Moyer

AN ACT Relating to the home visitor program; amending RCW 43.121.015 and 43.121.070; adding new sections to chapter 43.121 RCW; creating new sections; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 6432 by Senators Quigley, Cantu, Snyder, Haugen, Oke and Ludwig (by request of Commission on Efficiency and Accountability in State Government)

AN ACT Relating to a pilot project within the department of corrections and the department of information services to reduce financial and operational barriers to efficient service delivery; amending RCW 39.04.220, 39.29.040, 41.04.340, 41.06.380, 43.01.090, 43.19.715, 43.19.720, 43.78.030, 43.78.100, 43.82.010, 43.88.150, 43.88.180, 43.105.041, 43.105.052,

and 72.09.100; reenacting and amending RCW 43.19.190, 43.88.030, 43.88.110, and 43.88.160; adding new sections to chapter 41.06 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways and Means.

SJM 8030 by Senators Oke, Owen, Hochstatter, Hargrove, Roach, Erwin, L. Smith, Spanel, Haugen and Snyder

Requesting a modification of the Marine Mammal Protection Act.

Referred to Committee on Natural Resources.

MOTION

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

SENATE RESOLUTION 1994-8663

By Senators Fraser and Franklin

WHEREAS, Cora Pinson devoted much of her time and energy to the people and the community of Olympia before she passed away on January 17, 1994; and

WHEREAS, She was the first African-American woman in the state of Washington to be elected to a city council; and

WHEREAS, Cora Pinson was a respected member of the Olympia City Council from 1987 to 1991 where her talent for bringing people and ideas together, and her concern for diversity greatly enriched the council and the entire local community; and

WHEREAS, She also enriched our state and our nation through her active involvement in the Association of Washington Cities, the National League of Cities, and the region's Department of Social and Health Services Advisory Committee; and

WHEREAS, Her leadership as a member of the Housing Authority of Thurston County, the Downtown Olympia Kiwanis Club, the Thurston County Economic Development Council, and the Greater Olympia Visitor and Convention Bureau, as well as her creation and production of a radio show focusing on cultural diversity, yielded even further contributions to the public good; and

WHEREAS, She founded the Thurston County Black Historical and Cultural Society and the Olympia Chapter of Blacks in Government, and was also a devoted member of the NAACP and the Olympia Urban League; and

WHEREAS, Her deep commitment to the South Sound's religious community, including her key leadership role in the founding and development of the New Life Baptist Church, inspired respect, admiration, and faith in others; and

WHEREAS, She will always be remembered for her zest and enthusiasm and the balance she maintained in her political life; and

WHEREAS, Her family, friends, and community will forever remember her as a gifted and powerful speaker; and

WHEREAS, She was a woman who blessed her community with a great sense of humor and a beautiful singing voice;

and

WHEREAS, She served as a mentor and role model to many youth in the Olympia, Lacey, and Tumwater area, instilling them with a sense of pride and self-esteem; and

WHEREAS, Her outstanding service as a state employee for the Washington State Employment Security Department further reflected her public service commitment; and

WHEREAS, Cora Pinson was a well-loved political activist who cared deeply about others and her community, and her presence will be greatly missed;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Cora Pinson for her life of outstanding public service in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Cora Pinson's brother, Curtis Buntyn and his wife, Linda; her daughter, Cheryl Andrews; and her mother, Josephine Alexander.

MOTION

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

SENATE RESOLUTION 1994-8664

By Senators Gaspard and Winsley

WHEREAS, Tacoma, Pierce County, and the state of Washington have been prematurely deprived of one of their most dedicated public servants with the death of Tacoma Mayor Jack Hyde; and

WHEREAS, Mayor Hyde served the public since 1965 in education, as a volunteer, and as an elected official; and

WHEREAS, Mayor Hyde inspired countless students in geology and oceanography careers as a teacher at Tacoma Community College; and

WHEREAS, Mayor Hyde served his community and state in his work revitalizing Tacoma and cleaning up Commencement Bay; and

WHEREAS, Mayor Hyde was a friend of working people throughout his public life and public service career; and

WHEREAS, Mayor Hyde was only able to serve for two weeks as Mayor of Tacoma following his November election;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its sympathy and condolences to the family of Mayor Jack Hyde of Tacoma; and
BE IT FURTHER RESOLVED, That the members of the Washington State Senate hereby pay tribute to Hyde's legacy of public service and his contribution to the public good; and
BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the members of Mayor Hyde's family.

Senators Gaspard and Winsley spoke to Senate Resolution 1994-8664.

MOTION

At 12:11 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Monday, January 24, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 21, 1994

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

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 24, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 21, 1994
SB 6013 Prime Sponsor, Senator Haugen: Changing provisions relating to fire protection services. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6013 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Referred to Committee on Ways and Means.

January 21, 1994
SB 6014 Prime Sponsor, Senator Haugen: Authorizing a state property tax levy for state fire protection services. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6014 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Referred to Committee on Ways and Means.

January 21, 1994
SB 6015 Prime Sponsor, Senator Haugen: Making laws relating to local government office vacancies more uniform. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6015 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 21, 1994
SB 6031 Prime Sponsor, Senator Haugen: Providing procedures for diking and drainage districts' levies and assessments of property. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6031 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 21, 1994

SB 6032 Prime Sponsor, Senator Winsley: Authorizing regulation of vegetation height on residential lots along shorelines. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6032 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

January 21, 1994

SB 6055 Prime Sponsor, Senator Loveland: Making the minimum salary for county coroners consistent with the salaries of other full time county officials. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

January 21, 1994

GA 9348 JEAN ANN BATCHELDER, appointed April 21, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Lake Washington Technical College District No. 26. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9352 J. F. TRUEBENBACH, appointed April 13, 1993, for a term ending August 30, 1996, as a member of the Board of Trustees for Clover Park Technical College District No. 29. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9356 TOBIAS W. WASHINGTON, JR., appointed April 17, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Shoreline Community College District No. 7. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9359 EDWARD Y. MAYEDA, appointed May 10, 1993, for a term ending August 30, 1994, as a member of the Board of Trustees for South Puget Sound Community College District No. 24. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9374 RONALD M. GOULD, appointed July 16, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9375 LARRY L. HANSON, appointed December 9, 1993, for a term ending June 30, 1997, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9381 ANN DALEY, appointed September 13, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9398 DAVID SHAW, appointed September 8, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley and Sheldon.

Passed to Committee on Rules.

January 21, 1994

GA 9401 JOHN L. BLEY, appointed October 4, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Financial Institutions.
Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild and Wojahn,

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
PESTICIDE MANAGEMENT DIVISION
P.O. BOX 42560
OLYMPIA, WASHINGTON 98504-2560

December, 1993

THE 1993 ANNUAL REPORT TO THE LEGISLATURE

REGULATION OF THE PESTICIDE, FERTILIZER AND ANIMAL FEED INDUSTRIES

IN WASHINGTON STATE

REPORT PREPARED AS REQUIRED BY 15.58.420 RCW

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 21, 1994

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1731,
HOUSE BILL NO. 1985, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6433 by Senators Pelz, Haugen, West, Bauer, Newhouse, Quigley, Loveland, Deccio, Talmadge, Williams, Winsley, Sheldon, Prentice, Rinehart, Snyder, Wojahn, Spanel, Moyer, Franklin and Prince

AN ACT Relating to ballot propositions; amending RCW 42.17.020; and creating a new section.

Referred to Committee on Law and Justice.

SB 6434 by Senators Skratek and Fraser

AN ACT Relating to the water supply; amending RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.070, 36.70A.110, and 36.70A.210; and adding a new section to chapter 43.62 RCW.

Referred to Committee on Ecology and Parks.

SB 6435 by Senators Anderson, Amondson, Owen, Newhouse, Oke and Winsley

AN ACT Relating to disqualification from industrial insurance compensation for worker's intoxication or controlled substance use; and amending RCW 51.32.020 and 51.32.110.

Referred to Committee on Labor and Commerce.

SB 6436 by Senators Rinehart, McDonald, Gaspard, Cantu, Roach and Winsley

AN ACT Relating to the office of state information operators; amending RCW 43.105.080; and adding new sections to chapter 43.105 RCW.

Referred to Committee on Ways and Means.

SB 6437 by Senators Bauer, Newhouse, Vogniild, Sutherland, Hargrove, Snyder, Owen, Oke, Winsley and M. Rasmussen

AN ACT Relating to exempting from prevailing rate requirements donated services; and amending RCW 39.12.020.

Referred to Committee on Labor and Commerce.

SB 6438 by Senators Bauer, Hochstatter, Deccio, Sutherland, Drew, McAuliffe, Oke and Winsley

AN ACT Relating to the running start program; amending RCW 28A.600.310, 28A.600.320, 28A.600.330, 28A.600.340, 28A.600.350, 28A.600.360, 28A.600.370, 28A.600.380, 28A.600.390, and 28A.600.400; and repealing RCW 28A.600.395.

Referred to Committee on Higher Education

SB 6439 by Senators Drew and Roach

AN ACT Relating to exempting persons enrolled in state-approved apprenticeship programs from membership in the retirement system; and amending RCW 41.40.023.

Referred to Committee on Ways and Means.

SB 6440 by Senators Vognild, Snyder, Haugen and Sheldon

AN ACT Relating to authorizing sales and use tax equalization payments for transit systems; amending RCW 82.44.150; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Transportation.

SB 6441 by Senator A. Smith

AN ACT Relating to the definition of "any place of public resort, accommodation, assemblage, or amusement" regarding discrimination; and reenacting and amending RCW 49.60.040.

Referred to Committee on Law and Justice.

SB 6442 by Senators Rinehart and Bauer (by request of Legislative Budget Committee)

AN ACT Relating to residential habilitation centers; repealing RCW 71A.20.020; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 6443 by Senators Moyer, Pelz, Oke and Winsley

AN ACT Relating to speed enforcement using photo radar equipment; amending RCW 46.63.030; adding a new section to chapter 46.04 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6444 by Senators Prentice, Moyer, Pelz and M. Rasmussen

AN ACT Relating to worker safety and health in the use of extremely toxic pesticides; and adding a new chapter to Title 49 RCW.

Referred to Committee on Agriculture.

SB 6445 by Senators Anderson, Sutherland, Oke, Winsley, Spanel, Hochstatter, Haugen, Roach, Loveland, Moyer, Cantu, McDonald, A. Smith, West, L. Smith, Nelson, Prince, Erwin, Sellar, Morton, Deccio, Amondson and M. Rasmussen

AN ACT Relating to juvenile serious habitual offenders; adding a new chapter to Title 13 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6446 by Senators Prentice, A. Smith, Williams, Fraser, Moyer and Bluechel

AN ACT Relating to nursing home contractor costs; and amending RCW 74.46.105 and 74.46.481.

Referred to Committee on Health and Human Services.

SB 6447 by Senator Prince

AN ACT Relating to students transferring to other school districts; and adding a new section to chapter 28A.225 RCW.

Referred to Committee on Education.

SB 6448 by Senator Bauer

AN ACT Relating to public facilities districts; and amending RCW 36.100.070.

Referred to Committee on Government Operations.

SB 6449 by Senator Pelz

AN ACT Relating to youth violence; amending RCW 9.41.080, 9.41.240, 13.04.030, 13.40.0357, 13.40.160, 13.64.060, and 72.76.010; reenacting and amending RCW 9.41.010 and 9.94A.030; making an appropriation; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6450 by Senators Prentice, Winsley and Sutherland (by request of Department of Licensing)

AN ACT Relating to deregulating debt adjusters; amending RCW 18.28.010, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.150, 18.28.165, and 18.28.190; repealing RCW 18.28.020, 18.28.030, 18.28.040, 18.28.045, 18.28.050, 18.28.060, 18.28.070, 18.28.160, and 18.28.170; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 6451 by Senators Prentice, Winsley and Sutherland (by request of Department of Licensing)

AN ACT Relating to timeshare regulation; amending RCW 64.36.010, 64.36.020, 64.36.030, 64.36.050, 64.36.140, 64.36.210, 64.36.220, 64.36.225, 64.36.230, 64.36.320, 64.36.330, and 64.34.020; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6452 by Senators Prentice, Winsley and Sutherland (by request of Department of Licensing)

AN ACT Relating to athlete agents; repealing RCW 18.175.010, 18.175.020, 18.175.030, 18.175.040, 18.175.050, 18.175.060, 18.175.070, and 18.175.080; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6453 by Senators Haugen, Winsley and Sutherland

AN ACT Relating to establishing a process for creating regional services frameworks; adding a new section to Title 36 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6454 by Senators Snyder, Hargrove, Spanel, Niemi, Owen and M. Rasmussen

AN ACT Relating to pilotage tariffs; amending RCW 88.16.005 and 88.16.035; and adding a new section to chapter 88.16 RCW.

Referred to Committee on Transportation.

SB 6455 by Senators Vognild, Loveland, McAuliffe and M. Rasmussen

AN ACT Relating to the state patrol highway account; amending RCW 43.08.250; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6456 by Senators Vognild, Sellar, Snyder, Haugen, Anderson, Newhouse, Loveland, Spanel, Wojahn, Prince, Drew, Owen and Gaspard

AN ACT Relating to management of state buildings; amending RCW 43.01.090, 43.19.125, and 43.82.010; adding a new section to chapter 43.19 RCW; and providing an effective date.

Referred to Committee on Government Operations.

SB 6457 by Senators Erwin, Owen, Oke, Hargrove, Franklin, Snyder, L. Smith and M. Rasmussen

AN ACT Relating to forestry; adding a new section to chapter 76.09 RCW; adding new sections to chapter 76.04 RCW; and creating new sections.

Referred to Committee on Natural Resources.

SB 6458 by Senators Williams, Prentice, Pelz, Vognild and Moore

AN ACT Relating to automobile insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Labor and Commerce.

SB 6459 by Senator Roach

AN ACT Relating to requiring the state patrol to create and maintain lists of felons and people adjudicated mentally incompetent; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Law and Justice.

SB 6460 by Senator Roach

AN ACT Relating to property tax reform; and amending RCW 84.40.045, 84.56.050, and 84.52.054.

Referred to Committee on Ways and Means.

SB 6461 by Senators Fraser and Bluechel

AN ACT Relating to oil spill incident commander's liability; amending RCW 88.44.180 and 88.44.100; and adding a new section to chapter 88.44 RCW.

Referred to Committee on Ecology and Parks.

SB 6462 by Senators Haugen and McCaslin

AN ACT Relating to appeals of boundary review board decisions; and amending RCW 36.93.160 and 36.70A.280.

Referred to Committee on Government Operations.

SB 6463 by Senator M. Rasmussen (by request of Department of Agriculture)

AN ACT Relating to the department of agriculture; amending RCW 15.58.070, 15.58.080, 22.09.011, 22.09.050, 22.09.055, 22.09.830, 17.24.021, 16.57.020, 16.57.080, 16.57.350, 15.04.400, 15.04.402, and 15.36.110; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture.

SB 6464 by Senators Haugen, Prince, Drew and Niemi (by request of Department of General Administration)

AN ACT Relating to public contracts; amending RCW 39.08.010, 39.04.020, and 39.04.150; and providing an effective date.

Referred to Committee on Government Operations.

SB 6465 by Senators A. Smith and McAuliffe

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

Referred to Committee on Labor and Commerce.

SB 6466 by Senators Prentice, Nelson, Vognild, Hochstatter, Drew, Loveland, Sheldon, Schow, Williams, Erwin and Winsley

AN ACT Relating to environmental processes for the department of transportation; amending RCW 47.01.290 and 47.06.040; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 6467 by Senators Fraser, Hochstatter, Morton and M. Rasmussen

AN ACT Relating to water rights for municipal purposes; amending RCW 90.03.290, 90.03.320, 90.03.380, 90.03.260, and 90.03.330; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Energy and Utilities.

SB 6468 by Senators Bauer, Prince and Drew

AN ACT Relating to the provision of information about postsecondary education; adding new sections to chapter 28B.80 RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 6469 by Senators Haugen, Oke and Winsley

AN ACT Relating to release to the public of information on sex offenders; amending RCW 4.24.550; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Law and Justice.

SB 6470 by Senators McCaslin and Haugen

AN ACT Relating to boundary review boards; amending RCW 36.93.030; and creating a new section.

Referred to Committee on Government Operations.

SB 6471 by Senator Bauer

AN ACT Relating to nurse-patient confidentiality; and amending RCW 5.62.020, 18.51.060, and 70.41.130.

Referred to Committee on Health and Human Services.

SB 6472 by Senators Oke, Franklin, West, Amondson, M. Rasmussen, Winsley, Hargrove, Snyder, Spanel, McCaslin, Haugen and Sheldon

AN ACT Relating to the teaching of child rearing responsibility; amending RCW 28A.150.220 and 28A.305.140; amending 1992 c 141 s 508 (uncodified); providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Education.

SB 6473 by Senators Oke, Hochstatter, Winsley, Moyer, Roach and Sellar

AN ACT Relating to motor vehicle insurance; and amending RCW 48.19.501.

Referred to Committee on Labor and Commerce.

SB 6474 by Senators Nelson and Winsley

AN ACT Relating to contracting for the collection of delinquent child support payments; and adding a new section to chapter 43.20B RCW.

Referred to Committee on Law and Justice.

SB 6475 by Senators Vognild, Nelson and Winsley

AN ACT Relating to transit police officers; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

SB 6476 by Senators Fraser, Moore, Morton, Sutherland, Talmadge and Franklin

AN ACT Relating to integrating comprehensive land use planning and environmental analysis; amending RCW 43.21C.034; adding a new section to chapter 43.21C RCW; and creating new sections.

Referred to Committee on Ecology and Parks.

SB 6477 by Senators Fraser, Morton and Moore

AN ACT Relating to recycling of tires; amending RCW 70.95.510; and providing for submission of this act to a vote of the people.

Referred to Committee on Ecology and Parks.

SB 6478 by Senators Fraser, Sutherland, Morton, Moore and Winsley

AN ACT Relating to water resource management; amending RCW 90.03.010, 90.03.015, 90.03.040, 90.03.290, 90.03.380, 90.44.070, 90.54.020, 90.03.340, 90.14.140, and 90.22.010; reenacting and amending RCW 90.03.247; adding new sections to chapter 90.03 RCW; and creating new sections.

Referred to Committee on Ecology and Parks.

SB 6479 by Senators Moore, Winsley, Morton, Fraser, Prentice, Roach, Pelz and McAuliffe

AN ACT Relating to civil service and collective bargaining reform for state government; amending RCW 41.06.030, 41.06.022, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 41.06.520, 34.05.030, 34.12.020, 41.04.340, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, and 49.46.010; reenacting and amending RCW 41.06.150, 41.06.070, and 28B.12.060; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.140, 41.06.163, 41.06.165, 41.06.340, 41.06.380, 41.06.382, 41.50.804, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; prescribing penalties; and providing effective dates.

Referred to Committee on Labor and Commerce.

SB 6480 by Senators Moore, Vognild, Prentice, Sheldon, Pelz, Nelson, Sutherland and McAuliffe

AN ACT Relating to unemployment compensation; amending RCW 50.16.094, 50.22.090, 50.29.020, 50.29.025, and 50.29.062; reenacting and amending RCW 50.29.025; adding a new section to chapter 50.44 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6481 by Senators Bauer, Prince, West, Sellar, Morton, Drew, Rinehart, A. Smith and Sheldon

AN ACT Relating to services and activities fees; amending RCW 28B.15.041 and 28B.15.045; and reenacting and amending RCW 28B.15.202, 28B.15.402, and 28B.15.502.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1731 by Representatives Jones, Chandler, Kessler and Brumsickle

Exempting certain public works involving electrical generating systems from bid laws.

Referred to Committee on Energy and Utilities.

HB 1985 by Representatives Mielke, Zellinsky, Dyer, R. Johnson, Kremen, Anderson, Dorn, Peery, R. Meyers, Kessler, Grant, Reams, Appelwick, Schmidt and Tate

Regulating liquidators' rights to collect premiums.

Referred to Committee on Labor and Commerce.

MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Tuesday, January 25, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 24, 1994

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SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 25, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Niemi, Schow, Talmadge and Williams. On motion of Senator Oke, Senators Erwin and Schow were excused. On motion of Senator Drew, Senators Niemi, Talmadge and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Samantha Merrill and Jon Schwegler, presented the Colors. Reverend Tammy Leiter, associate pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1994

SB 6202 Prime Sponsor, Senator Vognild: Regulating the size and weight of motor vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1994

SB 6232 Prime Sponsor, Senator Hargrove: Expanding the definition of what constitutes a commercial and industrial area for the purposes of the highway advertising control act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 24, 1994

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
HOUSE BILL NO. 1132,
HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1267,
HOUSE BILL NO. 1447,
HOUSE BILL NO. 1460, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6482 by Senators Prentice, Amondson, Oke and Winsley (by request of Department of Labor and Industries)

AN ACT Relating to conducting systematic pilot projects by the department of labor and industries to reduce the rate of long-term disability within the workers' compensation system; adding a new chapter to Title 51 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor and Commerce.

SB 6483 by Senators Rinehart and Pelz (by request of Superintendent of Public Instruction and Office of Financial Management)

AN ACT Relating to health services provided by school districts; amending RCW 74.09.5243, 74.09.5247, 74.09.5249, 74.09.5253, 28A.155.150, and 28A.150.390; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6484 by Senators A. Smith and Nelson (by request of Governor Lowry)

AN ACT Relating to disclosure of information in civil court proceedings; adding a new chapter to Title 4 RCW; repealing RCW 4.24.600, 4.24.610, 4.24.620, and 4.16.380; repealing 1993 c 17 s 4 (uncodified); and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6485 by Senator Sutherland

AN ACT Relating to interagency for outdoor recreation grant and loan priorities; amending RCW 43.17.250 and 43.98A.070; creating a new section; repealing RCW 43.51.380; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6486 by Senator Sutherland

AN ACT Relating to reimbursement contracts with local governments; and amending RCW 35.91.020, 56.22.040, and 57.22.040.

Referred to Committee on Energy and Utilities.

SB 6487 by Senators Moore, Winsley and McAuliffe

AN ACT Relating to boilers and unfired pressure vessels used in espresso coffee machines; amending RCW 70.79.080; adding a new section to chapter 70.79 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 6488 by Senators Skratek, West, Gaspard, Deccio and M. Rasmussen

AN ACT Relating to thoroughbred race track gross receipts and licensing provisions; amending RCW 67.16.105 and 67.16.250; amending 1993 sp.s. c 22 s 162 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 6489 by Senators Morton and Moore

AN ACT Relating to claims of lien against property; and amending RCW 60.04.031 and 60.04.071.

Referred to Committee on Labor and Commerce.

SB 6490 by Senators Morton, Hochstatter, Oke and Winsley

AN ACT Relating to child support obligations of an incarcerated parent; and adding a new section to chapter 26.19 RCW.

Referred to Committee on Law and Justice.

SB 6491 by Senators Vognild and Nelson

AN ACT Relating to regional transit authority propositions; and amending RCW 81.112.030.

Referred to Committee on Transportation.

SB 6492 by Senators M. Rasmussen and Newhouse

AN ACT Relating to agricultural associations; and amending RCW 23.86.007 and 23.86.145.

Referred to Committee on Agriculture.

SB 6493 by Senators Sutherland, Amondson and Ludwig

AN ACT Relating to the state energy strategy; amending RCW 43.21F.025, 43.21F.015, and 43.21F.045; adding a new section to chapter 43.21F RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6494 by Senators Haugen and Winsley

AN ACT Relating to practices of discrimination in the department of transportation; adding a new chapter to Title 47 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6495 by Senator Prentice

AN ACT Relating to alcohol server training; amending RCW 66.04.010, 66.24.210, 66.24.450, and 66.24.481; adding a new section to chapter 66.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6496 by Senators Prentice, McAuliffe and Pelz

AN ACT Relating to housing assistance programs; reenacting and amending RCW 43.185.070; and creating new sections.

Referred to Committee on Labor and Commerce.

SB 6497 by Senators Erwin and Oke

AN ACT Relating to parents' rights in education; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SB 6498 by Senators Erwin, Bauer, Prince, Quigley, West, Winsley and McAuliffe

AN ACT Relating to community and technical college capital projects; adding new sections to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 6499 by Senator Erwin

AN ACT Relating to branch campuses; amending RCW 28B.45.010; adding a new section to chapter 28B.45 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

SB 6500 by Senators McAuliffe, M. Rasmussen, Hochstatter, Moore, Wojahn, Vognild, Moyer, Fraser, Winsley, Prentice and Oke

AN ACT Relating to food safety; amending RCW 69.06.010; adding new sections to chapter 69.06 RCW; creating a new section; and repealing RCW 69.06.050.

Referred to Committee on Health and Human Services.

SB 6501 by Senators Sheldon, Drew, Oke, Prince and Prentice

AN ACT Relating to the jumbo ferry vessel propulsion system; adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 6502 by Senator A. Smith

AN ACT Relating to water district commissioner elections; and amending RCW 57.12.015 and 57.12.039.

Referred to Committee on Government Operations.

SB 6503 by Senators M. Rasmussen, McDonald and Anderson

AN ACT Relating to incentives for trickle irrigation systems; amending RCW 90.03.380; adding a new chapter to Title 90 RCW; creating new sections; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 6504 by Senators M. Rasmussen, Newhouse, Loveland, Morton, Snyder, Haugen and Winsley

AN ACT Relating to procedures regarding the enforcement of water rights; amending RCW 90.03.010, 43.21A.064, 43.27A.090, 43.27A.190, and 43.21B.110; and adding a new section to chapter 43.21B RCW.

Referred to Committee on Energy and Utilities.

SB 6505 by Senators M. Rasmussen, Prince, Vognild, Sellar, Winsley and Drew

AN ACT Relating to public transit facility security; amending RCW 7.48.140, 9.66.010, 9.91.025, 7.48.020, and 9.41.300; reenacting and amending RCW 9.41.010; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 6506 by Senators M. Rasmussen, Newhouse, Haugen, Loveland, Morton and Winsley

AN ACT Relating to creation of a water resources board; adding a new section to chapter 43.83B RCW; adding a new section to chapter 89.16 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 90.16 RCW; adding a new section to chapter 90.22 RCW; adding a new section to chapter 90.24 RCW; adding a new section to chapter 90.38 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.21A RCW; adding new sections to chapter 43.27A RCW; adding a new section to chapter 43.99E RCW; adding a new section to chapter 90.08 RCW; creating new sections; recodifying RCW 43.21A.067; decodifying RCW 90.14.043; repealing RCW 43.21A.170, 43.21A.180, 43.21A.190, 43.21A.200, and 43.21A.210; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 6507 by Senators Vognild, Prince, Morton, Loveland, M. Rasmussen and Winsley

AN ACT Relating to railroad crossings; and amending RCW 81.52.050.

Referred to Committee on Transportation.

SB 6508 by Senators A. Smith, Talmadge, Niemi, Prentice, Skratek and Moore (by request of Insurance Commissioner)

AN ACT Relating to waiver of injunction bonds if a person's health or life would be jeopardized; and amending RCW 7.40.080.

Referred to Committee on Law and Justice.

SB 6509 by Senators Moore, Amondson and Prentice (by request of Insurance Commissioner)

AN ACT Relating to permitting the Washington life and disability insurance guaranty association to act in the case of impaired insurers; and amending RCW 48.32A.010, 48.32A.020, 48.32A.030, 48.32A.050, 48.32A.060, 48.32A.070, 48.32A.080, and 48.32A.120.

Referred to Committee on Labor and Commerce.

SB 6510 by Senators Owen, Oke and Haugen

AN ACT Relating to wildlife and fisheries habitat on state rangelands; adding a new section to chapter 89.08 RCW; adding a new section to chapter 79.01 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.51 RCW; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources.

SB 6511 by Senators Morton and Deccio

AN ACT Relating to railroad right of ways; and adding a new section to chapter 81.52 RCW.

Referred to Committee on Transportation.

SJR 8228 by Senators Haugen, Winsley and Drew

Changing the signature requirements for petitions to recall state-wide elected officers and for initiatives and referenda.

Referred to Committee on Government Operations.

SCR 8422 by Senators M. Rasmussen and Erwin (by request of Secretary of State)

Directing the secretary of state to coordinate and form an advisory committee for Klondike gold rush centennial events.

Referred to Committee on Trade, Technology and Economic Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1018 by House Committee on Local Government (originally sponsored by Representatives Springer, Morris, Chappell, Dunshee, Finkbeiner, Riley, Brough, R. Johnson, Carlson, Edmondson, Flemming, Orr and Hansen)

Making the office of sheriff nonpartisan.

Referred to Committee on Government Operations.

HB 1132 by Representatives Kremen, Linville and Zellinsky

Requiring certification of electric spa equipment.

Referred to Committee on Labor and Commerce.

HB 1220 by Representatives Chappell, Brumsickle, Campbell, Mastin, Ludwig, H. Myers, Johanson, Riley, Romero, Karahalios, Jones, Padden, Roland, Long, L. Johnson and Flemming

Revoking drivers' licenses for certain felonies.

Referred to Committee on Law and Justice.

SHB 1267 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Dorn, Scott, Reams, R. Meyers, Dellwo, Sheldon, Eide, King, L. Johnson and Springer)

Requiring liability insurance for motorcycles.

Referred to Committee on Labor and Commerce.

HB 1447 by Representatives Appelwick and Padden

Authorizing the filing of foreign judgments in district court.

Referred to Committee on Law and Justice.

HB 1460 by Representatives Zellinsky, Mielke and R. Meyers (by request of Department of Licensing)

Regulating investment advisory contracts.

Referred to Committee on Labor and Commerce.

MOTIONS

On motion of Senator Spanel, the Committee on Ecology and Parks was relieved of further consideration of Senate Bill No. 6248 and Senate Bill No. 6294.

On motion of Senator Spanel, Senate Bill No. 6248 and Senate Bill No. 6294 were referred to the Committee on Natural Resources.

On motion of Senator Spanel, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6353.

On motion of Senator Spanel, Senate Bill No. 6353 was referred to the Committee on Trade, Technology and Economic Development.

MOTION

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

MOTION

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

SENATE RESOLUTION 1994-8656

By Senators Wojahn, Snyder, Owen, Gaspard, Sutherland, Rasmussen and Spanel

WHEREAS, The Benevolent and Protective Order of the Elks is a nationwide organization that embodies the spirit of community service and compassion to people in all walks of life; and

WHEREAS, The Benevolent and Protective Order of the Elks has established lodges in fifty-two different communities in the state of Washington, representing over 60,000 members; and

WHEREAS, These local lodges and members dedicate countless hours and resources to improving the lives of citizens throughout the state of Washington through many important and charitable projects; and

WHEREAS, The Benevolent and Protective Order of the Elks wishes to pay its respects to the officials of the state of Washington, including all members of the 53rd Washington State Legislature; and

WHEREAS, The Washington State Elks Association is holding their annual Elks Government Relations Day on this day, January 26, 1994; and

WHEREAS, It is the custom of the Washington State Senate to acknowledge the unselfish service and dedication of the community organizations in this state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize and honor the Benevolent and Protective Order of Elks for its outstanding service and programs for youth, disabled children, educational scholarships, drug prevention, and a variety of community-oriented charities and service programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to William Reeves, President of the Washington State Elks Association.

MOTION

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

SENATE RESOLUTION 1994-8665

By Senators West, Gaspard, Sellar, Owen, Snyder, Sutherland, Spanel, Rasmussen, Franklin, Haugen and Bauer

WHEREAS, Over 9,000 men and women serve in the Washington National Guard as a key part of our national defense; and

WHEREAS, These soldiers are Washington citizens from every community and legislative district who volunteer their time and talents to serve their fellow citizens with honor and pride; and

WHEREAS, These soldiers are on-call twenty-four hours a day, seven days a week for immediate deployment in times of national or state emergencies; and

WHEREAS, The Washington National Guard is on the front line in the war against drugs by participating in over 3,400 arrests and assisting in the seizure of over \$300,000,000 in drugs, assets and cash; and

WHEREAS, Local community support remains a top priority for the Washington National Guard who opened their armories over five hundred times in 1993 for public classes, food banks, and community activities; and

WHEREAS, In support of the Governor and the Legislature's efforts to improve access to health care, the Washington National Guard initiated a program for medical personnel to provide care in underserved areas of our state; and

WHEREAS, In 1993 the Washington National Guard answered numerous calls for assistance from local communities by providing personnel and equipment for missions varying from traditional color guards to hauling surplus food in support of anti-hunger initiatives; and

WHEREAS, The Washington National Guard continues to play an essential part in our state's ability to protect lives and property in the event of natural disasters such as the eruption of Mt. St. Helens, the Spokane Firestorm, floods in the Skagit County area, and the 1993 Inauguration Day Windstorm; and

WHEREAS, The Washington National Guard promotes positive activities for youth in communities across our state by participating in D.A.R.E. activities, drug demand reduction presentations in local schools, and Camp Minuteman, a motivational summer youth program at Camp Murray;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and applaud the members of the Washington State National Guard for their dedication, pride and professional service to our nation and our state; and

BE IT FURTHER RESOLVED, That the Washington State Senate expresses its appreciation to the family members and employers of each member of the Washington National Guard for their support; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to the Adjutant General of the Washington National Guard, the Governor of the state of Washington, the Secretary of the Air Force, the Secretary of the Army, and to the President of the United States, the Honorable Bill Clinton.

MOTION

At 10:16 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Wednesday, January 26, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 25, 1994

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SEVENTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 26, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1994
ESSB 5341 Prime Sponsor, Senator Committee on Law and Justice: Providing for confiscation of registration and license plates and forfeiture of the vehicle upon conviction for driving while under the influence of intoxicating liquor or drugs. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5341 be substituted therefor, and the second substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 25, 1994
SB 6007 Prime Sponsor, Senator A. Smith: Revising provisions relating to crimes. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6007 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

January 25, 1994
SB 6159 Prime Sponsor, Senator Talmadge: Modifying the health professional temporary resource pool. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Hargrove, McAuliffe, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

January 25, 1994
SB 6160 Prime Sponsor, Senator Talmadge: Modifying credentialing of health professionals. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Hargrove, McAuliffe, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

January 25, 1994

SB 6185 Prime Sponsor, Senator A. Smith: Requiring license revocation for a person under twenty-one years of age who drives while having any alcohol in his or her system. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

January 24, 1994

SB 6216 Prime Sponsor, Senator Snyder: Modifying the emergency mortgage and rental assistance program for dislocated forest products workers. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Vognild and Wojahn.

Referred to Committee on Ways and Means.

January 24, 1994

SB 6217 Prime Sponsor, Senator Newhouse: Requiring the joint task force on unemployment insurance to study additional issues. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1994

SB 6282 Prime Sponsor, Senator Wojahn: Regulating time limits for industrial safety and health appeals. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1994

SJM 8027 Prime Sponsor, Senator Vognild: Requesting that Congress help states with employment security system funding. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

January 21, 1994

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

Dear Secretary Brown:

Engrossed Substitute House Bill No. 1197, Section 9, passed in the last session of the Legislature, directed the department to design a program for implementation and submit the program design to the appropriate committees of the Legislature. The legislation stated that the goal of the program was to segment the AFDC population, to identify and match services to each segment, and prioritize those services. We were able to accomplish this goal by involving client advocates, business interests, and community based organizations at central office, region, and community level.

We view this plan as part of an overall review of the Job Opportunities and Basic Skills Training (JOBS) Program. This plan is an evolving one: It is open to change based on what we learn as we review the current program. Regardless of how we might restructure JOBS to be more effective and efficient as a process, we continue to be committed to assisting families achieve self-sufficiency. We consider JOBS to be a critical element for many families as they work toward the goal of self-sufficiency.

We are submitting our program design for your review. The segments in the proposed design are based on the level of work experience and educational background of the individual AFDC recipient. The services are prioritized on a sequential basis, and are matched to the needs of the segment group.

We will be available to meet with you to discuss the program design at your convenience.

Sincerely,
JEAN SOLIZ, Secretary

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6512 by Senator Owen

AN ACT Relating to railroads; and amending RCW 81.48.010.

Referred to Committee on Transportation.

SB 6513 by Senators Bluechel, Moyer and Oke

AN ACT Relating to self-employment assistance; adding a new section to chapter 50.20 RCW; adding a new section to chapter 50.16 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 6514 by Senators Bluechel, McDonald, Moyer, Oke and Anderson

AN ACT Relating to duplicative rules; and amending RCW 34.05.390.

Referred to Committee on Labor and Commerce.

SB 6515 by Senator Hochstatter

AN ACT Relating to the business and occupation tax on collection agencies; and amending RCW 82.04.260.

Referred to Committee on Ways and Means.

SB 6516 by Senators West, Talmadge, Moyer, Snyder and Anderson

AN ACT Relating to the award for excellence in health care; adding new sections to chapter 43.06 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 6517 by Senator McCaslin

AN ACT Relating to hospital cost disclosure; and amending RCW 70.41.250.

Referred to Committee on Health and Human Services.

SB 6518 by Senators Roach, Ludwig, Nelson, Amondson, Owen, Hargrove, Snyder, L. Smith, Erwin, Oke, Prince, Hochstatter and M. Rasmussen

AN ACT Relating to records checks; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6519 by Senators McDonald, Moyer, Prince, Schow, Morton, Erwin, Hochstatter, Winsley, McCaslin, Oke, Newhouse, Bluechel, Sellar, Roach, Deccio, Anderson, Nelson, Amondson and West

AN ACT Relating to salary increases for employees of the common school system and community and technical colleges; amending 1993 sp.s. c 24 s 602 (uncodified); amending 1993 sp.s. c 24 s 915 (uncodified); reenacting and amending RCW 41.06.150; adding a new section to 1993 sp.s. c 24; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6520 by Senators Oke and Haugen

AN ACT Relating to park and recreation district elections; and amending RCW 29.21.015 and 36.69.090.

Referred to Committee on Government Operations.

SB 6521 by Senators McAuliffe, Owen, Roach, Prentice, Hargrove and M. Rasmussen

AN ACT Relating to notice requirements for termination of parental rights; and amending RCW 26.33.110 and 26.33.310.

Referred to Committee on Health and Human Services.

SB 6522 by Senators McAuliffe, Owen, Prentice and Hargrove

AN ACT Relating to adoption; and amending RCW 26.33.350 and 26.33.380.

Referred to Committee on Health and Human Services.

SB 6523 by Senator Vognild

AN ACT Relating to the powers and duties of the Traffic Safety Commission.

Referred to Committee on Transportation.

SB 6524 by Senators Rinehart, Haugen, Loveland, M. Rasmussen and Franklin

AN ACT Relating to criminal justice distribution; amending RCW 82.14.330; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6525 by Senators Skratek, Erwin, Sheldon and M. Rasmussen

AN ACT Relating to youth training programs; adding new sections to chapter 43.330 RCW; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 6526 by Senators Skratek, Erwin, Sheldon, M. Rasmussen, Oke and Drew

AN ACT Relating to job skills training for juvenile offenders; amending RCW 28A.190.030 and 28A.190.040; adding a new section to chapter 13.06 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6527 by Senators Sheldon, Erwin, Skratek, M. Rasmussen, Oke and Franklin

AN ACT Relating to job placement and training for youth; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 6528 by Senators Owen, Hochstatter, Loveland, M. Rasmussen, Ludwig, Morton, Bluechel, Prince and Cantu

AN ACT Relating to excise taxation of low-density light and power businesses; adding a new section to chapter 82.16 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6529 by Senators Prentice and Moore

AN ACT Relating to sexist, explicit, and violent movies and videorecordings; and adding new sections to chapter 7.48 RCW.

Referred to Committee on Law and Justice.

SB 6530 by Senators Newhouse, Snyder, Loveland, Deccio and Anderson

AN ACT Relating to sale or transfer of open space land after death of owner; and amending RCW 84.34.108.

Referred to Committee on Ways and Means.

SB 6531 by Senators Wojahn, Moore, Deccio, Moyer, Spanel, M. Rasmussen and Winsley

AN ACT Relating to child care zoning; amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6532 by Senators Wojahn, Talmadge, Deccio, Moore, Moyer, Spanel, M. Rasmussen and Oke

AN ACT Relating to release of criminally insane persons; and adding a new section to chapter 10.77 RCW.

Referred to Committee on Health and Human Services.

SB 6533 by Senators Fraser and Franklin (by request of Governor Lowry)

AN ACT Relating to water resources; amending RCW 19.27.097, 70.119A.060, 90.44.050, and 58.17.110; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6534 by Senators Oke, West, L. Smith, Moyer, Hochstatter, Morton, Bluechel, Winsley, Pelz and Franklin

AN ACT Relating to cigarettes and tobacco products; amending RCW 70.155.010 and 70.155.100; adding a new chapter to Title 70 RCW; creating a new section; repealing RCW 70.155.050, 70.155.060, and 70.155.070; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 6535 by Senators Fraser, Haugen and Winsley

AN ACT Relating to study of the property tax system; and creating a new section.

Referred to Committee on Ways and Means.

SB 6536 by Senators Sutherland, Fraser, Morton, M. Rasmussen and Newhouse

AN ACT Relating to water rights; and adding a new section to chapter 43.27A RCW.

Referred to Committee on Energy and Utilities.

SB 6537 by Senators M. Rasmussen, Winsley, Erwin, Owen, Oke and Ludwig

AN ACT Relating to limiting the liability of owners or others in possession of land and water areas for injuries to outdoor recreation users taking part in state-certified hunter or aquatic education courses; and amending RCW 4.24.210.

Referred to Committee on Natural Resources.

SB 6538 by Senators Owen and Oke

AN ACT Relating to boating safety education; amending RCW 88.12.500 and 43.51.400; adding a new section to chapter 88.12 RCW; and repealing RCW 88.12.510, 88.12.520, 88.12.530, and 88.12.540.

Referred to Committee on Ecology and Parks.

SB 6539 by Senators Skratek, Wojahn, Prentice, Franklin and McAuliffe

AN ACT Relating to the mandatory use of recycled paper; adding new sections to chapter 2.28 RCW; adding a new section to chapter 34.05 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6540 by Senators L. Smith, Anderson, Moyer, Hochstatter, Prince, Oke, McDonald and Sellar

AN ACT Relating to child labor; amending RCW 49.12.121, 49.12.105, 49.12.185, 49.12.390, 49.12.410, and 49.12.005; adding new sections to chapter 49.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6541 by Senators L. Smith, Hochstatter, McDonald and Oke

AN ACT Relating to institutions of higher education; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Government Operations.

SB 6542 by Senators A. Smith, Prentice, Franklin and Winsley

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

Referred to Committee on Law and Justice.

SB 6543 by Senators Nelson, Deccio, L. Smith, Amondson, Sellar, Morton, Oke, Anderson, Winsley, Moyer and Hochstatter

AN ACT Relating to a prohibition on the use of public funds to support or oppose ballot propositions; amending RCW 42.17.130; and creating a new section.

Referred to Committee on Law and Justice.

SB 6544 by Senators Nelson, Sellar, Winsley, Moyer and Oke

AN ACT Relating to educational programs for juvenile offenders; creating a new section; and making appropriations.

Referred to Committee on Education.

SB 6545 by Senators Nelson, Deccio, Amondson, Winsley, Moyer, Hochstatter and Prince

AN ACT Relating to nonpayment of rent; amending RCW 74.04.060 and 74.04.280; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 6546 by Senators McDonald, Nelson, Cantu, L. Smith, Bluechel, Roach, Prince and Amondson

AN ACT Relating to major noninterstate highway construction; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SB 6547 by Senators Sheldon, Niemi, Prentice and Anderson

AN ACT Relating to mental health systems accountability; reenacting and amending RCW 71.24.035; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 6548 by Senator Moore

AN ACT Relating to regulation of electricians and electrical installations; and amending RCW 19.28.370 and 19.28.610.

Referred to Committee on Labor and Commerce.

SB 6549 by Senators A. Smith, Nelson, Snyder and M. Rasmussen

AN ACT Relating to use of false identification to obtain liquor; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6550 by Senators Skratek, Winsley, Sheldon and M. Rasmussen

AN ACT Relating to mobile home relocation assistance; adding new sections to chapter 59.21 RCW; and repealing RCW 59.21.010, 59.21.020, 59.21.030, 59.21.040, 59.21.050, 59.21.080, 59.21.085, and 59.21.095.

Referred to Committee on Labor and Commerce.

SB 6551 by Senator Erwin

AN ACT Relating to vocational skills centers; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 6552 by Senator Erwin

AN ACT Relating to school districts; and amending RCW 28A.320.010.

Referred to Committee on Education.

SB 6553 by Senator Vognild

AN ACT Relating to funding for seismic retrofitting of transportation facilities; and creating a new section.

Referred to Committee on Transportation.

SB 6554 by Senators Vognild and Franklin

AN ACT Relating to exempting the alcohol component of gasohol from fuel tax.

Referred to Committee on Transportation.

MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Thursday, January 27, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 26, 1994

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

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 27, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin and Niemi. On motion of Senator Oke, Senator Erwin was excused. On motion of Senator Drew, Senator Niemi was excused.

The Sergeant at Arms Color Guard, consisting of Pages Mark Gray and Parker Thompson, presented the Colors. Reverend Tammy Leiter, associate pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1994

SB 5016 Prime Sponsor, Senator Nelson: Requiring that utility service charges of tenants be collected from the tenant. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5016 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, West and Williams.

Passed to Committee on Rules for second reading.

January 26, 1994

SSB 5698 Prime Sponsor, Senate Committee on Trade, Technology and Economic Development: Assisting companies to adopt ISO-9000 quality standards. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5698 be substituted therefor, and the second substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

January 26, 1994

SSB 5800 Prime Sponsor, Senate Committee on Law and Justice: Increasing the penalty for violating human remains. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5800 be substituted therefor, and the second substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6016 Prime Sponsor, Senator Winsley: Requiring disclosure of the total compensation of local government chief executive officers when that compensation exceeds one hundred thousand dollars. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6020 Prime Sponsor, Senator Haugen: Revising provisions relating to city and town incorporations. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6028 Prime Sponsor, Senator Winsley: Changing provisions relating to local option elections within cities, towns, and counties. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6033 Prime Sponsor, Senator Snyder: Lowering the city size limit for special excise taxes for special events, festivals, or promotional infrastructures. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6063 Prime Sponsor, Senator Spanel: Concerning local voters' pamphlets. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6063 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6068 Prime Sponsor, Senator Fraser: Revising procedures for appeals involving boards within the environmental hearings office. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6068 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Sutherland and Talmadge.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6070 Prime Sponsor, Senator Loveland: Managing certain public records. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6070 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6082 Prime Sponsor, Senator Snyder: Changing provisions relating to the center for international trade in forest products. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6082 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin and Rasmussen.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6121 Prime Sponsor, Senator Skratek: Promoting economic development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6121 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6138 Prime Sponsor, Senator A. Smith: Changing obstructing a public servant to obstructing a law enforcement officer. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6138 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6218 Prime Sponsor, Senator Sheldon: Establishing a self-employment assistance program for low-income individuals. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6218 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6221 Prime Sponsor, Senator A. Smith: Authorizing genetic testing to determine parentage. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 25, 1994

SB 6250 Prime Sponsor, Senator Sheldon: Removing party affiliation requirements for ferry advisory committees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6368 Prime Sponsor, Senator Haugen: Revising times for filing declarations and withdrawals of candidacy. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6368 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 26, 1994

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1466,
SUBSTITUTE HOUSE BILL NO. 1567,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630,
ENGROSSED HOUSE BILL NO. 1653,
SUBSTITUTE HOUSE BILL NO. 1728, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6555 by Senators Prentice, Nelson, Vognild, Sheldon, Oke and Winsley

AN ACT Relating to local government coordination of approvals for major transportation projects; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6556 by Senators Hargrove and Snyder

AN ACT Relating to the rental of public lands; and amending RCW 79.01.242.

Referred to Committee on Natural Resources.

SB 6557 by Senator Hargrove

AN ACT Relating to the deductions made to inmate wages and the responsibilities of the correctional industries board; amending RCW 72.09.111 and 72.09.070; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6558 by Senator Gaspard (by request of Department of Revenue)

AN ACT Relating to the excise taxation of sales of aircraft for use by the United States and foreign governments; and amending RCW 82.08.0262.

Referred to Committee on Ways and Means.

SB 6559 by Senator Morton

AN ACT Relating to railroad crossings of private roadways; adding a new section to chapter 81.52 RCW; and adding new sections to chapter 81.53 RCW.

Referred to Committee on Transportation.

SB 6560 by Senator Talmadge

AN ACT Relating to certificated employees; amending RCW 28A.405.210, 28A.405.300, and 28A.405.370; adding new sections to chapter 28A.405 RCW; and repealing RCW 28A.405.310, 28A.405.320, 28A.405.330, 28A.405.340, 28A.405.350, 28A.405.360, and 28A.405.380.

Referred to Committee on Education.

SB 6561 by Senators Skratek and Bluechel (by request of Department of Trade and Economic Development)

AN ACT Relating to the marketplace program; and amending RCW 43.31.526 and 43.31.526.

Referred to Committee on Trade, Technology and Economic Development.

SB 6562 by Senators Roach, Moyer and Oke

AN ACT Relating to property tax reform; adding a new chapter to Title 84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 6563 by Senators Ludwig and Moore

AN ACT Relating to public works subletting and subcontracting; amending RCW 39.30.060; and creating a new section.

Referred to Committee on Labor and Commerce.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1466 by Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero

Regulating motorized wheelchair warranties.

Referred to Committee on Labor and Commerce.

SHB 1567 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Johanson, Chappell, Riley, Ballasiotes, Ludwig, Appelwick, Tate, Jones, Quall and Wineberry)

Authorizing interpreters for jurors in judicial proceedings.

Referred to Committee on Law and Justice.

ESHB 1630 by House Committee on Judiciary (originally sponsored by Representatives Tate, Riley, Scott, Campbell, Padden, R. Meyers, Long, Forner, Johanson, Schmidt, Chappell, Chandler, Mielke, Reams, R. Johnson, Brough, Ballasiotes, Vance, Foreman, Sheahan, Schoesler, Miller, Jacobsen, Sheldon, Kremen, Silver, Cothorn, Morton, Wineberry and Wood)

Creating the crime of carjacking.

Referred to Committee on Law and Justice.

EHB 1653 by Representatives King, Lisk, G. Cole and Fuhrman

Regulating vocational rehabilitation services in industrial insurance.

Referred to Committee on Labor and Commerce.

SHB 1728 by House Committee on Judiciary (originally sponsored by Representative Appelwick) (by request of Law Revision Commission)

Correcting unconstitutional provisions relating to resident employees on public works.

Referred to Committee on Labor and Commerce.

MOTION

At 10:07 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:06 p.m. by President Pritchard.

MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Friday, January 28, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 27, 1994

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

NINETEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 28, 1994

The Senate was called to order at 12:00 noon by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Pelz and Snyder. On motion of Senator Sheldon, Senator Snyder was excused. On motion of Senator Oke, Senator Erwin was excused. On motion of Senator Drew, Senator Pelz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Horsman and Adam Horsman, presented the Colors. Senator Bob Morton, pastor of the Orient Community Church of Orient, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation from Cakalousk, Russia, and their leader, Richard Giano of the Russia/America Development League, who were seated in the gallery.

Senator Bauer extended greetings to this distinguished group who were visiting the Senate to learn more about Washington State government.

REPORTS OF STANDING COMMITTEES

January 27, 1994

SB 5033 Prime Sponsor, Senator Haugen: Authorizing a county research service. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke and Winsley.

Referred to Committee on Ways and Means.

January 26, 1994

SSB 5221 Prime Sponsor, Senate Committee on Trade, Technology and Economic Development: Establishing the Washington rural development council. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5221 be substituted therefor, and the second substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Referred to Committee on Ways and Means.

January 26, 1994

SB 5224 Prime Sponsor, Senator Skratek: Establishing the office of international capital projects. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5224 be substituted therefor, and the second substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Referred to Committee on Ways and Means.

January 26, 1994

SB 5692 Prime Sponsor, Senator Sutherland: Financing conservation investment by electrical, gas, and water companies. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5692 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen, Roach, West and Williams.

Passed to Committee on Rules for second reading.

January 27, 1994

SB 5870 Prime Sponsor, Senator Haugen: Concerning the tax value of new construction. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5870 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6000 Prime Sponsor, Senator Fraser: Authorizing public agencies to secure abandoned vessels at public facilities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6000 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

January 27, 1994

SB 6018 Prime Sponsor, Senator Winsley: Clarifying authorized uses of the excise tax on the sale of real property. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6018 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 25, 1994

SB 6039 Prime Sponsor, Senator Gaspard: Establishing procedures for changing a vehicle dealer's relevant market area. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6039 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Loveland, Vice Chair; Drew and Haugen.

Passed to Committee on Rules for second reading.

January 27, 1994

SB 6069 Prime Sponsor, Senator Haugen: Authorizing additional nonvoter-approved municipal indebtedness. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6123 Prime Sponsor, Senator Fraser: Modifying provisions of the model toxics control act. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6123 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6135 Prime Sponsor, Senator Talmadge: Modifying provisions regarding licensure of psychologists. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, McAuliffe, McDonald, Moyer, Prentice, Quigley, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6158 Prime Sponsor, Senator Talmadge: Modifying regulations for control of tuberculosis. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, McAuliffe, McDonald, Moyer, Prentice, Quigley, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1994

SB 6257 Prime Sponsor, Senator Talmadge: Petitioning for involuntary treatment. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, McAuliffe, McDonald, Moyer, Prentice, Quigley, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

January 25, 1994

SB 6333 Prime Sponsor, Senator Skratek: Promoting economic development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin and Rasmussen.

Passed to Committee on Rules for second reading.

January 26, 1994

SJM 8003 Prime Sponsor, Senator Skratek: Petitioning Congress to establish the Rural Development Council on a permanent basis. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Second Substitute Senate Joint Memorial No. 8003 be substituted therefor, and the second substitute joint memorial do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

January 27, 1994

SCR 8404 Prime Sponsor, Senator Haugen: Creating the Joint Select Committee on Veterans and Military Personnel Affairs. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 20, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Robert Christenson, appointed January 20, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 20, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Robert J. Hitt, appointed January 20, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 20, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Kathleen Quigg, appointed January 20, 1994, for a term ending September 30, 1997, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 27, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Karen Gates-Hildt, appointed for a term beginning February 2, 1994, and ending September 30, 1995, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 27, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Teri Treat, appointed for a term beginning February 2, 1994, and ending September 30, 1997, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6564 by Senator Vognild

AN ACT Relating to special excise taxes; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

SB 6565 by Senator Anderson

AN ACT Relating to taxation of manufacturing dental products; amending RCW 82.04.120, 82.08.0281, and 82.12.0275; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6566 by Senator Owen

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

Referred to Committee on Natural Resources.

SB 6567 by Senators Owen, McAuliffe, Prentice, Moyer, Deccio, Fraser, Hargrove, Spanel, Sheldon, Winsley, M. Rasmussen, Niemi, Snyder, Vognild, Sellar, Newhouse, Prince, Sutherland, Ludwig, West, Gaspard, Amondson, Bluechel, Bauer, Pelz, Hochstatter, Oke and Nelson

AN ACT Relating to a sales tax exemption for certain personal services by a nonprofit youth organization; amending RCW 82.08.0291; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6568 by Senators Bauer and Skratek

AN ACT Relating to creation of the pension improvement account; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6569 by Senators Oke, Pelz, Hochstatter, Moyer, West, L. Smith and M. Rasmussen (by request of State Treasurer)

AN ACT Relating to prohibiting investment of public pension and retirement funds in business firms manufacturing tobacco products; amending RCW 43.33A.110, 43.33A.130, 43.84.061, and 43.84.150; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6570 by Senators Skratek, Newhouse, Sheldon, Amondson and M. Rasmussen

AN ACT Relating to gambling; amending RCW 9.46.0217, 9.46.0281, 9.46.0351, 9.46.070, and 9.46.198; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SECOND READING

SENATE BILL NO. 6066, by Senators Ludwig, Nelson, Wojahn, Snyder, Bauer and A. Smith

Determining the number of district court judges.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6066 was substituted for Senate Bill No. 6066 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6066.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6066 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Erwin, Pelz and Snyder - 3.

SUBSTITUTE SENATE BILL NO. 6066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6100, by Senators M. Rasmussen, Newhouse, Snyder, Prentice and Fraser (by request of Department of Agriculture)

Modifying the Washington pesticide application act.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6100 was substituted for Senate Bill No. 6100 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6100 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Anderson and Morton - 2.

Excused: Senators Erwin, Pelz and Snyder - 3.

SUBSTITUTE SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5697, by Senator Bluechel

Preempting local regulation of amateur radios.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5697.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild and Winsley - 42.

Voting nay: Senators Niemi, Prentice, West, Williams and Wojahn - 5.

Excused: Senators Erwin and Snyder - 2.

SENATE BILL NO. 5697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5155, by Senators Skratek, Haugen, Drew and Roach

Changing requirements for the establishment of community councils.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5155.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5155 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., Vognild and Williams - 18.

Excused: Senators Erwin and Snyder - 2.

ENGROSSED SENATE BILL NO. 5155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Roach, Senator Amondson was excused.

SECOND READING

SENATE BILL NO. 6080, by Senators Owen, Oke, Hargrove, Amondson, Haugen, Snyder, Morton, M. Rasmussen and Roach

Prohibiting wrongful property damage to agricultural and forest lands.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "I am not a farmer and I am not an attorney and I'm not a good bill reader, but when you talk about ag lands and fences and so forth that, perhaps, have been there for a hundred years and if the fence is on someone else's property and the other party does something to that land that is really not his, does he fall under this legislation? I don't know who can answer that, whether Senator Owen can answer it. Are we opening up liability to the farmers that we really do not intend to open up. I would suggest that this be looked at very carefully before we pass it. The intent of the bill may not be actually what it comes out to be after the attorneys get hold of it and we have some misplaced fences which are normal in agricultural lands."

Senator Owen: "We had no testimony against this by the ag community. My understanding is that the ag community is in support of this legislation. I don't know if it would affect--I can't respond to Senator McCaslin's inquiry there, but the idea is to deal with the tremendous amount of damage that we are having with people coming in and shooting up signs, shooting up restrooms. In the case of forest lands, shooting up trees, taking four-wheel drives and running them all over ag land and ripping up the ground. You know a variety of things like that is really what we are getting after in this situation. I don't know that it would fall into the category that Senator McCaslin was talking about, but we found no opposition from the ag community."

POINT OF INQUIRY

Senator Anderson: "Senator Owen, in the bill summary along the lines you just talked about--in protecting lands--there is an exemption, an exclusion from the reward system. It says, 'Title 76.09 is excluded from the reward system.' Why--"

Senator Owen: "I think you skipped bills. The reward bill is the next bill. This is the treble damages bill."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6080.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6080 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators McCaslin and Niemi - 2.

Excused: Senators Amondson, Erwin and Snyder - 3.

SENATE BILL NO. 6080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5018, by Senator Nelson

Allowing service of process on a marital community by serving either spouse.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5018.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Erwin and Snyder - 3.

ENGROSSED SENATE BILL NO. 5018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6029, by Senators Owen, Hochstatter, Amondson, Roach, Haugen, Sutherland and Spanel

Prescribing exemptions from energy standards for certain log built homes.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6029 was substituted for Senate Bill No. 6029 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6029.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6029 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Erwin and Snyder - 3.

SUBSTITUTE SENATE BILL NO. 6029, having received the constitutional majority, was declared passed. There being no objection, the title of the will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, by Senate Committee on Government Operations (originally sponsored by Senators Loveland and Winsley)

Changing multiple tax provisions.

MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5372 was substituted for Engrossed Substitute Senate Bill No. 5372 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Haugen, last year when this bill came through, I had some concerns on the language on the forest land that we changed and corrected on the floor and I am frantically looking for that language. Did those changes from last year stay intact?"

Senator Haugen: "Yes, they did. Basically, all the bill is just the same. We just took out the sections that were enacted in other bills."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Erwin and Snyder - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6037, by Senators Owen and Oke

Increasing the reward for information regarding certain violations.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 10, after "resources" insert "on those lands"

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Oke, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Amondson, Anderson, Erwin and Snyder - 4.

ENGROSSED SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ludwig: "Mr. President, I rise to a point of personal privilege. I thought it would be appropriate to inquire or perhaps explain to the members why on every desk this morning there is a package of pasta and sauce, except for my desk. I think everyone should want to know why I was excluded. Actually, that pasta and that very fine product from my district, Richland in particular, was passed out this morning, because I anticipated that I might have to compensate or reward my colleagues for listening to me on the very first bill that came up, but the chairman of Law and Justice probably didn't think he wanted to listen to me and didn't permit me the opportunity.

"If you are going to enjoy that pasta, I didn't think you should do it without, at least, hearing me speak this morning. What I would like to tell you is that that is an outstanding product from a small, very successful business in Richland--a business that overcame all of the obstacles facing small business and is doing very well. You don't have to go to Richland to get it; you don't have to wait for a legislator to bring it to you. You can find Pasta Mama's in the gourmet section at Nordstroms and other gourmet stores throughout the country and in the international market place. I kind of like to brag on that kind of business and would ask all of my colleagues throughout the year to remember small business and help improve the regulatory climate for them--and know that later on I will speak again on a bill with the chairman's permission. Thank you, Mr. President."

MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Spanel, the Committee on Health and Human Services was relieved of further consideration of Senate Bill No. 6380.

On motion of Senator Spanel, Senate Bill No. 6380 was referred to the Committee on Law and Justice.

MOTION

At 1:06 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Monday, January 31, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 28, 1994

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

TWENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 31, 1994
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1994
SB 5188 Prime Sponsor, Senator Moore: Allowing specified valuation of items covered by a homeowner's policy. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994
SB 5509 Prime Sponsor, Senator Hargrove: Prohibiting mandatory child support for postsecondary education of adult children. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senators Niemi and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1994
SSB 5918 Prime Sponsor, Senate Committee on Transportation: Allowing ride-sharing incentives to include cars. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5918 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Rasmussen, Schow, Sellar, Sheldon, and Winsley.

Referred to Committee on Ways and Means.

January 25, 1994
SB 5995 Prime Sponsor, Senator Skratek: Penalizing reckless endangerment of highway workers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6011 Prime Sponsor, Senator Fraser: Providing for high-priority ranking of toxic sites where drinking water wells have been closed or contaminated. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6011 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Moore, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6043 Prime Sponsor, Senator A. Smith: Pertaining to youth violence. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6043 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Schow and Spanel.

Referred to Committee on Ways and Means.

January 28, 1994

SB 6044 Prime Sponsor, Senator Bauer: Changing residency status of Native Americans for purposes of higher education tuition. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6046 Prime Sponsor, Senator A. Smith: Making the third offense for driving or physical control of a vehicle while under the influence a felony. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6053 Prime Sponsor, Senator Loveland: Modifying procedure for providing assistance to county assessors. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Referred to Committee on Ways and Means.

January 28, 1994

SB 6074 Prime Sponsor, Senator Gaspard: Changing the Washington award for excellence. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Referred to Committee on Ways and Means.

January 28, 1994

SB 6079 Prime Sponsor, Senator Talmadge: Providing for public notice of significant release of hazardous substances. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6079 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Referred to Committee on Ways and Means.

January 28, 1994

SB 6083 Prime Sponsor, Senator Moore: Changing the mortgage broker practices act. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6083 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6094 Prime Sponsor, Senator Haugen: Revising provisions relating to the sale of port property. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6094 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6171 Prime Sponsor, Senator Vognild: Cashing of government issued checks or warrants. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6171 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6173 Prime Sponsor, Senator Bauer: Delaying or repealing specified sunset provisions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6182 Prime Sponsor, Senator Winsley: Requiring a warning on initiative and referendum petitions that names may be used or sold for solicitation purposes. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6187 Prime Sponsor, Senator Drew: Permitting relief for election officers. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6188 Prime Sponsor, Senator Haugen: Implementing the National Voter Registration Act. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6188 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6195 Prime Sponsor, Senator Prentice: Modifying enforcement authority of the public employment relations commission. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6197 Prime Sponsor, Senator McAuliffe: Modifying provisions regarding shipping wine. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6197 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6206 Prime Sponsor, Senator Owen: Creating the warm water game fish enhancement program. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6206 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Franklin, Haugen, Oke, L. Smith and Spanel.

Referred to Committee on Ways and Means.

January 28, 1994

SB 6213 Prime Sponsor, Senator Pelz: Modifying limitations of housing-related capital bond proceeds. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6213 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, McAuliffe, Newhouse, Pelz, Prince, Sellar and Vognild.

Passed to Committee on Rules for second reading.

January 27, 1994

SB 6215 Prime Sponsor, Senator Skratek: Clarifying authority of the utilities and transportation commission over public service companies. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6229 Prime Sponsor, Senator Spanel: Changing residency provisions in the Washington state scholars program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6281 Prime Sponsor, Senator Pelz: Providing penalties for multiple failures by a contractor or subcontractor to pay the prevailing rate of wage. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6281 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6284 Prime Sponsor, Senator Wojahn: Obtaining a real estate broker's or salesperson's license. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6297 Prime Sponsor, Senator Moore: Eliminating the requirement for revenue stamps on beer packages and containers. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6311 Prime Sponsor, Senator Prentice: Adjusting permanent partial disability payments using the state average wage. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6315 Prime Sponsor, Senator Moore: Clarifying statutes to reflect the organizational structure of the department of labor and industries. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6315 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6382 Prime Sponsor, Senator Prentice: Correcting multiple amendments related to public employees' collective bargaining. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6482 Prime Sponsor, Senator Prentice: Creating pilot projects to reduce long-term disability within workers' compensation. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 28, 1994

GA 9254 GINA VICENTE, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9316 WILFRED WOODS, appointed March 10, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9317 GWEN CHAPLIN, appointed March 11, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9329 SETH DAWSON, reappointed March 12, 1993, for a term ending August 2, 1995, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9330 JUDGE SUSAN HAHN, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9331 L. DANIEL FESSLER, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9332 SALLY STORM, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9336 JUDGE ROBERT LASNIK, reappointed March 12, 1993, for a term ending August 2, 1995, as Chair of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9337 PLEAS GREEN, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9338 JUDGE MARCUS M. KELLY, reappointed March 12, 1993, for a term ending August 2, 1995, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9344 JAMES D. AVERS, reappointed April 12, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Green River Community College District No. 10.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9345 RICARDO R. GARCIA, appointed April 14, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9347 WARREN D. STARR, appointed April 13, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9350 LINDA SPRENGER, appointed April 19, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Green River Community College District No. 10.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9355 DWIGHT K. IMANAKA, appointed May 3, 1993, for a term ending August 30, 1995, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 28, 1994

GA 9370 JENNY DURKAN, appointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9372 JUDGE RICARDO MARTINEZ, reappointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

January 28, 1994

GA 9394 DR. WENDY PAVA, appointed July 1, 1993, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules.

January 28, 1994

GA 9397 CYNTHIA L. RONEY, reappointed July 1, 1993, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules.

January 28, 1994

GA 9400 GRACE T. YUAN, appointed October 13, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 28, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1443,
ENGROSSED HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1928,
SUBSTITUTE HOUSE BILL NO. 1955, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6571 by Senators Moore, Wojahn, Gaspard, Franklin, Prentice and Winsley

AN ACT Relating to disclosing information prior to a residential mortgage loan closing; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor and Commerce.

SB 6572 by Senators Wojahn, Gaspard, Franklin, Winsley and Oke

AN ACT Relating to making a capital appropriation for the Sprague Building; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6573 by Senators Bauer and Bluechel

AN ACT Relating to the impact of taxes on manufacturing; and creating new sections.

Referred to Committee on Ways and Means.

SB 6574 by Senator Quigley

AN ACT Relating to capital appropriations; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 6575 by Senators McCaslin, Fraser, Nelson, West and Roach

AN ACT Relating to the uniform benefits package schedule of covered health services; and amending RCW 43.72.130.

Referred to Committee on Health and Human Services.

SB 6576 by Senator Moore

AN ACT Relating to real estate appraisers; amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.060, 18.140.110, 18.140.120, 18.140.140, 18.140.150, 18.140.155, 18.140.160, 18.140.170, and 18.140.180; adding a new section to chapter 50.04 RCW; adding new sections to chapter 18.140 RCW; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 6577 by Senators Moore, Newhouse, Deccio, Vognild, Prince, Wojahn, Fraser and Sheldon

AN ACT Relating to earthquake insurance; and adding a new section to chapter 48.27 RCW.

Referred to Committee on Labor and Commerce.

SB 6578 by Senators Loveland and M. Rasmussen

AN ACT Relating to preserving a strong agricultural economy; amending RCW 70.94.650; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6579 by Senators L. Smith, Cantu, Hochstatter and McDonald

AN ACT Relating to private corrections facilities; amending RCW 13.06.030 and 72.01.050; adding a new chapter to Title 72 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6580 by Senators Amondson, Snyder, Bluechel, Sutherland, Deccio, Owen, McCaslin, Sellar, McDonald, Sheldon and Oke

AN ACT Relating to hazardous waste cleanup; adding a new section to chapter 70.105D RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1443 by House Committee on State Government (originally sponsored by Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller)

Expanding the jurisdiction of the human rights commission.

Referred to Committee on Law and Justice.

EHB 1756 by Representatives Veloria, Brumsickle and Casada

Requiring the use of licensed or certified electricians for certain purposes.

Referred to Committee on Labor and Commerce.

SHB 1928 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Quall, Locke, Roland and Johanson)

Providing for more comprehensive regional transportation planning.

Referred to Committee on Transportation.

SHB 1955 by House Committee on Local Government (originally sponsored by Representatives Dunshee, H. Myers and Edmondson)

Concerning hearings related to improvement districts.

Referred to Committee on Government Operations.

MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Tuesday, February 1, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, JANUARY 31, 1994

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

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 1, 1994

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Sellar and Snyder. On motion of Senator Drew, Senator Snyder was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brian Brazier and Eric Johnson, presented the Colors. Reverend Philip E. Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1994

SB 5184 Prime Sponsor, Senator Moore: Creating a securities brokers recovery account program. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5184 be substituted therefor, and the second substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Referred to Committee on Ways and Means.

January 28, 1994

SB 5353 Prime Sponsor, Senator A. Smith: Allowing the court to award attorney fees and other court costs to an individual or small business that successfully appeals a state agency directive in court. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

January 28, 1994

SB 5735 Prime Sponsor, Senator Moore: Enhancing penalties for animal cruelty. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5735 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 6010 Prime Sponsor, Senator Fraser: Providing for scientific review and sharing between public agencies. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6010 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6047 Prime Sponsor, Senator A. Smith: Revising provisions relating to crimes involving alcohol, drugs, or mental problems. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6047 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Referred to Committee on Transportation.

January 28, 1994

SB 6110 Prime Sponsor, Senator Spanel: Providing a family health history for children upon the dissolution of a marriage. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6110 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6136 Prime Sponsor, Senator McAuliffe: Creating a thirtieth community and technical college district. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6136 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Referred to Committee on Ways and Means.

January 28, 1994

SB 6141 Prime Sponsor, Senator Talmadge: Changing the start up date of the new composition for the public employees' benefits board. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6147 Prime Sponsor, Senator Wojahn: Increasing the length of terms for appointed members of the council for the prevention of child abuse and neglect. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6150 Prime Sponsor, Senator McAuliffe: Extending reimbursement to classified school employees serving on a state education committee. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1994

SB 6170 Prime Sponsor, Senator Pelz: Modifying the early childhood education and assistance program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6170 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 6172 Prime Sponsor, Senator Moore: Regulating securities transactions. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 6222 Prime Sponsor, Senator Fraser: Establishing the Washington state horse park. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6222 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton and Sutherland.

Referred to Committee on Ways and Means.

January 31, 1994

SB 6231 Prime Sponsor, Senator Hargrove: Permitting killing life-threatening animals. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6231 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith and Spanel.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 6278 Prime Sponsor, Senator Gaspard: Authorizing cities and towns to use their special excise tax for public restroom facilities intended for visitors. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6278 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

January 31, 1994

GA 9310 SCOTT D. OKI, appointed March 10, 1993, for a term ending September 30, 1998, as a member of the University of Washington Board of Regents.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 31, 1994

GA 9358 VELTRY H. JOHNSON, appointed May 10, 1993, for a term ending August 30, 1996, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

January 31, 1994

GA 9404 DANIEL J. EVANS, appointed November 22, 1993, for a term ending September 30, 1999, as a member of the University of Washington Board of Regents.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Roger Reidel, appointed January 28, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6581 by Senators Bauer, Prince, Drew, Cantu, Oke and Sheldon

AN ACT Relating to higher education students' concerns; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6582 by Senators M. Rasmussen, Newhouse, Loveland and Moore

AN ACT Relating to grades and standards for agricultural products; and amending RCW 15.17.100 and 15.17.210.

Referred to Committee on Agriculture.

SB 6583 by Senators Sheldon and Oke

AN ACT Relating to definitions of distressed areas; and amending RCW 43.165.010, 82.60.020, and 82.62.010.

Referred to Committee on Trade, Technology and Economic Development.

SB 6584 by Senator Rinehart (by request of Department of Social and Health Services)

AN ACT Relating to the family emergency assistance program; and amending RCW 74.04.660.

Referred to Committee on Ways and Means.

SJM 8031 by Senators Fraser, Deccio, Talmadge, Morton, McCaslin and Roach

Requesting the National Park Service to preserve Sunrise Lodge.

Referred to Committee on Ecology and Parks.

MOTION

At 10:08 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Pro Tempore Wojahn.

MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5603 Prime Sponsor, Senator Newhouse: Amending the definition of acting in the course of employment. Reported by Committee on Labor and Commerce January 31, 1994

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

SB 6285 Prime Sponsor, Senator Moore: Regulating financial institutions and securities. Reported by Committee on Labor and Commerce January 28, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

SB 6286 Prime Sponsor, Senator A. Smith: Making technical corrections for the department of financial institutions. Reported by Committee on Labor and Commerce January 28, 1994

MAJORITY Recommendation: That Substitute Senate Bill No. 6286 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

SB 6362 Prime Sponsor, Senator Bauer: Promoting efficiency at institutions of higher education. Reported by Committee on Higher Education January 31, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6027, by Senators Winsley, Haugen and McAuliffe

Creating urban emergency medical service districts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6027.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6027 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Sellar - 1.

Excused: Senator Snyder - 1.

SENATE BILL NO. 6027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6030, by Senator Haugen

Reenacting bidding procedures for water and sewer districts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6030 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Snyder - 1.

SENATE BILL NO. 6030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6065, by Senators Ludwig, Nelson, Wojahn, Fraser, Snyder, Bauer and A. Smith

Allowing costs to be imposed against a defaulting defendant.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6065.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 47.

Voting nay: Senator Williams - 1.

Excused: Senator Snyder - 1.

SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6067, by Senators Wojahn, Ludwig, Nelson, A. Smith, Fraser, Snyder and Bauer

Changing the Washington state magistrates' association.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6067.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6067 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Snyder - 1.

SENATE BILL NO. 6067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators Winsley, M. Rasmussen and Oke

Petitioning the president on behalf of disabled veterans.

The joint memorial was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Joint Memorial No. 8013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8013.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8013 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Moyer - 1.

Excused: Senator Snyder - 1.

SENATE JOINT MEMORIAL NO. 8013, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6004, by Senator A. Smith

Changing limitations on trustee's powers.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6004 was substituted for Senate Bill No. 6004 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6004.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 6004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5020, by Senators Nelson and Winsley

Providing for a ten-day period to repair a vehicle before a traffic infraction may be issued for defective equipment.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Snyder - 1.

ENGROSSED SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6220, by Senator Cantu

Creating the quality award council.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6220.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Snyder - 1.

SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Prince was excused.

SECOND READING

SENATE BILL NO. 5645, by Senators Spanel and Fraser

Restricting property divisions.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator McCaslin, your last part of your speech was, 'This is a good thing.' Was that reference to your point of your talk or the bill?"

Senator McCaslin: "No, one good thing about dying is you could do this if this bill doesn't pass. Hopefully, it doesn't pass, because we do want to honor the dead and give them some breaks in life."

POINT OF INQUIRY

Senator Williams: "Senator Spanel, I have a concern about this bill, too. Does the prohibition on division of property in a will prevent, in this case, would it also prevent the division of property in a will that was consistent with subdivision law? In other words, what I am getting at, it seems to me that there might be a legitimate reason for subdividing via a will when it is very definitely in compliance with normal subdivision requirements."

Senator Spanel: "It is my understanding that if it is in compliance with the local regulations, then there is no problem about dividing the will."

Senator Williams: "But, the language of the bill seems to exclude explicitly the ability to transfer or subdivide via a will or this sort of vehicle. So in other words, you would be prohibiting the use of the will to subdivide, even if it is in compliance with all zoning or subdivision requirements?"

Senator Spanel: "No. I would like to yield to Senator Haugen."

REMARKS BY SENATOR HAUGEN

Senator Haugen: "You would have to go through the process that everyone has to go through. It would have to be done legally; you certainly would be able to divide the land, but it would have to be done legally. I think the real issue here is--this issue really came from the Skagit farm lands and this was brought forth by the real estate industry in the Skagit area and the farmers who saw eroding of valuable farm land. I think it is a legitimate issue. I will tell the members about a case that we had in our committee of someone that must have had a lot of money when they were alive because they took and divided a piece of property they had into one hundred and twenty lots--one hundred and twenty lots and subdivided it. Now, average citizens who want to give

something to their children cannot do that without any provisions for fire, for water, for sewer, or for anything. They divided all this land and there was nothing that could be done."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5645.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5645 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Spanel, Sutherland, Talmadge and Winsley - 22.

Voting nay: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Roach, Schow, Sellar, Smith, L., Vognild, West, Williams and Wojahn - 25.

Excused: Senators Prince and Snyder - 2.

SENATE BILL NO. 5645, having failed to receive the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 6003, by Senators A. Smith, Quigley, L. Smith, Haugen, Oke, Nelson, McAuliffe, Ludwig and Franklin

Protecting children from sexually explicit films, publications, and devices.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6003.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6003 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Niemi - 1.

Excused: Senators Prince and Snyder - 2.

SENATE BILL NO. 6003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Williams served notice that he would move to reconsider the vote by which Senate Bill No. 5645 failed to pass the Senate earlier today.

MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Wednesday, February 2, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FEBRUARY 1, 1994

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

TWENTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 2, 1994
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1994
SB 5782 Prime Sponsor, Senator Quigley: Making school construction and remodeling plans public property. Reported by Committee on Education

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5782 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Rasmussen, Rinehart, Skratek and A. Smith.

Passed to Committee on Rules for second reading.

January 31, 1994
SB 5859 Prime Sponsor, Senator Talmadge: Modifying regulation of health professions. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5859 be substituted therefor, and the second substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

February 1, 1994
SB 5871 Prime Sponsor, Senator Roach: Modifying the definition of aggravated first degree murder. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5871 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

January 28, 1994
SB 5990 Prime Sponsor, Senator Pelz: Requiring school-based budgeting based on the characteristics and educational needs of students. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5990 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Rasmussen, Rinehart, Skratek and A. Smith.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter, McDonald, Moyer and Nelson.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 5998 Prime Sponsor, Senator Ludwig: Increasing sentences for persons who commit certain crimes while armed with a firearm. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

February 1, 1994

SB 6040 Prime Sponsor, Senator Owen: Changing provisions relating to criminal jurisdiction on Skokomish tribal lands. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6090 Prime Sponsor, Senator M. Rasmussen: Eliminating Washington State University's rodent control responsibilities. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Newhouse.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 6096 Prime Sponsor, Senator M. Rasmussen: Making major changes to milk and milk products regulations. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Newhouse.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 6098 Prime Sponsor, Senator M. Rasmussen: Eliminating the expiration of the dairy inspection program. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6098 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Newhouse.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 6099 Prime Sponsor, Senator M. Rasmussen: Modifying weights and measures provisions. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6099 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Newhouse.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6115 Prime Sponsor, Senator Nelson: Increasing penalties for offenses committed with deadly weapons. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

January 31, 1994

SB 6174 Prime Sponsor, Senator Talmadge: Enacting programs to reduce youth violence. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6174 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

January 31, 1994

SB 6204 Prime Sponsor, Senator Snyder: Changing seaweed harvesting provisions. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6204 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar and Spanel.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6290 Prime Sponsor, Senator M. Rasmussen: Protecting agricultural products and producers from defamation. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6290 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton and Newhouse.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6492 Prime Sponsor, Senator M. Rasmussen: Regulating agricultural associations. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6492 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton and Newhouse.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

January 31, 1994

GA 9407 RUTA E. FANNING, appointed October 22, 1993, for a term ending at the Governor's pleasure, as Director of the Office of Financial Management.
Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HIGHER EDUCATION COORDINATING BOARD
917 Lakeridge Way, Post Office Box 43430
OLYMPIA, WASHINGTON 98504-3430

January 31, 1994

The Honorable Marty Brown
Secretary of the Senate

Legislative Building 306
Olympia, Washington 98504-0482

Dear Mr. Brown:

The Displaced Homemaker Act requires that the Higher Education Coordinating Board submit a biennial evaluation of the Displaced Homemaker Program to the Legislature (RCW 28B.04.070). The Higher Education Coordinating Board is the administering agency for the program.

Enclosed is the 1991-93 Biennial Report. The Board has reviewed and approved the attached Displaced Homemaker Program's 1991-93 Biennial Report. I submit this as an accurate description of services and accomplishments for the period of July 1, 1991 through June 30, 1993. Sincerely,

ELSON S. FLOYD, Executive Director

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HIGHER EDUCATION COORDINATING BOARD
917 Lakeridge Way, Post Office Box 43430
OLYMPIA, WASHINGTON 98504-3430

February 1, 1994

MEMORANDUM

TO: Members of the Washington State Legislature

FROM: Elson S. Floyd, Executive Director

SUBJECT: "Tuition in Washington: A Comprehensive Review"

The attached study is in response to requirements of Substitute House Concurrent Resolution No. 4408, passed by the 53rd Legislature, 1993 Regular Session. The Higher Education Coordinating Board was directed to "undertake a comprehensive study of tuition and fee policies to be submitted to the 1994 Legislature."

The study covers various aspects of tuition, including a ten-year historical review of tuition rates in Washington, a discussion of procedures and policies which determine tuition levels in the state, comparisons of Washington's tuition levels with other states, a brief overview of student financial aid, and a review of various tuition policy alternatives.

This study was reviewed at two meetings of the Higher Education Coordinating Board (December, 1993 and January, 1994), during which the Board heard public comments from the state's public higher education institutions and student representatives.

The Board will continue to address the tuition issues identified in this report. It will submit recommendations on state tuition policies to the Legislature after giving additional consideration to the inter-related issues of higher education funding, access, accountability, quality, and financial aid.

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard R. Albrecht, reappointed January 28, 1994, for a term ending September 30, 1999, as a member of the Board of Regents for Washington State University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Dr. Frank B. Brouillet, appointed January 28, 1994, for a term ending June 30, 1997, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Mike McCormack, appointed January 28, 1994, for a term ending June 30, 1997, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Judge Carmen Otero, appointed January 28, 1994, for a term ending September 30, 1999, as a member of the Board of Regents for Washington State University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Dr. Kenneth Casavant, appointed for a term beginning March 1, 1994, and ending January 15, 1995, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

INTRODUCTION AND FIRST READING

SB 6585 by Senators Bauer, Oke and Roach

AN ACT Relating to tuition exemptions for veterans; amending RCW 28B.15.620; and amending 1991 c 164 s 11 (uncodified).

Referred to Committee on Ways and Means.

SB 6586 by Senator Fraser

AN ACT Relating to exemptions from real estate licensing requirements; and amending RCW 18.85.110.

Referred to Committee on Labor and Commerce.

SB 6587 by Senators McDonald and Oke

AN ACT Relating to disabled parking permits; and amending RCW 46.16.381.

Referred to Committee on Transportation.

SB 6588 by Senators M. Rasmussen, Erwin, Hargrove, Loveland and Roach

AN ACT Relating to animals; and amending RCW 16.52.180.

Referred to Committee on Agriculture.

SB 6589 by Senators Hargrove, Anderson, L. Smith, Erwin, Nelson, Vognild, Hochstatter, Roach and Oke

AN ACT Relating to adoption; amending RCW 26.33.140; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Health and Human Services.

SB 6590 by Senators Anderson, Cantu, Hochstatter, Roach and Oke

AN ACT Relating to AIDS education in public schools; and amending RCW 28A.230.070.

Referred to Committee on Health and Human Services.

SB 6591 by Senators M. Rasmussen, L. Smith, Snyder and Roach

AN ACT Relating to the department of licensing; and amending RCW 46.04.183.

Referred to Committee on Agriculture.

SB 6592 by Senators Nelson, Schow, Oke, L. Smith, Morton, Amondson, Hochstatter, Anderson, Cantu, Sellar and McCaslin

AN ACT Relating to prohibiting early release for prisoners; and amending RCW 9.94A.150 and 9.92.151.

Referred to Committee on Law and Justice.

SJR 8229 by Senator Hargrove

Amending the Constitution to revise the percentage of signatures required on recall petitions.

Referred to Committee on Government Operations.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Thursday, February 3, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FEBRUARY 2, 1994

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

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 3, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Amondson. On motion of Senator Oke, Senator Amondson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jay Posner and Michael Reid, presented the Colors. Reverend Philip E. Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1994

SB 5225 Prime Sponsor, Senator Skratek: Adopting the work-based learning for youth act. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5225 be substituted therefor, and the second substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

January 31, 1994

SB 5714 Prime Sponsor, Senator Fraser: Regulating vendor single interest insurance. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6009 Prime Sponsor, Senator Fraser: Modifying waste tire recycling provisions. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton and Talmadge.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6052 Prime Sponsor, Senator Ludwig: Lessening record-keeping requirements for traffic citation records. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6057 Prime Sponsor, Senator Ludwig: Strengthening restrictions on aliens carrying firearms. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley and Schow.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6075 Prime Sponsor, Senator Talmadge: Requiring the department of ecology to maintain a hazardous waste site list for sites that need remedial action. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6075 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6092 Prime Sponsor, Senator A. Smith: Revising the statute of limitations for negotiable instruments. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6093 Prime Sponsor, Senator A. Smith: Revising the definition of "collection agency." Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6093 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6108 Prime Sponsor, Senator Skratek: Recodifying laws pertaining to community, trade, and economic development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6151 Prime Sponsor, Senator A. Smith: Revising provisions relating to discharge of offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Schow and Spanel.

Referred to Committee on Ways and Means.

February 1, 1994

SB 6199 Prime Sponsor, Senator Franklin: Enhancing bicycle safety. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, McDonald, Moyer, Niemi, Prentice and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Hargrove.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6246 Prime Sponsor, Senator Fraser: Concerning premium finance agreements. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6273 Prime Sponsor, Senator Winsley: Allowing retired teachers to work in educational institutions for ninety days per school year without a reduction in benefits. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6273 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6298 Prime Sponsor, Senator Moore: Improving the licensing and enforcement sections of the Washington State Liquor Act. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6298 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6321 Prime Sponsor, Senator Bluechel: Creating flexible networks for small businesses. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6322 Prime Sponsor, Senator Skratek: Creating a program to stimulate the development of products in Washington. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6332 Prime Sponsor, Senator Bauer: Establishing high school credit equivalencies for credits earned in institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6332 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6341 Prime Sponsor, Senator West: Expanding the future teachers conditional scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6341 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Sheldon and West.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6345 Prime Sponsor, Senator Skratek: Expediting the merger of the departments of community development and trade and economic development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6359 Prime Sponsor, Senator Erwin: Allowing raffles that benefit bona fide charitable or nonprofit organizations. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6359 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6367 Prime Sponsor, Senator Moore: Regulating microbreweries. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6371 Prime Sponsor, Senator Bauer: Changing provisions relating to higher education degree-granting authority. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6371 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6377 Prime Sponsor, Senator Moore: Compensating insurance brokers. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6395 Prime Sponsor, Senator Skratek: Modifying provisions regarding the Washington economic development finance authority. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6421 Prime Sponsor, Senator Moyer: Requiring standards for long-term care insurance. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6421 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6438 Prime Sponsor, Senator Bauer: Allowing four-year institutions of higher education to accept students in the running start program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6466 Prime Sponsor, Senator Prentice: Streamlining the environmental permit processes for the department of transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6488 Prime Sponsor, Senator Skratek: Revising the thoroughbred racing fund. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6496 Prime Sponsor, Senator Prentice: Serving clients in housing assistance programs. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6509 Prime Sponsor, Senator Moore: Acting in the case of impaired insurers. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6509 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6538 Prime Sponsor, Senator Owen: Changing recreational boating safety education regarding fire prevention. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6538 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1994

SJM 8004 Prime Sponsor, Senator Owen: Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 2, 1994

SCR 8422 Prime Sponsor, Senator M. Rasmussen: Directing the secretary of state to coordinate and form an advisory committee for Klondike gold rush centennial events. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

February 2, 1994

GA 9334 NAPOLEAN CALDWELL, appointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6593 by Senators Pelz, M. Rasmussen, Skratek and McAuliffe

AN ACT Relating to the learning and life skills program for court-involved youth; adding a new chapter to Title 13 RCW; and creating a new section.

Referred to Committee on Education.

MOTION

At 10:11 a.m., on motion of Senator Spanel the Senate was declared to be at ease.

The Senate was called to order at 11:25 a.m. by President Pritchard.

MOTION

At 11:25 a.m., on motion of Senator Quigley, the Senate adjourned until 12:00 noon, Friday, February 4, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 3, 1994

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

TWENTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 4, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 1994
ESSB 5061 Prime Sponsor, Senate Committee on Law and Justice: Limiting residential time in parenting plans and visitation orders for abusive parents. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do Pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 3 1994
SB 5350 Prime Sponsor, Senator A. Smith: Regulating motor fuel price fixing. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5350 be substituted therefor, and the second substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Niemi, Quigley and Spanel.

Passed to Committee on Rules for second reading.

February 3, 1994
SB 5400 Prime Sponsor, Senator Quigley: Regulating campaign contributions and spending. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5400 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Niemi, Quigley and Spanel.

Passed to Committee on Rules for second reading.

February 1, 1994
SB 5448 Prime Sponsor, Senator Sheldon: Exempting federal small business innovation research program distributions from business and occupation tax. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6001 Prime Sponsor, Senator Fraser: Enhancing programs for greater protection for open space and recreational opportunities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Moore, Morton, Sutherland and Talmadge.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6051 Prime Sponsor, Senator Quigley: Providing for speed measuring device expert testimony. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6071 Prime Sponsor, Senator Snyder: Authorizing an additional six-year industrial development levy. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6071 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, Moyer, Owen, Pelz, Snyder, Talmadge and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6078 Prime Sponsor, Senator Talmadge: Modifying toxic cleanup settlement authority. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6104 Prime Sponsor, Senator Fraser: Revising local government powers with respect to on-site septic system inspection and maintenance programs. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6104 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Referred Committee on Ways and Means.

February 1, 1994

SB 6105 Prime Sponsor, Senator Skratek: Authorizing the establishment of services and programs that promote the high performance work organization model. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6105 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6112 Prime Sponsor, Senator Drew: Making changes to the campaign practices law. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6112 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Nelson, Niemi, Quigley, Schow and Spanel.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6122 Prime Sponsor, Senator Skratek: Prioritizing loans and grants for public facilities. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6146 Prime Sponsor, Senator Skratek: Diversifying the economy by locating a film and video production facility within the state. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6155 Prime Sponsor, Senator McAuliffe: Revising provisions relating to schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Rasmussen, Rinehart, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6157 Prime Sponsor, Senator Talmadge: Addressing hunger in the state of Washington. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Referred to Committee on Ways and Means.

February 1, 1994

SB 6162 Prime Sponsor, Senator Sheldon: Providing small businesses with assistance with grant writing. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6163 Prime Sponsor, Senator Sheldon: Allowing businesses in this state to continue participating in the small business innovation research program. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Referred to Committee on Ways and Means.

February 1, 1994

SB 6164 Prime Sponsor, Senator Sheldon: Concerning economic development in rural areas. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6164 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6181 Prime Sponsor, Senator Haugen: Increasing penalties for murder of an unborn viable child resulting from the injury or death of the child's mother. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Niemi.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6185 Prime Sponsor, Senator A. Smith: Requiring license revocation for a person under twenty-one years of age who drives while having any alcohol in his or her system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 6185 be referred to Committee on Transportation. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bluechel, Cantu, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge and Williams.

Referred to Committee on Transportation.

February 2, 1994

SB 6198 Prime Sponsor, Senator Skratek: Increasing the area of land considered a residence for property tax purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, West and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6219 Prime Sponsor, Senator Skratek: Establishing the Washington manufacturing extension center. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6219 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6223 Prime Sponsor, Senator Williams: Concerning the disposal of low-level nuclear waste. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West and Williams.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6236 Prime Sponsor, Senator Sutherland: Authorizing late fees and interest for delinquent payment of fees to the Utilities and Transportation Commission. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Hochstatter, Owen, A. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6252 Prime Sponsor, Senator Vognild: Limiting the liability of state and local governments. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Haugen, Nelson, Oke, Prentice, Prince, Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Skratek, Vice Chair; Drew, Morton, Rasmussen and Schow.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6265 Prime Sponsor, Senator Sutherland: Implementing the cellular communications tax study recommendations regarding 911 emergency communication system funding. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, A. Smith, Vognild, West and Williams.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6268 Prime Sponsor, Senator A. Smith: Authorizing the use of thumbprint scans to prevent fraud. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Niemi, Quigley and Roach.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6291 Prime Sponsor, Senator M. Rasmussen: Affecting the processing of water rights. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6291 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Newhouse and Snyder.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6363 Prime Sponsor, Senator Vognild: Revising transportation improvement funding procedures. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6375 Prime Sponsor, Senator Haugen: Waiving the one hundred six percent limit for veteran's assistance county levys. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6375 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Talmadge, West and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6381 Prime Sponsor, Senator Owen: Making the business and occupation tax on for-profit hospitals equal to the tax on nonprofit hospitals. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Referred to Committee on Ways and Means.

February 2, 1994

SB 6404 Prime Sponsor, Senator Wojahn: Excluding medical assistance administration reimbursement fees and schedules from the administrative procedure act. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6405 Prime Sponsor, Senator Talmadge: Modifying licensing and inspection of transient accommodations. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6405 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6411 Prime Sponsor, Senator Sutherland: Changing provisions relating to regulation of securities issued by regulated utilities and transportation companies. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6416 Prime Sponsor, Senator Skratek: Providing an incentive for legislators to teach two days a year. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6416 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Moyer, Rasmussen, Skratek, A. Smith and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Nelson.

EDITOR'S NOTE: See Statement for the Journal following the listing of the Reports of Standing Committees for comments on the Minority Report.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6428 Prime Sponsor, Senator M. Rasmussen: Changing provisions relating to water systems. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6463 Prime Sponsor, Senator M. Rasmussen: Revising department of agriculture administrative duties. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6463 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Snyder.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6486 Prime Sponsor, Senator Sutherland: Requiring notice to affected property owners before latecomer reimbursement agreements are entered into. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 1, 1994

SB 6491 Prime Sponsor, Senator Vognild: Clarifying authority of regional transit authorities. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6493 Prime Sponsor, Senator Sutherland: Integrating the state energy strategy into statute. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Owen, A. Smith and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6505 Prime Sponsor, Senator M. Rasmussen: Providing for public facility transit security. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6516 Prime Sponsor, Senator West: Creating the Warren Featherstone Reid award for excellence in health care. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6527 Prime Sponsor, Senator Sheldon: Requiring an at-risk youth job placement and training program. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Erwin, Rasmussen and Williams.

Referred to Committee on Ways and Means.

February 3, 1994
SB 6536 Prime Sponsor, Senator Sutherland: Establishing the department of ecology's water rights authority. Reported by
Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6536 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 2, 1994
SB 6557 Prime Sponsor, Senator Hargrove: Revising provisions relating to correctional industries work programs. Reported by
Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6557 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 2, 1994
SB 6561 Prime Sponsor, Senator Skratek: Expanding the marketplace program. Reported by Committee on Trade, Technology
and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6561 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 3, 1994
SB 6582 Prime Sponsor, Senator M. Rasmussen: Applying grades and standards only to apples packed in Washington state.
Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 3, 1994
SB 6588 Prime Sponsor, Senator M. Rasmussen: Regulating research on animals. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Anderson, Bauer, Morton and Snyder.

Passed to Committee on Rules for second reading.

February 3, 1994
SJM 8029 Prime Sponsor, Senator Morton: Petitioning Congress to allow states to require a notice requirement before imposing a
federal lien on real property. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 2, 1994
SCR 8419 Prime Sponsor, Senator Skratek: Creating a joint select committee on sustainable development. Reported by
Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8419 be substituted therefor, and the substitute resolution do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

STATEMENT FOR THE JOURNAL

Re: Minority Report to Senate Bill No. 6416

Senate Bill No. 6416 imposes a legislator's presence in the classroom. There is no requirement of training for the legislator in course development or classroom presentation. This lack of credentials (with or without the school's instructional staff in the classroom, as allowed by this bill) is not in the best interests of the students. This measure presumes that legislators have some "special offering" to student attainment. The measure does not include state-wide elected officials, local elected officials, or members of the executive or judicial departments. Legislators have traditionally been "guests" at schools but now will be "paid guests" by receiving per diem. This measure is presumptuous and self-serving and should not be passed as another intrusion of the Legislature with school district operations.

SENATOR GARY NELSON, 21st District

INTRODUCTION AND FIRST READING

SB 6594 by Senator Snyder

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

Referred to Committee on Ecology and Parks.

SB 6595 by Senators Moyer and Bluechel

AN ACT Relating to blacklisting; and amending RCW 49.44.010.

Referred to Committee on Labor and Commerce.

SB 6596 by Senators Moore and Newhouse

AN ACT Relating to the definition and enforcement of retail charge agreements; amending RCW 63.14.010; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Labor and Commerce.

SB 6597 by Senator Moore

AN ACT Relating to pharmaceutical price discrimination; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

MOTION

At 12:08 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:25 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5038 Prime Sponsor, Senator Haugen: Creating a procedure for local government service agreements. Reported by
Committee on Government Operations

February 4, 1994

MAJORITY Recommendation: That Substitute Senate Bill No. 5038 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 5154 Prime Sponsor, Senator Winsley: Concerning the maintenance in mobile home parks. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 5177 Prime Sponsor, Senator Pelz: Concerning automobile liability insurance policies. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 5177 be substituted therefor and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 5403 Prime Sponsor, Senator Haugen: Authorizing public utility districts to fluoridate water supplies. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5403 be substituted therefor, and the second substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Hochstatter, Owen, A. Smith, Vognild and Williams.

MINORITY Recommendation: Do not pass and do not substitute. Signed by Senators Amondson, Roach and West.

EDITOR'S NOTE: See Statement for the Journal at end of the day for comments on Minority Report.

Passed to Committee on Rules for second reading.

February 4, 1994

SSB 5405 Prime Sponsor, Senate Committee on Education: Raising the minimum dollar amount requiring competitive bidding by school districts. Reported by Committee on Education

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5405 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 5416 Prime Sponsor, Senator Prentice: Clarifying what constitutes retaliation for filing a workers' compensation claim. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 5449 Prime Sponsor, Senator Hargrove: Changing provisions regarding judgments. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 5468 Prime Sponsor, Senator Fraser: Imposing requirements for businesses that receive public assistance. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5468 be substituted therefor, and the second substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Rasmussen and Williams.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu and Erwin.

Passed to Committee on Rules for second reading.

February 3, 1994

2SSB 5514 Prime Sponsor, Senate Committee on Trade, Technology and Economic Development: Creating the economic development grants program. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5514 be substituted therefor, and the third substitute bill do pass and the bill be referred to the Committee on Ways and Means. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Referred to Committee on Ways and Means.

February 3, 1994

SSB 5579 Prime Sponsor, Senate Committee on Trade, Technology and Economic Development: Creating the office of science and technology. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5579 be substituted therefor, and the second substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 5893 Prime Sponsor, Senator Quigley: Expanding access to higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5893 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Cantu, Prince, Quigley, Sheldon and West.

MINORITY Recommendation: Do not pass. Signed by Senator Drew, Vice Chair.

Referred to Committee on Ways and Means.

February 4, 1994

SB 5894 Prime Sponsor, Senator Quigley: Requiring development of model student progression contracts. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Referred to Committee on Ways and Means.

February 4, 1994

ESSB 5910 Prime Sponsor, Senator Sutherland: Assisting public drinking water systems. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen, Roach, A. Smith, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 5920 Prime Sponsor, Senator Vognild: Changing limits for unemployment compensation deductions. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 5920 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994
SB 6019 Prime Sponsor, Senator Haugen: Revising compensation provisions for local government officials. Reported by
Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke,
Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994
SB 6022 Prime Sponsor, Senator Haugen: Revising requirements for publication of ordinances. Reported by Committee on
Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke,
Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994
SB 6023 Prime Sponsor, Senator Winsley: Transferring emergency management functions from the department of community
development to the military department. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke,
Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994
SB 6024 Prime Sponsor, Senator Haugen: Creating an optional county code study commission. Reported by Committee on
Government Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators
Haugen, Chair; Drew, Vice Chair; McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Loveland and Owen.

Referred to Committee on Ways and Means.

February 3, 1994
SB 6041 Prime Sponsor, Senator Ludwig: Prescribing penalties for criminal street gang activities. Reported by Committee on Law
and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley,
Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994
SB 6061 Prime Sponsor, Senator Vognild: Revising provisions relating to special elections to validate excess levies or bond
issues. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke,
Owen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994
SB 6073 Prime Sponsor, Senator Prentice: Correcting unemployment compensation statutes for base year compensation and
defining employment. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6073 be substituted therefor, and the substitute bill do
pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince,
Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6076 Prime Sponsor, Senator Wojahn: Requiring warning notices where alcoholic beverages are sold or consumed. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Pelz, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6081 Prime Sponsor, Senator Haugen: Excluding "biological septic tank additives" from regulation as an on-site sewage disposal system additive. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6086 Prime Sponsor, Senator West: Changing provisions regarding public facilities districts. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6086 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6087 Prime Sponsor, Senator Prentice: Concerning the health and safety of farmworkers' housing. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6087 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6101 Prime Sponsor, Senator M. Rasmussen: Regulating custom slaughtering and custom meat facility licenses. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 6101 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6103 Prime Sponsor, Senator Snyder: Providing for burning permits for fire fighting instruction. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6103 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6107 Prime Sponsor, Senator Skratek: Allowing fees for services for the department of community, trade, and economic development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6107 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Erwin and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Williams.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6111 Prime Sponsor, Senator Drew: Changing ethics provisions for state officers and state employees. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6111 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6120 Prime Sponsor, Senator Hargrove: Concerning fisheries enhancement. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6120 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke and Snyder.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6124 Prime Sponsor, Senator Prentice: Protecting homeowners' equity. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6124 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Newhouse, Prince, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6126 Prime Sponsor, Senator McAuliffe: Providing for community facilities for youth activities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6126 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Moore, Morton, Sutherland and Talmadge.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6127 Prime Sponsor, Senator Wojahn: Printing educational publications of the state historical societies. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6130 Prime Sponsor, Senator Anderson: Allowing equal access to justice. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, McAuliffe, Newhouse, Prince, Sellar, Sutherland, Vognild and Wojahn.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6142 Prime Sponsor, Senator Fraser: Exempting materials submitted for certification under chapter 39.19 RCW from public records disclosure requirements. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6142 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6153 Prime Sponsor, Senator Pelz: Prohibiting the state board of education from adopting rules governing the qualifications of drivers other than school bus drivers who transport students. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6153 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Hochstatter, McDonald, Moyer, Rasmussen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6167 Prime Sponsor, Senator Snyder: Limiting the regulation of private property. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6167 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Oke, Sellar, L. Smith and Snyder.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin and Haugen.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6168 Prime Sponsor, Senator Fraser: Exempting from public disclosure certain enhanced 911 information. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6178 Prime Sponsor, Senator Talmadge: Authorizing changes in the wastewater discharge permit program. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Sutherland and Talmadge.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6203 Prime Sponsor, Senator Snyder: Changing limits on rural partial-county library districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6209 Prime Sponsor, Senator Moore: Applying the insurer holding company act to all insurers. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6209 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Newhouse, Sellar, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6225 Prime Sponsor, Senator Williams: Preventing conflict of interest by agency lobbyists. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6225 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6228 Prime Sponsor, Senator Haugen: Revising provisions relating to definitions of agricultural and forest land of long-term commercial significance. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6228 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Franklin, Oke, Sellar, L. Smith and Snyder.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6230 Prime Sponsor, Senator M. Rasmussen: Changing charitable organizations and business licensing provisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6230 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6237 Prime Sponsor, Senator Franklin: Implementing the veteran estate management program. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6241 Prime Sponsor, Senator Prentice: Modifying employer-sponsored health benefits coverage for seasonal workers. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6242 Prime Sponsor, Senator Sheldon: Implementing regulatory reform. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; McAuliffe, Newhouse, Pelz, Prince, Sellar and Vognild.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Amondson, Fraser and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6254 Prime Sponsor, Senator Fraser: Authorizing counties to file claims against escheat property for funeral or burial expenses of indigent persons. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6255 Prime Sponsor, Senator Talmadge: Changing provisions relating to children removed from the custody of parents. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, L. Smith and Winsley.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6264 Prime Sponsor, Senator Sutherland: Authorizing a regional compact for restoring salmon runs. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6266 Prime Sponsor, Senator Haugen: Authorizing sewer district commissioners of a merged district to fulfill their terms of office. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6271 Prime Sponsor, Senator Sutherland: Protecting residents against unfair construction services. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6271 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Pelz, Sutherland and Wojahn.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6274 Prime Sponsor, Senator Prentice: Changing salary provisions for educational employees. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, Pelz, Sutherland, Vognild and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Sellar.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6275 Prime Sponsor, Senator A. Smith: Providing an administrative remedy for residential interference. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6276 Prime Sponsor, Senator Haugen: Regulating trademarks. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6277 Prime Sponsor, Senator Haugen: Concerning corporations that may make assessments based on real property value. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6283 Prime Sponsor, Senator Haugen: Disclosing real property information. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6283 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6287 Prime Sponsor, Senator A. Smith: Allowing bad faith, false allegations of physical or sexual abuse to be considered in making a parenting plan. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6295 Prime Sponsor, Senator Sheldon: Establishing an additional weighting factor to be used in purchasing products containing recycled material. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6295 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6303 Prime Sponsor, Senator Quigley: Providing for the elimination of state boards and commissions. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6303 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6305 Prime Sponsor, Senator Snyder: Revising the process for obtaining a variance from the minor employment law. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6312 Prime Sponsor, Senator Fraser: Eliminating knowledge requirement for violations of the Washington industrial safety and health act. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6316 Prime Sponsor, Senator Haugen: Providing minimum qualifications for county sheriffs. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke, Owen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6318 Prime Sponsor, Senator Hargrove: Revising methods for calculating child support. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6319 Prime Sponsor, Senator Moore: Regulating insurance. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Pelz, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6323 Prime Sponsor, Senator Bluechel: Exempting photography studios from cosmetology licensing requirements. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Amondson, Fraser, McAuliffe, Newhouse, Prince, Sellar, Sutherland and Vognild.

MINORITY Recommendation: Do not pass. Signed by Senator Prentice, Vice Chair.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6331 Prime Sponsor, Senator Snyder: Limiting political contributions of municipal bond dealers. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6331 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6335 Prime Sponsor, Senator Snyder: Allowing the operation of state-owned salmon hatcheries by nonprofit corporations, municipal corporations, and treaty Indian tribes. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Oke, Sellar and Snyder.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6336 Prime Sponsor, Senator Snyder: Prescribing qualifications for fish and wildlife commission members. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar and Snyder.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6338 Prime Sponsor, Senator A. Smith: Requiring delivery of a copy of a lien document to the owner of the real property subject to the lien. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6338 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6339 Prime Sponsor, Senator Sheldon: Facilitating growth management planning and decisions, integration with related environmental laws, and improving procedures for cleanup of hazardous waste sites. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6339 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6344 Prime Sponsor, Senator Snyder: Modifying provisions for tax deferrals for investment projects in distressed areas. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6344 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Erwin and Rasmussen.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6346 Prime Sponsor, Senator Owen: Expediting the merger of the departments of fisheries and wildlife. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6347 Prime Sponsor, Senator Skratek: Providing tax credits and deferrals for high-technology businesses. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Erwin and Rasmussen.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6353 Prime Sponsor, Senator Williams: Concerning the release of personal financial information obtained by a governmental agency. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6353 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6356 Prime Sponsor, Senator Quigley: Providing an exception to the requirement that cigarette machines be located fully within premises from which minors are prohibited. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6357 Prime Sponsor, Senator Quigley: Creating the liquor control agency. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6357 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6373 Prime Sponsor, Senator A. Smith: Imposing liability for smoking in nonsmoking accommodations or lodgings. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6376 Prime Sponsor, Senator Moore: Expanding uses for investment earnings. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Vognild and Wojahn.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6380 Prime Sponsor, Senator Vognild: Concerning skate center liability. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6380 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6384 Prime Sponsor, Senator Drew: Increasing the number of county hospital trustees from thirteen to seventeen. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6387 Prime Sponsor, Senator Owen: Providing for grizzly bear management. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6387 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6399 Prime Sponsor, Senator McAuliffe: Changing child care facility provisions. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Rasmussen, Rinehart and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6401 Prime Sponsor, Senator Franklin: Requiring a report on environmental risks in relationship to minority and low-income communities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6401 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6407 Prime Sponsor, Senator Talmadge: Changing provisions relating to smoking and tobacco products. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6407 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6408 Prime Sponsor, Senator Spanel: Including tribal authorities in mental health systems. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6414 Prime Sponsor, Senator Haugen: Restricting campaign financing for the office of state treasurer. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6414 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6418 Prime Sponsor, Senator West: Modifying child immunization regulations. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6418 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Quigley, L. Smith and Winsley.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6423 Prime Sponsor, Senator Prentice: Modifying continuation of health plan coverage for certain persons. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6423 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6424 Prime Sponsor, Senator Haugen: Limiting impact fees imposed under chapter 82.02 RCW. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6424 be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, McCaslin, Oke, Owen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Haugen, Chair.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6425 Prime Sponsor, Senator Sutherland: Regulating telecommunications systems. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6425 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Hochstatter, Owen, A. Smith and Vognild.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6426 Prime Sponsor, Senator Sutherland: Providing public electronic access to government information. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Vice Chair; McCaslin, Oke, Owen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Haugen, Chair.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6430 Prime Sponsor, Senator Ludwig: Requiring agency coordination and public participation in the rule-making process. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6430 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6447 Prime Sponsor, Senator Prince: Adopting a formula for transmitting funds for transfer students. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6447 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6456 Prime Sponsor, Senator Vognild: Authorizing state agencies to acquire responsibility for operation on maintenance of buildings they occupy. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6456 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin and Oke.

MINORITY Recommendation: Do not pass. Signed by Senator Loveland.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6457 Prime Sponsor, Senator Erwin: Providing for more intensive forestry of smaller parcels of forest land. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6457 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chair; Amondson, Erwin, Franklin, Oke, Sellar, L. Smith and Snyder.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6458 Prime Sponsor, Senator Williams: Prohibiting credit history from being used in determining eligibility or rates for automobile insurance. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6461 Prime Sponsor, Senator Fraser: Concerning claims for oil spill liability damages. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6461 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Deccio, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6462 Prime Sponsor, Senator Haugen: Modifying the procedure for appealing a boundary review board decision. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6462 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke, Owen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6464 Prime Sponsor, Senator Haugen: Revising provisions relating to public works contracts with the state. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6464 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1994

SB 6465 Prime Sponsor, Senator A. Smith: Creating a waiver for students with disabilities to obtain cosmetology course credit without having graduated from high school. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6467 Prime Sponsor, Senator Fraser: Modifying water right permit provisions for water used for municipal purposes. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6467 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen, Roach, A. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6468 Prime Sponsor, Senator Bauer: Creating the postsecondary education resource center. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Quigley, Sheldon and West.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6470 Prime Sponsor, Senator McCaslin: Abolishing specified boundary review boards. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke, Owen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6480 Prime Sponsor, Senator Moore: Regulating unemployment insurance compensation. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6481 Prime Sponsor, Senator Bauer: Authorizing the services and activities committees to determine services and activities fees. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6481 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6484 Prime Sponsor, Senator A. Smith: Regulating confidentiality claims in court settlements involving public hazards. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6484 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6485 Prime Sponsor, Senator Sutherland: Modifying interagency for outdoor recreation grant and loan priorities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6485 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6487 Prime Sponsor, Senator Moore: Exempting espresso machines from boiler regulations. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6487 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6498 Prime Sponsor, Senator Erwin: Creating the community and technical college capital account. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Referred to Committee on Ways and Means.

February 3, 1994

SB 6500 Prime Sponsor, Senator McAuliffe: Strengthening retail food service establishment regulation. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6500 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6502 Prime Sponsor, Senator A. Smith: Providing procedures for increasing the number of water district commissioners. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6520 Prime Sponsor, Senator Oke: Eliminating the primary in park and recreation district elections. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6532 Prime Sponsor, Senator Wojahn: Changing provisions relating to release of criminally insane persons. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6539 Prime Sponsor, Senator Skratek: Requiring court and administrative documents to be on recycled paper. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6539 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Moore, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6542 Prime Sponsor, Senator A. Smith: Making the assault of a nurse a crime. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach and Spanel.

Passed to Committee on Rules for second reading.

February 3, 1994

SB 6547 Prime Sponsor, Senator Sheldon: Providing for auditing of mental health systems. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6547 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6551 Prime Sponsor, Senator Erwin: Establishing grants for extended day school-to-work transition projects. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek and Winsley.

Referred to Committee on Ways and Means.

February 4, 1994

SB 6556 Prime Sponsor, Senator Hargrove: Allowing a nonprofit television reception improvement district to rent space from the department of natural resources for less than the fair market value of the property. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6556 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6566 Prime Sponsor, Senator Owen: Modifying requirements for specialized forest product permits. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6566 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6571 Prime Sponsor, Senator Moore: Disclosing information on residential real estate. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6571 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6576 Prime Sponsor, Senator Moore: Regulating real estate appraisers. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That Substitute Senate Bill No. 6576 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1994

SB 6593 Prime Sponsor, Senator Pelz: Creating the learning and life skills grant program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6593 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SJM 8001 Prime Sponsor, Senator Sutherland: Requesting amending the Copyright Act to address current situations. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen, Roach, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 4, 1994

SJM 8026 Prime Sponsor, Senator Wojahn: Concerning Taiwan. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8026 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Skratek, Chair; Bluechel, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 4, 1994

SJM 8028 Prime Sponsor, Senator Sutherland: Requesting that Congress clarify the Indian Gaming Regulatory Act of 1988. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Amondson, Fraser, McAuliffe, Newhouse, Prince, Sellar, Sutherland and Vognild.

MINORITY Recommendation: Do not pass. Signed by Senator Prentice, Vice Chair.

Passed to Committee on Rules for second reading.

February 4, 1994

SJM 8030 Prime Sponsor, Senator Oke: Requesting a modification of the Marine Mammal Protection Act. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1994

SJM 8031 Prime Sponsor, Senator Fraser: Requesting the National Park Service to preserve Sunrise Lodge. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Deccio, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1994

SJR 8226 Prime Sponsor, Senator Cantu: Ratifying the 27th Amendment to the United States Constitution. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1994

SJR 8228 Prime Sponsor, Senator Haugen: Changing the signature requirements for petitions to recall state-wide elected officers and for initiatives and referenda. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1993

SSCR 8400 Prime Sponsor, Senator Talmadge: Declaring a sister state relationship with the Province of Taiwan. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Deccio, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 4, 1994

SCR 8421 Prime Sponsor, Senator Skratek: Creating the Joint Legislative Oversight Committee on Training and Retraining. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8421 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 4, 1994

GA 9304 RUTHANN KUROSE, reappointed February 26, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Bellevue Community College District No. 8. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9346 JAY W. KIM, appointed May 4, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Pierce Community College District No. 11. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9395 TERRY ROBERTSON, appointed July 1, 1993, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Blind. Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules.

February 4, 1994

GA 9399 ROBERT YAMASHITA, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Tacoma Community College District No. 22.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9409 ROBERT KOZUKI, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Pierce Community College District No. 11.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9411 CAROLYN KECK, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9412 VICTOR H. CLAUSEN, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9413 ROBERT J. BAVASI, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9414 A. M. JORGENSEN, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Renton Technical College District No. 27.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9415 JOSEPH ENBODY, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9416 CHARLES MICHENER, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 4, 1994

GA 9425 BARNEY A. GOLTZ, reappointed January 11, 1994, for a term ending April 3, 1998, as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

STATEMENT FOR THE JOURNAL

Re: Minority Report to Senate Bill No. 5403

Individual citizens, anywhere in the state of Washington, are already free to purchase fluoride tablets and rinses for their own uses and for the dental care of their own children. Indeed, with parental permission, school districts can already administer fluoride treatments to school children, as well. There is no need, therefore, for public utility districts, or for any other governmental district or body, to consider putting fluoride in otherwise pure water supplies. A political majority should not impose health care choices on a minority.

SENATOR NEIL AMONSON, 20th District
SENATOR PAM ROACH, 31st District
SENATOR JAMES E. WEST, 6th District

MOTION

At 6:27 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Monday, February 7, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 4, 1994

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

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 7, 1994

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators McCaslin, McDonald, Rasmussen, Sellar, Linda Smith and West. On motion of Senator Oke, Senators McCaslin, McDonald, Sellar, Linda Smith and West were excused. On motion of Senator Drew, Senator Rasmussen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ty Leigh Amondson and Melissa Anderson, presented the Colors. Reverend Joan Cathey of The Evergreen State College Campus Ministry, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 4, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2138,
HOUSE BILL NO. 2157,
HOUSE BILL NO. 2169,
ENGROSSED HOUSE BILL NO. 2193,
SUBSTITUTE HOUSE BILL NO. 2212,
HOUSE BILL NO. 2213,
SUBSTITUTE HOUSE BILL NO. 2214,
HOUSE BILL NO. 2240,
HOUSE BILL NO. 2241,
ENGROSSED HOUSE BILL NO. 2347,
SUBSTITUTE HOUSE BILL NO. 2352,
HOUSE BILL NO. 2369,
SUBSTITUTE HOUSE BILL NO. 2370,
HOUSE BILL NO. 2377,
SUBSTITUTE HOUSE BILL NO. 2430,
SUBSTITUTE HOUSE BILL NO. 2438,
HOUSE BILL NO. 2508,
HOUSE BILL NO. 2509,
ENGROSSED HOUSE BILL NO. 2561,
SUBSTITUTE HOUSE BILL NO. 2618, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6598 by Senators Cantu, Nelson, Bluechel, Erwin, Hochstatter, Moyer, Roach, Oke, L. Smith, McDonald, Sellar, Morton, McCaslin, West and Anderson

AN ACT Relating to medical care savings accounts; adding new sections to chapter 43.72 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 6599 by Senators Roach, West, Amondson, Schow, McCaslin, Hochstatter, Cantu, Oke, L. Smith, Morton and Anderson

AN ACT Relating to increasing penalties for armed crimes; amending RCW 9.94A.310, 9A.36.045, 9A.36.050, 9A.56.040, 9A.56.160, and 9.94A.150; reenacting and amending RCW 9.94A.320 and 9.41.040; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9A.36 RCW; adding new sections to chapter 9A.56 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6600 by Senators Owen, Skratek, Franklin, McAuliffe, M. Rasmussen, Haugen, Fraser, Sheldon, Moore, Gaspard, Snyder, Sutherland, Oke and Winsley

AN ACT Relating to an analysis of property tax systems.

Referred to Committee on Ways and Means.

SB 6601 by Senators Gaspard, Sellar, Quigley, Rinehart, Oke, Winsley, Ludwig, Drew, Franklin, Skratek and M. Rasmussen

AN ACT Relating to government performance and accountability; and creating a new section.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2138 by Representatives Rayburn, Roland, Sheahan, Schoesler and Hansen (by request of Washington State University)

Eliminating Washington State University's rodent control responsibilities.

Referred to Committee on Agriculture.

HB 2157 by Representatives King and Orr (by request of Department of Wildlife)

Repealing the termination dates for provisions relating to migratory waterfowl.

Referred to Committee on Natural Resources.

HB 2169 by Representatives R. Fisher and Heavey

Establishing board membership criteria for regional transit authorities.

Referred to Committee on Transportation.

EHB 2193 by Representatives Veloria, Lisk and Dyer

Exempting certain renal disease facilities from health care assistant licensing requirements.

Referred to Committee on Health and Human Services.

SHB 2212 by House Committee on Judiciary (originally sponsored by Representatives Eide, Padden, Appelwick, Wineberry and Johanson)

Determining the number of district court judges.

Referred to Committee on Law and Justice.

HB 2213 by Representatives Eide, Padden, Appelwick and Wineberry

Changing the Washington state magistrates' association.

Referred to Committee on Law and Justice.

SHB 2214 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Kremen, H. Myers, Chandler, Basich, Zellinsky, Campbell and Van Luven)

Authorizing a trade association representing manufactured housing dealers to use a manufactured home as an office.

Referred to Committee on Labor and Commerce.

HB 2240 by Representatives Appelwick and Padden (by request of Law Revision Commission)

Correcting a double amendment related to records of registered voters.

Referred to Committee on Law and Justice.

HB 2241 by Representatives Appelwick and Padden (by request of Law Revision Commission)

Correcting a double amendment related to freedom from discrimination.

Referred to Committee on Law and Justice.

EHB 2347 by Representatives Morris, Horn, Bray and Springer (by request of Department of Community Development)

Changing the energy building code for glazing, doors, and skylights.

Referred to Committee on Energy and Utilities.

SHB 2352 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Shin, Campbell, Patterson, Finkbeiner, Forner, Appelwick, J. Kohl, Johanson, Wineberry, Wolfe and Veloria)

Revising membership and duties of the governor's advisory committee on international trade.

Referred to Committee on Trade, Technology and Economic Development.

HB 2369 by Representatives Foreman, Sheldon, Basich and Anderson

Revising provisions for elections in cities with a commission plan of government.

Referred to Committee on Government Operations.

SHB 2370 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky and Dyer)

Extending reinsurance and surplus line insurance statutes to incorporated entities.

Referred to Committee on Labor and Commerce.

HB 2377 by Representatives Appelwick, Johanson, Padden, H. Myers, Ballasiotes, Tate, Scott and Anderson

Including optical imaging reproductions as business record copies admissible as evidence.

Referred to Committee on Law and Justice.

SHB 2430 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dyer, Zellinsky, Kessler, Romero, Jones and Springer) (by request of Insurance Commissioner)

Correcting an error concerning midwifery and birth center malpractice insurance.

Referred to Committee on Labor and Commerce.

SHB 2438 by House Committee on Financial Institutions and Insurance (originally sponsored by Representative Zellinsky)

Making technical corrections for the department of financial institutions.

Referred to Committee on Labor and Commerce.

HB 2508 by Representatives Dellwo, Dyer and L. Johnson (by request of Department of Health)

Modifying the health professional temporary resource pool.

Referred to Committee on Health and Human Services.

HB 2509 by Representatives Dellwo, Dyer and L. Johnson (by request of Department of Health)

Modifying credentialing of health professionals.

Referred to Committee on Health and Human Services.

EHB 2561 by Representatives Rayburn and Roland

Modifying regulations for controlled atmosphere storage of fruit.

Referred to Committee on Agriculture.

SHB 2618 by House Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Wood, Johanson, Sheldon, Talcott and J. Kohl)

Adding ferry water routes to the state highway system.

Referred to Committee on Transportation.

MOTION

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

SENATE RESOLUTION 1994-8670

By Senators Franklin, Wojahn, Sutherland and Gaspard

WHEREAS, The first pioneer settler in what is now the State of Washington was George Washington Bush, the African-American founder of Bush Prairie, in what is now Clark County in 1844; and

WHEREAS, His son, Representative William Owen Bush, was a founding member of the Washington Legislature in 1889; and

WHEREAS, The rich history of Washington includes the founding of Centralia in 1872 by an African-American, George Washington. He was the son of a slave, and was one of the few to help his neighbors survive the depression, from 1893 to 1897, regardless of the color of their skin; and

WHEREAS, Sojourner Truth, an African-American woman, was among the first Americans anywhere to advocate both racial AND gender equality; and

WHEREAS, Sarah Gammon Beckford, a native of North Carolina, owned and operated the Virginia City, Montana, water system from 1888 to 1931, and was one of the city's most prominent citizens; and

WHEREAS, African-Americans were responsible for many advances in technology: From Andrew Jackson Beard's lifesaving automatic railroad car coupling device to Dr. Charles Richard Drew, who created the world's first blood bank, but later died when he was refused a transfusion solely because of the color of his skin; from the portable refrigeration system invented by Frederick McKinley Jones, enabling our farmers to move their crops world-wide, to Garrett Morgan's invention of both the automatic traffic light and the gas mask; and

WHEREAS, It was an African-American, Dr. Martin Luther King, Jr., who taught us the principles of nonviolence and how moral persuasion can bring about change in a way that violence never could; and

WHEREAS, Many more African-Americans have made lasting contributions to society and the betterment of America in the areas of science, education, agriculture, medicine, the arts, and many other endeavors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize February as African-American History Month in the state of Washington. This celebration, begun in 1926, by Dr. Carter Woodson, strives to continue to raise the awareness of all people concerning the contributions made by African-Americans in our country; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to every public school district in the state of Washington, which are urged to share the resolution with all students in order to foster an awareness of how African-Americans have contributed to our communities, our State, and our Nation.

MOTION

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

SECOND READING
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9294, Warren A. Bishop, as Chair of the Energy Facility Site Evaluation Council, was confirmed.

APPOINTMENT OF WARREN A. BISHOP

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 43.

Excused: Senators McCaslin, McDonald, Rasmussen, M., Sellar, Smith, L. and West - 6.

MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9363, Judith Merchant, as Director of the Washington State Energy Office, was confirmed.

APPOINTMENT OF JUDITH MERCHANT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 43.

Excused: Senators McCaslin, McDonald, Rasmussen, M., Sellar, Smith, L. and West - 6.

MOTION

At 9:25 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:50 a.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

SECOND READING
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, Gubernatorial Appointment No. 9267, Lawrence Kenney, as a member of the Tax Appeals Board, was confirmed.

APPOINTMENT OF LAWRENCE KENNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Anderson, Bluechel, Hochstatter, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Smith, L. and West - 11.

Excused: Senators Amondson, McCaslin, McDonald and Sellar - 4.

MOTION

On motion of Senator Oke, Senator Roach was excused.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9408, Jim Jesernig, as Director of the Department of Agriculture, was confirmed.

Senators Rasmussen, Anderson and Morton spoke to the confirmation of Jim Jesernig as Director of the Department of Agriculture.

APPOINTMENT OF JIM JESERNIG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Smith, L. - 1.

Absent: Senators Newhouse and Prince - 2.

Excused: Senators McCaslin, McDonald, Roach and Sellar - 4.

MOTION

On motion of Senator Oke, Senator Prince was excused.

MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9405, Richard Hemstad, as a member of the Utilities and Transportation Commission, was confirmed.

APPOINTMENT OF RICHARD HEMSTAD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators McDonald, Prince, Roach and Sellar - 4.

MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Williams moved to reconsider the vote by which Senate Bill No. 5645 failed to pass the Senate February 1, 1994.

The President declared the question before the Senate to be the motion by Senator Williams to reconsider the vote by which Senate Bill No. 5645 failed to pass the Senate.

The motion by Senator Williams carried and the Senate will reconsider Senate Bill No. 5645.

MOTION

On motion of Senator Spanel, further consideration of Senate Bill No. 5645 was deferred and Senate Bill No. 5645 will hold its place on the third reading calendar.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6333, by Senators Skratek, Gaspard, Quigley, Sheldon, Vognild, M. Rasmussen, McAuliffe, Wojahn, Drew, Snyder and Winsley

Promoting economic development.

The bill was read the second time.

MOTIONS

On motion of Senator Skratek, the following amendment was adopted:

On page 3, line 12, after "issues." insert "The senate trade technology and economic development committee shall provide staffing for the panel."

On motion of Senator Skratek the rules were suspended, Engrossed Senate Bill No. 6333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senator Talmadge cited Senate Rule No. 22 and requested to be excused from voting on Engrossed Senate Bill No. 6333, because of a possible conflict of interest.

EDITOR'S NOTE: Senate Rule No. 22 states: 'A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.'

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6333.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6333 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Niemi, Owen, Pelz, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Winsley and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Hochstatter, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Prentice, Prince, Roach, Smith, L., West and Williams - 16.

Absent: Senator Deccio - 1.

Excused: Senators McDonald, Sellar and Talmadge - 3.

ENGROSSED SENATE BILL NO. 6333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6229, by Senators Spanel, Prince, Bauer, Drew, West, Quigley, Wojahn, Sheldon, M. Rasmussen and Winsley

Changing residency provisions in the Washington state scholars program.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6229.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6229 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke,

Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Sellar - 2.

SENATE BILL NO. 6229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5698, by Senate Committee on Trade, Technology and Economic Development (originally sponsored by Senators Bluechel, Skratek, Sheldon, Williams and Erwin)

Assisting companies to adopt ISO-9000 quality standards.

MOTIONS

On motion of Senator Bluechel, Second Substitute Senate Bill No. 5698 was substituted for Substitute Senate Bill No. 5698 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, the rules were suspended, Second Substitute Senate Bill No. 5698 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5698.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5698 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Sellar - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 6250, by Senators Sheldon, Nelson, Vognild and Oke

Removing party affiliation requirements for ferry advisory committees.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6250.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Roach and Schow - 2.

Absent: Senator Oke - 1.

Excused: Senators McDonald, Owen and Sellar - 3.

SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Roach, Senator Oke was excused.

SECOND READING

SENATE BILL NO. 6083, by Senators Moore, Amondson, Prentice, Prince and Erwin (by request of Attorney General)

Changing the mortgage broker practices act.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6083 was substituted for Senate Bill No. 6083 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6083.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6083 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators McDonald, Oke, Owen and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6028, by Senators Winsley and Haugen

Changing provisions relating to local option elections within cities, towns, and counties.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6028 was substituted for Senate Bill No. 6028 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 6028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6028.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6028 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Anderson - 1.

Excused: Senators McDonald, Oke, Owen and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6095, by Senators Skratek, Anderson, Spanel, Bluechel, M. Rasmussen and Erwin

Revising provisions relating to international trade through Washington ports.

The bill was read the second time.

MOTION

On motion of Senator Skratek, the rules were suspended, Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Prince - 1.

Excused: Senators McDonald, Oke, Owen and Sellar - 4.

SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Roach, Senator Prince was excused.

SECOND READING

SENATE BILL NO. 5016, by Senators Nelson and Amondson

Requiring that utility service charges of tenants be collected from the tenant.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5016 was substituted for Senate Bill No. 5016 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 5016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5016.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5016 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators McDonald, Oke, Owen, Prince and Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 6070, by Senators Loveland, Winsley and M. Rasmussen (by request of Secretary of State)

Managing certain public records.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6070 was substituted for Senate Bill No. 6070 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6070.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6070 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 13; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Morton, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild and Winsley - 30.

Voting nay: Senators Amondson, Anderson, Erwin, Moyer, Nelson, Newhouse, Roach, Schow, Smith, L., Talmadge, West, Williams and Wojahn - 13.

Excused: Senators McDonald, Moore, Oke, Owen, Prince and Sellar - 6.

SUBSTITUTE SENATE BILL NO. 6070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Tuesday, February 8, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 7, 1994

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

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 8, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Sellar, Vognild and Williams. On motion of Senator Oke, Senators Anderson and Sellar were excused. On motion of Senator Drew, Senators Vognild and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michelle McClure and Nicole Ries-Eibara, presented the Colors. Reverend Joan Cathey of The Evergreen State College Campus Ministry, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 6089 Prime Sponsor, Senator West: Creating the collegiate license plate fund program. Reported by Committee on Transportation February 4, 1994

MAJORITY Recommendation: That Substitute Senate Bill No. 6089 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

SB 6205 Prime Sponsor, Senator Vognild: Regulating ready-mix mixer trucks. Reported by Committee on Transportation February 4, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

SB 6249 Prime Sponsor, Senator Vognild: Concerning railroad crossing protective devices and their cost of maintenance. Reported by Committee on Transportation February 4, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

February 7, 1994

The House has passed:
SECOND SUBSTITUTE HOUSE BILL NO. 1009,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1332,
SUBSTITUTE HOUSE BILL NO. 1579,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1771,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
REENGROSSED HOUSE BILL NO. 1925,
HOUSE BILL NO. 1929,
ENGROSSED HOUSE BILL NO. 2165,
HOUSE BILL NO. 2188, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6602 by Senators Erwin and Moyer

AN ACT Relating to medical care savings accounts; and amending 1993 c 492 s 484 (uncodified).

Referred to Committee on Health and Human Services.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1009 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Riley)

Prescribing liabilities for lis pendens filings.

Referred to Committee on Law and Justice.

HB 1124 by Representatives Heavey and Zellinsky

Prohibiting crowding in ferry vehicle lines.

Referred to Committee on Transportation.

SHB 1332 by House Committee on Health Care (originally sponsored by Representatives Locke, Ballard, Edmondson, Casada, King, Johanson, Mielke, Shin, Brough, R. Johnson, Appelwick, Morris, Lisk, Wang, Scott, Springer, Dyer, Jones, R. Meyers, Dorn, L. Johnson and Wineberry)

Regulating acupuncture licensing.

Referred to Committee on Health and Human Services.

SHB 1579 by House Committee on Commerce and Labor (originally sponsored by Representative G. Cole)

Providing civil penalties for prohibited practices in industrial insurance.

Referred to Committee on Labor and Commerce.

RESHB 1771 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King and Jacobsen)

Taking measures to prevent the destruction of fish protection devices.

Referred to Committee on Natural Resources.

ESHB 1847 by House Committee on Health Care (originally sponsored by Representatives Ludwig, Dyer, Jones, Kremen and Rayburn)

Enacting the vision care consumer assistance act.

Referred to Committee on Health and Human Services.

REHB 1925 by Representatives Orr, Pruitt and King

Requiring registration of persons carrying passengers for hire on whitewater river sections.

Referred to Committee on Natural Resources.

HB 1929 by Representatives R. Fisher, Chappell, Springer, Quall and Johanson

Adjusting requirements for regional transportation planning organizations.

Referred to Committee on Transportation.

EHB 2165 by Representatives Bray, Casada, Forner, Grant, Sheldon, Jones, Lemmon, Johanson, Kessler, Romero, Morris and J. Kohl

Prescribing exemptions from energy standards for certain log built homes.

Referred to Committee on Energy and Utilities.

HB 2188 by Representatives Kremen, Chandler, Wineberry, Linville, Schoesler, Quall, Forner, Wood, Campbell and Rayburn

Revising provisions relating to international trade through Washington ports.

Referred to Committee on Trade, Technology and Economic Development.

MOTION

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

SENATE RESOLUTION 1994-8669

By Senators Snyder, Sutherland and Wojahn

WHEREAS, Juvenile violence is increasing at an alarming rate, and gangs are attempting to gain footholds in Washington's communities; and

WHEREAS, This growing juvenile violence and gang activity creates a greater need than ever for the influence of the skills and values taught in the programs of the Boy Scouts of America; and

WHEREAS, Scouting uses fun programs to promote the ability of youth to do things for themselves and others, and teaches them patriotism, courage, self-reliance, and kindred virtues; and

WHEREAS, The Scout Law, "A Scout is: Trustworthy, loyal, helpful, friendly, courteous, kind, cheerful, thrifty, brave, clean, and reverent," provides an ethical code we would all do well to live by; and

WHEREAS, Scouting places an emphasis on improving understanding within the family; and

WHEREAS, The Scout Motto of "Be Prepared" and the Scout slogan of "Do a good turn daily" provide a positive mission for Scouts of all ages; and

WHEREAS, Scouts of all ages have provided assistance in many local and national emergencies; and

WHEREAS, Many Scouts participate annually in "Scouting for Food" good turn projects and have collected several hundred tons of food for local food banks; and

WHEREAS, Much of the success of the Scouting program depends on the adult leaders; and

WHEREAS, The Boy Scouts of America policy states, in part, that "A leader must be a good role model because our children's values and lives will be influenced by that leader"; and

WHEREAS, The Boy Scouts of America have been an integral part of building the character of youth for eighty-four years; and

WHEREAS, February 8, 1994, is the eighty-fourth birthday of the Boy Scouts of America; and

WHEREAS, Governor Lowry has proclaimed February 8, 1994, Boy Scouts of America Recognition Day in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and applaud the efforts of volunteer and professional Scouters for the service and great benefit they provide the youth of this state; and

BE IT FURTHER RESOLVED, That in recognition of the positive impact that the Boy Scouts of America have on the youth of this state, the members of this body declare February 8, 1994, to be Boy Scouts of America Day in the Washington State Senate, and, by so declaring, hereby recognize those Scouts who are present today on the legislative campus and those current and future Scouts who will continue to make our great state even greater.

MOTION

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

SENATE RESOLUTION 1994-8673

By Senators Gaspard and Wojahn

WHEREAS, Political Science Professor Emeritus Hugh Bone of the University of Washington died Saturday at the age of eighty-five; and

WHEREAS, In 1956, Professor Bone, aided by a Ford Foundation grant, developed our state's Legislative Internship Program which was one of the first of its kind in the nation and later was copied by many other state legislatures; and

WHEREAS, Professor Bone counted as friends and allies politicians from both sides of the political aisle, along with numerous college students, lobbyists, and members of the media; and

WHEREAS, Mr. Bone was nationally acclaimed as a scholar of legislatures, political parties, state parties, elections and voting and as such viewed politics as the very highest expression of human activities; and

WHEREAS, Some thirteen years after Professor Bone had retired to emeritus status at the University he was recalled to duty in 1992, to run the Legislative Internship Program he had begun;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that the life and accomplishments of Professor Emeritus Hugh Alvin Bone, Jr., be hereby acknowledged; and

BE IT FURTHER RESOLVED, That his lasting legacy, the Legislative Internship Program be named in his honor, "The Hugh Bone Internship to the Washington State Legislature"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Professor Bone's two sons, Christopher H. Bone and William James Bone and to the Political Science Department of the University of Washington.

Senators Gaspard and Moore spoke to Senate Resolution 1994-8673.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9401, John L. Bley, as Director of the Department of Financial Institutions was confirmed.

Senators Moore and Amondson spoke to the confirmation of John L. Bley as Director of the Department of Financial Institutions.

APPOINTMENT OF JOHN L. BLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 45.

Excused: Senators Anderson, Sellar, Vognild and Williams - 4.

SECOND READING

SENATE BILL NO. 5995, by Senators Skratek, Erwin, Vognild, Drew, Winsley, Sheldon, Pelz, Nelson, McAuliffe and M. Rasmussen

Penalizing reckless endangerment of highway workers.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5995 was substituted for Senate Bill No. 5995 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the following amendment by Senator Vognild was adopted:

On page 2, after line 9, insert the following:

"Sec. 2. RCW 46.63.020 and 1993 c 501 s 8 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian

offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381 (6) or ~~((8))~~ (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;
- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of suncreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (36) RCW 46.61.522 relating to vehicular assault;
- (37) RCW 46.61.525 relating to negligent driving;
- (38) Section 1(4) of this act relating to reckless endangerment of roadway workers;
- ~~((39))~~ (40) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((40))~~ (41) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- ~~((41))~~ (42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- ~~((42))~~ (43) Chapter 46.65 RCW relating to habitual traffic offenders;
- ~~((43))~~ (44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- ~~((44))~~ (45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- ~~((45))~~ (46) Chapter 46.80 RCW relating to motor vehicle wreckers;
- ~~((46))~~ (47) Chapter 46.82 RCW relating to driver's training schools;
- ~~((47))~~ (48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- ~~((48))~~ (49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW." Renumber the section following consecutively.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On line 1 of the title, after "workers;" insert "amending RCW 46.63.020;"

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5995.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 45.

Excused: Senators Anderson, Sellar, Vognild and Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Newhouse was excused.

SECOND READING

SENATE BILL NO. 6197, by Senators McAuliffe, Newhouse, Prentice, Loveland, Amondson, Moore, M. Rasmussen and Ludwig

Modifying provisions regarding shipping wine.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6197 was substituted for Senate Bill No. 6197 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator McCaslin: "Senator McAuliffe, I guess I have the right bill here - Substitute Senate Bill No 6197. It starts out, 'Acceptance of any container of wine by a person that is shipped into this state.' Is that the bill?"

Senator McAuliffe: "Yes, it is."

Senator McCaslin: "I don't know what 'shipped' means. Is that a personal delivery?"

Senator McAuliffe: "It is for two cases of wine and it is for personal consumption."

Senator McCaslin: "It has to be two cases?"

Senator McAuliffe: "That's right; no more than."

Senator McCaslin: "I can't lift--"

Senator McAuliffe: "No more than two cases."

Senator McCaslin: "I can only lift one case, so I guess I'm safe if I go over to Coeur d'Alene and bring back a case for my neighbor." Senator McAuliffe: "That is exactly why this bill is important, so that you can go to a small winery and have two cases--no more than that--delivered back to your home."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6197.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6197 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 45.

Excused: Senators Anderson, Newhouse, Sellar and Williams - 4.

SUBSTITUTE SENATE BILL NO. 6197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6094, by Senators Haugen, Winsley and Drew

Revising provisions relating to the sale of port property.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6094 was substituted for Senate Bill No. 6094 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6094.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6094 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 45.

Excused: Senators Anderson, Newhouse, Sellar and Williams - 4.

SUBSTITUTE SENATE BILL NO. 6094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6182, by Senators Winsley and M. Rasmussen (by request of Secretary of State)

Requiring a warning on initiatives and referendum petitions that names may be used or sold for solicitation purposes.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6182 was substituted for Senate Bill No. 6182 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 6182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6182 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Cantu, Erwin, Hochstatter, McDonald, Morton, Roach, Schow and Smith, L. - 9.

Excused: Senators Anderson, Newhouse, Sellar and Williams - 4.

SUBSTITUTE SENATE BILL NO. 6182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6284, by Senators Wojahn, Amondson, Pelz, Winsley, Haugen, Quigley, Drew, Erwin, Spanel, Fraser and Ludwig

Obtaining a real estate broker's or salesperson's license.

The bill was read the second time.

MOTIONS

On motion of Senator Wojahn, the following amendment was adopted:

On page 5, after line 2, insert the following:
"NEW SECTION. Sec. 5. This act shall take effect July 1, 1995."

On motion of Senator Wojahn, the following title amendment was adopted:
On page 1, line 3 of the title, after "18.85.215;" strike the remainder of the title and insert "repealing RCW 18.85.097; and providing an effective date."

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6284.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.
Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 46.
Excused: Senators Anderson, Sellar and Williams - 3.
ENGROSSED SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8027, by Senators Vognild, Newhouse, Moore, Amondson, Prentice, Sutherland, McAuliffe and Fraser

Requesting that Congress help states with employment security system funding.

The joint memorial was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Joint Memorial No. 8027 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8027.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8027 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.
Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 45.
Absent: Senator Prentice - 1.
Excused: Senators Anderson, Sellar and Williams - 3.
SENATE JOINT MEMORIAL NO. 8027, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6232, by Senators Hargrove, Owen and Snyder

Expanding the definition of what constitutes a commercial and industrial area for the purposes of the highway advertising control act.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 46.

Excused: Senators Anderson, Sellar and Williams - 3.

SENATE BILL NO. 6232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6025, by Senators Winsley and Haugen

Changing provisions relating to cities and towns.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen, Winsley and Rinehart was adopted:

On page 4, after line 36, insert the following:

"Sec. 9. RCW 82.14.330 and 1993 sp.s. c 21 s 3 are each amended to read as follows:

(1) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed to the cities of the state as follows:

(a) Twenty percent appropriated for distribution shall be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the state-wide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate shall be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys shall be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(b) Sixteen percent shall be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at such times as distributions are made under RCW 82.44.150.

Moneys distributed under this subsection shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(2) In addition to the distributions under subsection (1) of this section:

(a) Fourteen percent shall be distributed to cities that have initiated innovative law enforcement strategies, including alternative sentencing and crime prevention programs. No city may receive more than one dollar per capita under this subsection (2)(a).

(b) Twenty percent shall be distributed to cities that have initiated programs to help at-risk children or child abuse victim response programs. No city may receive more than fifty cents per capita under this subsection (2)(b).

(c) Twenty percent shall be distributed to cities that have initiated programs designed to reduce the level of domestic violence within their jurisdictions or to provide counseling for domestic violence victims. No city may receive more than fifty cents per capita under this subsection (2)(c).

(d) Ten percent shall be distributed to cities that contract with another governmental agency for a majority of the city's law enforcement services.

Moneys distributed under this subsection shall be distributed to those cities that submit funding requests under this subsection to the department of community, trade, and economic development based on criteria developed under RCW 82.14.335. Allocation of funds shall be in proportion to the population of qualified jurisdictions, but the distribution to a city shall not exceed the amount of funds requested. Cities shall submit requests for program funding to the department of community, trade, and economic development by November 1 of each year for funding the following year. The department shall certify to the state treasurer the cities eligible for funding under this subsection and the amount of each allocation.

~~((One-half of the moneys distributed under (a) through (d) of this subsection shall be distributed on March 1st and the remaining one-half of the moneys shall be distributed on September 1st))~~ The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at the times as distributions are made under RCW 82.44.150. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

If a city is found by the state auditor to have expended funds received under this subsection in a manner that does not comply with the criteria under which the moneys were received, the city shall be ineligible to receive future distributions under this subsection until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund. The director may allow noncomplying use of moneys received under this subsection upon a showing of hardship or other emergent need.

(3) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

NEW SECTION. Sec. 10. Section 9 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1994."

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "35.27.010," strike "and 42.24.180" and insert "42.24.180, and 82.14.330"

On page 1, line 3 of the title, strike "and" and on line 3, after "35.16 RCW" insert "; providing an effective date; and declaring an emergency"

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6025.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 46.

Excused: Senators Anderson, Sellar and Williams - 3.

ENGROSSED SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:17 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:20 p.m. by President Pritchard.

MOTION

At 12:20 p.m., on motion of Senator Spanel, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:42 p.m. by President Pritchard.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9375, Larry L. Hanson, as a member of the Higher Education Coordinating Board was confirmed.

Senators Bauer, Cantu and Vognild spoke to the confirmation of Larry L. Hanson a member of the Higher Education Coordinating Board.

APPOINTMENT OF LARRY L. HANSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Ludwig, Owen, Rinehart and Skratek - 4.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Drew, Senators Ludwig, Owen and Skratek were excused.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9381, Ann Daley, as a member of the Higher Education Coordinating Board was confirmed.

Senators Bauer and Rinehart spoke to the confirmation of Ann Daley a member of the Higher Education Coordinating Board.

APPOINTMENT OF ANN DALEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Ludwig, Owen, Sellar and Skratek - 4.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9398, David Shaw, as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF DAVID SHAW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Sellar - 2.

SECOND READING

SENATE BILL NO. 5819, by Senators Haugen, Vognild and Quigley

Authorizing voting by mail for any primary or election for a two-year period.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5819 was substituted for Senate Bill No. 5819 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5819.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, Hochstatter, McDonald, Newhouse, Oke, Prince, Roach, Schow, Smith, L. and West - 13.

Excused: Senators Owen and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6082, by Senators Snyder, Bluechel, Amondson, Skratek, Hargrove, Sheldon, Owen, M. Rasmussen, Oke and Erwin

Changing provisions relating to the center for international trade in forest products.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 6082 was substituted for Senate Bill No. 6082 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Substitute Senate Bill No. 6082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6082.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6082 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 46.

Voting nay: Senator Williams - 1.

Excused: Senators Owen and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6021, by Senators Haugen and Winsley

Providing a procedure for consolidation or dissolution of emergency service communication districts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6021.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6021 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Sellar - 2.

SENATE BILL NO. 6021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5180, by Senators Vognild, Nelson, Skratek, Winsley, Loveland, Drew, Prince, Sellar, Sheldon, Prentice, von Reichbauer, Barr, Erwin and Roach

Revising provisions relating to the legislative transportation committee.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the following amendment was adopted:

On page 2, after line 13, insert the following:

"NEW SECTION. Sec. 2. This act shall apply to appointments to the committee constituted at the end of the 1995 regular session or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s)."

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "committee;" strike "and" and on line 2 of the title, after "44.40.010" insert "; and creating a new section"

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9172, Joyce Gillie, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF JOYCE GILLIE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse,

Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.
Excused: Senators Owen and Sellar - 2.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9195, Karen Kiessler, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF KAREN KIESSLING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Sellar - 2.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9245, SuAnn M. Stone, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF SuANN M. STONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Newhouse - 1.

Excused: Senators Owen and Sellar - 2.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9315, G. Kirby White, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF G. KIRBY WHITE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Sellar - 2.

SECOND READING

SENATE BILL NO. 6032, by Senators Winsley and Fraser

Authorizing regulation of vegetation height on residential lots along shorelines.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6032 was substituted for Senate Bill No. 6032 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Amondson: "Senator Winsley, when these trees grow up to a level--say they are evergreen trees--"
Senator Winsley: "That is what this man planted by the way, ten to twenty foot evergreen trees."
Senator Amondson: "And they attracted a homing flight of spotted owls and the spotted owls landed in these trees, would you then be able to cut these trees?"
Senator Winsley: "No."
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 1; Excused, 2.
Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Winsley and Wojahn - 33.
Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Erwin, Hargrove, Hochstatter, Newhouse, Prince, Schow, Smith, L., West and Williams - 13.
Absent: Senator Deccio - 1.
Excused: Senators Owen and Sellar - 2.
SUBSTITUTE SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Roach, Senator Linda Smith was excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5800, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, A. Smith and Winsley)

Increasing the penalty for violating human remains.

MOTIONS

On motion of Senator Adam Smith, Second Substitute Senate Bill No. 5800 was substituted for Substitute Senate Bill No. 5800 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Second Substitute Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.
Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.
Excused: Senators Owen, Sellar and Smith, L. - 3.
SECOND SUBSTITUTE SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6054, by Senator Loveland

Concerning the Washington state patrol's dental identification system.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6054.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6054 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Sellar and Smith, L. - 3.

SENATE BILL NO. 6054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5341, by Senate Committee on Law and Justice (originally sponsored by Senators A. Smith, Quigley, McCaslin, Vognild, Winsley, Deccio, von Reichbauer, M. Rasmussen, Roach and Oke)

Providing for confiscation of registration and license plates and forfeiture of the vehicle upon conviction for driving while under the influence of intoxicating liquor or drugs.

MOTIONS

On motion of Senator Adam Smith, Second Substitute Senate Bill No. 5341 was substituted for Engrossed Substitute Senate Bill No. 5341 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Second Substitute Senate Bill No. 5341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Smith, this is a question that I tried to cover before, but I wanted to ask it for the record. If there is one car in the family and that person is dependent on that car for their livelihood, how would that affect that situation based on this bill?"

Senator Adam Smith: "Based on this bill? It wouldn't. O.K., based on last year's bill, it would significantly and admittedly negatively, affect the situation--if someone is caught drunk driving for a second consecutive time. Again at the option of the local government, it is not mandatory, but the vehicle could be taken away at that point and if that person is dependent on that vehicle, it could certainly cause a problem, as could going to jail for a certain period of time for committing a crime. That's the consideration; if you commit a crime, there are penalties for it."

Senator Deccio: "If there is one car in the family, then it could adversely affect the entire family if the owner of that car is found guilty under this statute, then?"

Senator Adam Smith: "It certainly could. I mean it would also adversely affect a family if the sole wage-earner went to jail for a variety of other crimes. It is just one of the things you have to balance in deciding what punishment to impose."

Senator Deccio: "O.K., thank you."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5341.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Deccio and Prince - 2.

Excused: Senators Owen, Sellar and Smith, L. - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6069, by Senators Haugen, Winsley, Prentice and Pelz

Authorizing additional nonvoter-approved municipal indebtedness.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6069 was substituted for Senate Bill No. 6069 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6069 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach and West - 16.

Excused: Senators Owen, Sellar and Smith, L. - 3.

SUBSTITUTE SENATE BILL NO. 6069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6045, by Senators A. Smith, Nelson and Haugen

Authorizing an additional ten years for execution of judgments.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6045 was substituted for Senate Bill No. 6045 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6045.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Sellar and Smith, L. - 3.

SUBSTITUTE SENATE BILL NO. 6045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6282, by Senators Wojahn and Winsley (by request of Department of Labor and Industries)

Regulating time limits for industrial safety and health appeals.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 6282 was substituted for Senate Bill No. 6282 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 6282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6282.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6282 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Sellar and Smith, L. - 3.

SUBSTITUTE SENATE BILL NO. 6282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 6173, by Senators Bauer, Oke and Wojahn (by request of Legislative Budget Committee)

Delaying or repealing specified sunset provisions.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6173.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6173 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Amondson, Cantu and McCaslin - 3.

Excused: Senators Owen, Sellar and Smith, L. - 3.

SENATE BILL NO. 6173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6217, by Senators Newhouse, Vognild, Moore, Amondson, Prentice, Sutherland, Fraser, McAuliffe and Winsley

Requiring the joint task force on unemployment insurance to study additional issues.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6217 was substituted for Senate Bill No. 6217 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6217.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6217 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke,

Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Moyer - 1.

Excused: Senators Owen, Sellar and Smith, L. - 3.

SUBSTITUTE SENATE BILL NO. 6217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6202, by Senators Vognild and Nelson

Regulating the size and weight of motor vehicles.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6202.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6202 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Sellar - 2.

SENATE BILL NO. 6202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Spanel, the Committee on Natural Resources was relieved of further consideration of Gubernatorial Appointment No. 9424, William Fearn as a member of the Interagency Committee for Outdoor Recreation; Gubernatorial Appointment No. 9428, Joe Jones as a member of the Interagency Committee for Outdoor Recreation; and Gubernatorial Appointment No. 9429, Donna Mason as a member of the Interagency Committee for Outdoor Recreation.

On motion of Senator Spanel, Gubernatorial Appointment No. 9424, William Fearn as a member of the Interagency Committee for Outdoor Recreation; Gubernatorial Appointment No. 9428, Joe Jones as a member of the Interagency Committee for Outdoor Recreation; and Gubernatorial Appointment No. 9429, Donna Mason as a member of the Interagency Committee for Outdoor Recreation, were referred to the Committee on Ecology and Parks.

MOTIONS

On motion of Senator Spanel, the Committee on Ecology and Parks was relieved of further consideration of Gubernatorial Appointment No. 9440, Dr. Kenneth Casavant as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

On motion of Senator Spanel, Gubernatorial Appointment No. 9440, Dr. Kenneth Casavant as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was referred to the Committee on Energy and Utilities.

MOTION

At 5:22 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:14 p.m. by Senator Gaspard.

MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 8, 1994

SB 5184 Prime Sponsor, Senator Moore: Creating a securities brokers recovery account program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5184 be substituted therefor, and the third substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Niemi, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 5319 Prime Sponsor, Senator Fraser: Freeing the base for transfers of marine and nonhighway fuel taxes. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5319 be substituted therefor, and the second substitute bill do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Drew, Haugen, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Loveland, Vice Chair; and Morton.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 5859 Prime Sponsor, Senator Talmadge: Modifying regulation of health professions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5859 as recommended by Committee on Health and Human Services be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Moyer, Niemi, Pelz, Snyder, Spanel, Sutherland, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SSB 5918 Prime Sponsor, Senate Committee on Transportation: Allowing ride-sharing incentives to include cars. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5918 be substituted therefor, and the third substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Niemi, Pelz, Roach and Sutherland.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6001 Prime Sponsor, Senator Fraser: Enhancing programs for greater protection for open space and recreational opportunities. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6001 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bluechel, Gaspard, Moyer, Niemi, Pelz, Roach, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6006 Prime Sponsor, Senator A. Smith: Concerning the judicial information system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6006 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6007 Prime Sponsor, Senator A. Smith: Revising provisions relating to crimes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6007 as recommended by Committee on Law and Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6009 Prime Sponsor, Senator Fraser: Modifying waste tire recycling provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6009 as recommended by Committee on Ecology and Parks be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, Moyer, Niemi, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6013 Prime Sponsor, Senator Haugen: Changing provisions relating to fire protection services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6013 as recommended by Committee on Government Operations be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6014 Prime Sponsor, Senator Haugen: Authorizing a state property tax levy for state fire protection services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6014 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6043 Prime Sponsor, Senator A. Smith: Pertaining to youth violence. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6043 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Niemi, Pelz, L. Smith, Snyder, Spanel, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6047 Prime Sponsor, Senator A. Smith: Revising provisions relating to crimes involving alcohol, drugs, or mental problems. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6047 as recommended by Committee on Law and Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Loveland, Vice Chair; Drew, Haugen, Nelson, Oke, Prentice, Prince, Rasmussen, Schow and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; and Morton.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6053 Prime Sponsor, Senator Loveland: Modifying procedure for providing assistance to county assessors. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6053 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Niemi, Pelz, Snyder, Spanel, Talmadge and West.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6074 Prime Sponsor, Senator Gaspard: Changing the Washington award for excellence. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Gaspard, Hochstatter, McDonald, Moyer, Niemi, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6107 Prime Sponsor, Senator Skratek: Allowing fees for services for the department of community, trade, and economic development. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6107 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6111 Prime Sponsor, Senator Drew: Changing ethics provisions for state officers and state employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6111 as recommended by Committee on Government Operations be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Ludwig, Moyer, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6112 Prime Sponsor, Senator Drew: Making changes to the campaign practices law. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6112 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Ludwig, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Cantu, Hochstatter, McDonald, Moyer and West.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6125 Prime Sponsor, Senator Owen: Revising fees and procedures for recreational fish and hunting licenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6125 as recommended by Committee on Natural Resources be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Owen, L. Smith, Snyder, Spanel, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6136 Prime Sponsor, Senator McAuliffe: Creating a thirtieth community and technical college district. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6136 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Pelz, Snyder, Spanel, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6143 Prime Sponsor, Senator Spanel: Establishing membership service credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6143 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Ludwig, McDonald, Moyer, Niemi, Pelz, Roach, Snyder, Spanel, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6151 Prime Sponsor, Senator A. Smith: Revising provisions relating to discharge of offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, L. Smith, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6157 Prime Sponsor, Senator Talmadge: Addressing hunger in the state of Washington. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6157 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Niemi, Pelz, L. Smith, Snyder, Spanel, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6163 Prime Sponsor, Senator Sheldon: Allowing businesses in this state to continue participating in the small business innovation research program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6163 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6185 Prime Sponsor, Senator A. Smith: Requiring license revocation for a person under twenty-one years of age who drives while having any alcohol in his or her system. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6206 Prime Sponsor, Senator Owen: Creating the warm water game fish enhancement program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6206 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Snyder, Spanel, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6255 Prime Sponsor, Senator Talmadge: Changing provisions relating to children removed from the custody of parents.
Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6255 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Roach, L. Smith, Snyder, Spanel, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6265 Prime Sponsor, Senator Sutherland: Implementing the cellular communications tax study recommendations regarding 911 emergency communication system funding. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, Moyer, Pelz, Snyder, Spanel, Talmadge, West and Williams.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6276 Prime Sponsor, Senator Haugen: Regulating trademarks. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6276 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Gaspard, Hochstatter, Ludwig, Moyer, Niemi, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6296 Prime Sponsor, Senator Skratek: Paying for improvements to state transportation facilities. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Nelson, Prentice, Rasmussen, Schow, Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6309 Prime Sponsor, Senator Vognild: Modifying state patrol funding. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6309 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6344 Prime Sponsor, Senator Snyder: Modifying provisions for tax deferrals for investment projects in distressed areas.
Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6344 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Pelz, Snyder, Spanel, Talmadge and West.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6347 Prime Sponsor, Senator Skratek: Providing tax credits and deferrals for high-technology businesses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6347 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Pelz, Roach, Snyder, Spanel and Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6351 Prime Sponsor, Senator Owen: Affecting leasehold excise taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6351 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6362 Prime Sponsor, Senator Bauer: Promoting efficiency at institutions of higher education. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Niemi, Pelz, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6370 Prime Sponsor, Senator Prentice: Modifying taxation of massage services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6370 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6383 Prime Sponsor, Senator M. Rasmussen: Providing a use tax for certain customized equipment. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6383 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Snyder, Spanel, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6400 Prime Sponsor, Senator Snyder: Authorizing port districts to provide pilotage services in Grays Harbor. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6400 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Rasmussen, Schow and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6426 Prime Sponsor, Senator Sutherland: Providing public electronic access to government information. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6426 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6456 Prime Sponsor, Senator Vognild: Authorizing state agencies to acquire responsibility for operation on maintenance of buildings they occupy. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6456 as recommended by Committee on Government Operations be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6463 Prime Sponsor, Senator M. Rasmussen: Revising department of agriculture administrative duties. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6463 as recommended by Committee on Agriculture be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Niemi, Pelz, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6483 Prime Sponsor, Senator Rinehart: Changing provisions relating to health services provided by school districts. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Roach, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6494 Prime Sponsor, Senator Haugen: Requiring the department of transportation to establish discrimination complaint procedures. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6507 Prime Sponsor, Senator Vognild: Eliminating a reference to public highways regarding railroad crossings. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6507 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Morton, Nelson, Oke, Prince, Rasmussen, Schow, Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Loveland, Vice Chair; Haugen and Prentice.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6523 Prime Sponsor, Senator Vognild: Enacting the Traffic Safety Act of 1994. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6523 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Prentice, Rasmussen, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6555 Prime Sponsor, Senator Prentice: Coordinating local government approvals for major transportation projects. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6555 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 7, 1994

SB 6558 Prime Sponsor, Senator Gaspard: Modifying the excise taxation of sales of aircraft for use by the United States and foreign governments. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6558 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6564 Prime Sponsor, Senator Vognild: Authorizing Snohomish county to levy a hotel and motel tax for public stadium, convention, performing arts, and/or visual arts facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Niemi, Pelz, Snyder, Spanel, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6568 Prime Sponsor, Senator Bauer: Creating the pension improvement account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Niemi, Pelz, Roach, Snyder, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6572 Prime Sponsor, Senator Wojahn: Making a capital appropriation to purchase and renovate the Sprague Building. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Niemi, Snyder, Spanel, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6573 Prime Sponsor, Senator Bauer: Directing a study to examine the effect of the tax system on manufacturers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Snyder, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6585 Prime Sponsor, Senator Bauer: Extending tuition exemptions for Vietnam and Persian Gulf veterans. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6585 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Pelz, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6600 Prime Sponsor, Senator Owen: Relating to an analysis of property tax systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Snyder, Spanel, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1994

SB 6601 Prime Sponsor, Senator Gaspard: Providing for government performance and accountability. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Pelz, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 6:15 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Wednesday, February 9, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 8, 1994

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

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 9, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Niemi, Pelz, Quigley and Linda Smith. On motion of Senator Oke, Senators Cantu and Linda Smith were excused. On motion of Senator Drew, Senators Niemi, Pelz and Quigley were excused.

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Beatty and Douglas Weisgerber, presented the Colors. Reverend Joan Cathey of The Evergreen State College Campus Ministry, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 8, 1994

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1020,
ENGROSSED HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1743,
SUBSTITUTE HOUSE BILL NO. 1959,
SUBSTITUTE HOUSE BILL NO. 2226,
HOUSE BILL NO. 2320,
HOUSE BILL NO. 2340, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 8, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1947,
HOUSE BILL NO. 2184,
HOUSE BILL NO. 2187,
SUBSTITUTE HOUSE BILL NO. 2202,
SUBSTITUTE HOUSE BILL NO. 2215,
HOUSE BILL NO. 2216,
HOUSE BILL NO. 2244,
HOUSE BILL NO. 2266,
SUBSTITUTE HOUSE BILL NO. 2270,
HOUSE BILL NO. 2271, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Clarifying the authority of towns to manage property.

Referred to Committee on Government Operations.

EHB 1536 by Representatives Wineberry, Casada, Leonard, Ogden, Morris, Quall, Valle, Brough, Vance, Pruitt, Forner and Flemming

Maintaining mobile home parks.

Referred to Committee on Labor and Commerce.

SHB 1743 by House Committee on Environmental Affairs (originally sponsored by Representatives Flemming, Horn, Rust, Linville, Valle and J. Kohl)

Establishing a pilot multimedia program for pollution prevention.

Referred to Committee on Ecology and Parks.

SHB 1947 by House Committee on Judiciary (originally sponsored by Representatives Foreman, Appelwick, Ludwig, Padden, Rust, Tate, Quall, Cothorn, L. Johnson, Schoesler, Morton, Sheahan, Anderson, Silver, Long, Chandler, Carlson, King, Mastin, Sehlin, Romero, Lisk, Reams, Ballard, Dellwo, Shin, Mielke, Van Luven, Dyer, Karahalios, Vance, Dorn, Brough, Horn and J. Kohl)

Releasing certain persons from liability for children's sports injuries.

Referred to Committee on Law and Justice.

SHB 1959 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Springer)

Modifying the issuance of citations under the Washington industrial safety and health act.

Referred to Committee on Labor and Commerce.

HB 2184 by Representatives Karahalios, Kessler, Eide, Lemmon and Chappell

Changing notice requirements for termination of parental rights.

Referred to Committee on Health and Human Services.

HB 2187 by Representative Dunshee

Concerning the merger of fire protection districts.

Referred to Committee on Government Operations.

SHB 2202 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Campbell, Wood, Ballard, Foreman, Kessler, Dyer, Reams, Forner, Brough, Edmondson, Cooke, Chandler, Johanson and Lisk)

Limiting the indeterminate sentence review board's power to change confinements.

Referred to Committee on Law and Justice.

SHB 2215 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Padden)

Modifying options for payment of retirement allowances.

Referred to Committee on Ways and Means.

HB 2216 by Representatives Appelwick, Padden and Campbell

Concerning social security benefits.

Referred to Committee on Law and Justice.

SHB 2226 by House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust and Cooke)

Requiring cities and towns to provide notice for rate increases for solid waste handling services.

Referred to Committee on Ecology and Parks.

HB 2244 by Representatives Dunshee, Horn, H. Myers and Springer

Changing provisions relating to classification of cities and towns.

Referred to Committee on Government Operations.

HB 2266 by Representatives Moak, Ogden, Sehlin, Patterson, Wood and Springer (by request of Department of Community Development)

Authorizing public works board project loans.

Referred to Committee on Ways and Means.

SHB 2270 by House Committee on Judiciary (originally sponsored by Representatives Johanson, Padden and Appelwick)

Revising provisions about probate and trust matters.

Referred to Committee on Law and Justice.

HB 2271 by Representatives Springer and Chandler (by request of Department of Licensing)

Providing for funeral director and embalmer disciplinary procedures.

Referred to Committee on Government Operations.

HB 2320 by Representatives Holm, Horn, Rust and Cothorn (by request of Department of Ecology)

Reviewing sewerage or disposal systems.

Referred to Committee on Ecology and Parks.

HB 2340 by Representatives Long, Appelwick, Johanson, Padden, Karahalios, Brough, Talcott, Sheahan, Wood, Forner, Dyer, Chandler, Shin, Mielke and Springer

Clarifying sex offender registration provisions.

Referred to Committee on Law and Justice.

SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9348, Jean A. Batchelder, as a member of the Board of Trustees for Lake Washington Technical College District No. 26, was confirmed.

APPOINTMENT OF JEAN A. BATCHELDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Niemi, Pelz, Quigley and Smith, L. - 5.

MOTION

On motion of Senator Bauer, gubernatorial appointment No. 9352, J. F. Truebenbach, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF J. F. TRUEBENBACH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Erwin - 1.

Excused: Senators Cantu, Niemi and Smith, L. - 3.

MOTION

At 9:21 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:33 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6044, by Senators Bauer, Prentice and Sheldon (by request of Washington State University)

Changing residency status of Native Americans for purposes of higher education tuition.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendment was adopted:

On page 4, after line 17, insert the following:

"NEW SECTION. Sec. 3. Any student enrolled at a state institution of higher education who is paying resident tuition through this act, and who has not established domicile in the state of Washington at least one year prior to enrollment, shall not be included in any calculation of state funded enrollment for budgeting purposes, and no state general fund moneys shall be appropriated to a state institution of higher education for the support of such student."

On motion of Senator Bauer, the following amendment was adopted:

On page 1, line 7, after "tribes," strike "regardless of current domicile" and insert "who are domiciled in the state of Washington, Oregon, Idaho, or Montana within the traditional and customary tribal boundaries"

MOTIONS

On motion of Senator Bauer, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "28B.15.012;" strike "and"

On page 1, line 3 of the title, after "28B.15 RCW" insert "; and creating a new section"

On motion of Senator Bauer, the rules were suspended, Engrossed Senate Bill No. 6044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6044.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6044 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Anderson, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Morton, Moyer, Smith, L. and Sutherland - 12.

Excused: Senator Vognild - 1.

ENGROSSED SENATE BILL NO. 6044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8671

By Senator Snyder

WHEREAS, The Raymond Seagulls are the 1993 State B-11 Football Champions; and

WHEREAS, The Seagulls became state champions by defeating the outstanding football team, the Indians of Reardan;

and

WHEREAS, This victory earned Raymond its record-tying fourth state football crown; and

WHEREAS, Head Coach Doug Makaiwi, Assistant Coaches Mike Halpin, Mark Miller, Phil Freeman, and each and every member of the Seagull squad worked together in their championship drive to post twelve straight wins, including three come-from-behind victories in the playoffs; and

WHEREAS, This exceptional accomplishment would not have been possible without the support and encouragement of all the students of Raymond High School, the parents and families, staff, district members, and members of the community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the Raymond Seagulls Football Team for this hard-earned championship and for its contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That this resolution be immediately transmitted by the Secretary of the Senate to the captain of the Raymond Seagulls Football Team, the head coach, the student body president, and school principal.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Raymond Seagulls and their coaches who were seated in the gallery.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Spanel, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 6278, by Senators Gaspard, Haugen, Fraser and M. Rasmussen

Authorizing cities and towns to use their special excise tax for public restroom facilities intended for visitors.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6278 was substituted for Senate Bill No. 6278 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6278.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6278 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Erwin, Morton, Oke, Owen and Smith, L. - 6.

Excused: Senators Moore and Vognild - 2.

SUBSTITUTE SENATE BILL NO. 6278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6033, by Senators Snyder, Winsley and McAuliffe

Lowering the city size limit for special excise taxes for special events, festivals, or promotional infrastructures.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6033 was substituted for Senate Bill No. 6033 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6033.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Smith, A. - 1.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 6033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6063, by Senators Spanel, Winsley, Haugen and Franklin

Concerning local voters' pamphlets.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6063 was substituted for Senate Bill No. 6063 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Roach: "Senator Haugen, I'm usually very much in favor of having local voters' pamphlets. I think it is a way of informing voters, so they can make a better, more well-informed decision. The question I have is how will these voter pamphlets be paid for in those local jurisdictions that will now be mandated to include their information in a county-wide pamphlet?"

Senator Haugen: "They all will pay a pro-rated share. The testimony in the committee was that this is a very nominal fee. One of the problems they have had is, and we actually saw this last year, that there were some districts, who when there was opposition chose not to be in the voter's pamphlet. We just felt that this--because the public really wants to know who is running for office--and often on the local level, they know less about those people than they do those of us who run a more visible campaign. The testimony was this was a very negligible cost on special districts and cities and counties. We asked them if they had a concern to come back and we did not hear from them. They did not come back and say, 'We are opposed to this.'"

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6063 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, Anderson, Bluechel, Erwin, Morton, Moyer, Sellar and West - 8.

SUBSTITUTE SENATE BILL NO. 6063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6218, by Senators Sheldon, Bluechel, Skratek, M. Rasmussen, Erwin, McAuliffe, Oke and Winsley

Establishing a self-employment assistance program for low-income individuals.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6218 was substituted for Senate Bill No. 6218 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6218.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6218 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 6218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6171, by Senators Vognild, Loveland, Ludwig, Franklin and Hargrove

Cashing of government issued checks or warrants.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6171 was substituted for Senate Bill No. 6171 and the substitute bill was placed on second reading and read the second time.

Senator Moyer moved that the following amendment be adopted:

On page 2, after line 12, insert the following:

"NEW SECTION. Sec. 2. Financial institutions, the department of social and health services, office of special investigations and the department of motor vehicles shall jointly evaluate cost effective methods, including fingerprinting, which reduce fraudulent cashing of government checks and warrants. The department of social and health services shall call the group together and ensure that the report and proposed legislation is reported to the appropriate standing committees of the legislature by December 30, 1994."

POINT OF INQUIRY

Senator Moore: "I think this amendment does no damage to the central core of the bill. I do want to be sure that we all understand who is going to be doing this study and is there any additional cost involved. Do you have any idea, Senator Moyer?"

Senator Moyer: "Thank you, yes. The people who will do this study are financial institutions, the Department of Social and Health Services, the Office of Special Investigations and the Department of Motor Vehicles will jointly do the study. There should be no cost involved."

The President declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 2, after line 12, to Substitute Senate Bill No. 6171.

The motion by Senator Moyer carried and the amendment was adopted.

MOTIONS

On motion of Senator Moyer, the following title amendments were considered simultaneously and were adopted:
On page 1, line 2 of the title, strike "and"
On page 1, line 2 of the title, after "108" insert "; and creating a new section"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Vognild, you mentioned that the banks are immunized in case the check is insufficient funds or for whatever the reason--is stolen or that. Who pays in the case of default?"

Senator Vognild: "In the case of a default like that, I would say that if the state could not rectify the problem, they would pay."

Senator Bluechel: "The state would pick up any losses?"

Senator Vognild: "If they cannot otherwise rectify the problem."

Further debate ensued.

POINT OF INQUIRY

Senator West: "Senator Vognild, I'm looking at the bill as it appears in our book and on page one, the language appears there as you suggested that they shall not be held liable--no financial institution shall be held liable for loss if they cash a Washington State check or a federal check. Now, I would assume that language, and this is what I want you to clarify, I would assume that language means that if someone fraudulently presents a Washington State check and produces two pieces of identification, the bank cashes it, that by saying the bank is not liable, Washington State will honor that check. Who is going to honor the federal check? Are we saying that the federal government is going to honor a check? We can't force them to do that or are we saying that Washington State will now honor all those stolen federal checks that are presented for redemption?"

Senator Vognild: "The bill, the way it is drafted since we do not have authority over the federal situation, limits the state's liability to Washington State checks."

Senator West: "Thank you, Senator Vognild."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6171.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Nelson, Newhouse, Roach, Schow, Sellar, Smith, L., Sutherland and West - 18.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6138, by Senators A. Smith and Nelson

Changing obstructing a public servant to obstructing a law enforcement officer.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6138 was substituted for Senate Bill No. 6138 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:32 a.m., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:40 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6199, by Senators Franklin, Erwin, Moyer, Fraser, Talmadge and Winsley

Enhancing bicycle safety.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendments were considered simultaneously and were adopted:

On page 3, line 36, strike "sixteen" and insert "twelve"

On page 3, line 36, strike "may" and insert "shall"

Senator Hargrove moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 2, after "bicyclists" strike "and their passengers" and insert "under eighteen years of age and their passengers under eighteen"

On page 2, line 5, after "by" strike "all ages" and insert "persons under eighteen years of age"

On page 2, line 11, after "person" insert "under eighteen years of age"

On page 2, line 20, after "transport a person" insert "under eighteen years of age"

On page 2, line 28, after "person" insert "under eighteen years of age"

On page 3, line 1, after "person" insert "under eighteen years of age"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hargrove on page 2, lines 2, 5, 11, 20, 28, and page 3, line 1, to Senate Bill No. 6199.

The motion by Senator Hargrove failed and the amendments were not adopted on a rising vote.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and West be adopted:

On page 3, line 8, after "(3)" strike all material through "action." on line 10 and insert "Evidence of failure to wear a bicycle helmet may be admitted in the discretion of the court with respect to a plaintiff's duty to mitigate damages, but not with respect to contributory fault."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and West on page 3, line 8, to Senate Bill No. 6199.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 43.20A RCW to read as follows:

The department shall provide a bicycle helmet meeting the requirements of section 2 of this act to any person under the age of eighteen who applies for issuance of a bicycle helmet and whose gross family income at the time of application does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 4, after line 32, to Senate Bill No. 6199.

The motion by Senator Hargrove failed and the amendment was not adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 6199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTION

On motion of Senator Oke, Senator Hochstatter was excused.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6199 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Haugen, Ludwig, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Prentice, Prince, Rinehart, Sheldon, Smith, A., Spanel, Talmadge, West, Winsley and Wojahn - 26.

Voting nay: Senators Amondson, Drew, Gaspard, Hargrove, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Owen, Pelz, Quigley, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, L., Snyder, Sutherland, Vognild and Williams - 22.

Excused: Senator Hochstatter - 1.

ENGROSSED SENATE BILL NO. 6199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6150, by Senators McAuliffe, M. Rasmussen, Bauer, Franklin, Prentice and Pelz

Extending reimbursement to classified school employees serving on a state education committee.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6150.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Hochstatter - 1.

SENATE BILL NO. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6055, by Senators Loveland and Winsley

Making the minimum salary for county coroners consistent with the salaries of other full time county officials.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 6055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6055.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6055 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Cantu, Deccio, McDonald, Morton, Nelson, Newhouse, Sutherland and West - 9.

Excused: Senator Hochstatter - 1.

SENATE BILL NO. 6055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6052, by Senators Ludwig and Newhouse (by request of Washington State Patrol)

Lessening record-keeping requirements for traffic citation records.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6052 was substituted for Senate Bill No. 6052 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Hochstatter - 1.

SUBSTITUTE SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6147, by Senators Wojahn, Moyer and Prentice

Increasing the length of terms for appointed members of the council for the prevention of child abuse and neglect.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6147 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Hochstatter - 1.

SENATE BILL NO. 6147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6096, by Senators M. Rasmussen, Anderson, Newhouse, Snyder, Morton, Bauer and Quigley

Making major changes to milk and milk products regulations.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6096 was substituted for Senate Bill No. 6096 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Hochstatter - 1.

SUBSTITUTE SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5329, by Senate Committee on Government Operations (originally sponsored by Senators Haugen, A. Smith and Talmadge)

Changing provisions relating to port districts.

MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5329 was substituted for Substitute Senate Bill No. 5329 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the following amendments by Senators Spanel, Haugen and Winsley were considered simultaneously and were adopted:

On page 1, line 8, before "The powers" insert "(1)"

On page 1, line 13, after "population" insert ", unless provided otherwise under subsection (2) of this section"

On page 2, line 18, after "~~therein~~." insert a new paragraph as follows:

"(2) In port districts with five commissioners, two of the commissioner districts may include the entire port district if approved by the voters of the district either at the time of formation or at a subsequent port district election at which the issue is proposed pursuant to a resolution adopted by the board of commissioners and delivered to the county auditor."

On page 6, line 21, after "RCW 53.12.130" insert ", and the voters may be asked to approve the nomination of commissioners from district-wide commissioner districts as permitted in section 1(2) of this act"

On page 7, line 11, after "elected" insert ", unless the voters approved the nomination of the two additional commissioners from district-wide commissioner districts as permitted in section 1(2) of this act"

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Adam Smith be adopted:

On page 1, line 10, after "district" strike "that is not coextensive with a county having a population of five hundred thousand or more" and insert "~~(that is not coextensive with a county having a population of five hundred thousand or more)~~"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Adam Smith on page 1, line 10, to Second Substitute Senate Bill No. 5329.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTIONS

On motion of Senator Spanel, the following amendments by Senators Spanel, Haugen and Winsley were considered simultaneously and were adopted:

On page 2, beginning on line 24, delete all material through "resolution." on line 30

On page 2, line 33, after "districts if" insert "(1)"

On page 2, line 37, after "election" insert "; or (2) the port commissioners adopt a resolution proposing that the port district cease using commissioner districts"

On page 2, line 38, after "petition" insert "or resolution"

On page 3, line 1, after "shall" insert ", when a petition is submitted,"

On page 3, line 8, after "elections." strike all material down through "voters." on line 10

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Smith, A. and Talmadge - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:10 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:20 p.m. by President Pro Tempore Wojahn.

SECOND READING

SENATE BILL NO. 6273, by Senators Winsley, Wojahn, Franklin, Bauer, Roach, Oke, M. Rasmussen, Rinehart, Erwin, Skratek, Moyer and McAuliffe

Allowing retired teachers to work in educational institutions for ninety days per school year without a reduction in benefits.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6273 was substituted for Senate Bill No. 6273 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 6273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6273.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senators McDonald and Smith, A. - 2.

SUBSTITUTE SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Adam Smith was excused.

SECOND READING

SENATE BILL NO. 6039, by Senators Gaspard, Prince, Vognild, Nelson and Erwin

Establishing procedures for changing a vehicle dealer's relevant market area.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6039 was substituted for Senate Bill No. 6039 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Vognild, the only concern I had about the bill in looking through it was the exclusive dealer territory. Has this bill been subject to any kind of review by the Attorney General's Anti-Trust Division, as to whether or not such exclusive areas for franchises would be appropriate under state and federal anti-trust laws?"

Senator Vognild: "Not to my knowledge, Senator. I do not believe it has. However, I might tell you that the same type of zone, if you will, here is in effect in thirty-eight other states and has been for quite some time."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6039.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6039 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Gaspard, Hargrove, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, L., Snyder, Spanel, Vognild, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Drew, Fraser, Haugen, Loveland, Pelz, Skratek, Sutherland, Talmadge and West - 9.

Excused: Senator Smith, A. - 1.

SUBSTITUTE SENATE BILL NO. 6039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6204, by Senators Snyder and Haugen

Changing seaweed harvesting provisions.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6204 was substituted for Senate Bill No. 6204 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Morton: "Senator Snyder, I am concerned that the bill does not include the fresh water areas of our state, but refers only to the salt water areas. It is very important that we be able to harvest the milfoil by the tons to keep our rivers and streams from becoming clogged."

Senator Snyder: "I understand your concern, Senator, and I was willing to put an amendment on to that effect, but I was told by staff that seaweed infers that it is marine waters and saltwaters and would have no effect whatsoever and I looked up the definition in the RCW's and I thoroughly agree with you that this will not affect the milfoil harvest."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6204.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6204 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Smith, A. - 1.

SUBSTITUTE SENATE BILL NO. 6204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6231, by Senators Hargrove, Owen, M. Rasmussen and Morton

Permitting killing life-threatening animals.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6231 was substituted for Senate Bill No. 6231 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6231.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6231 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Smith, L. - 1.

Excused: Senator Smith, A. - 1.

SUBSTITUTE SENATE BILL NO. 6231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6040, by Senator Owen

Changing provisions relating to criminal jurisdiction on Skokomish tribal lands.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6040.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6040 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Smith, A. - 1.

SENATE BILL NO. 6040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Skratek, Erwin, Sheldon, Bluechel, M. Rasmussen, Deccio and von Reichbauer

Petitioning Congress to establish the Rural Development Council on a permanent basis.

MOTIONS

On motion of Senator Skratek, Second Substitute Senate Joint Memorial No. 8003 was substituted for Senate Joint Memorial No. 8003 and the second substitute memorial was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Second Substitute Senate Joint Memorial No. 8003 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Joint Memorial No. 8003.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Joint Memorial No. 8003 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Smith, A. - 1.

SECOND SUBSTITUTE SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6187, by Senators Drew, Winsley, Spanel and Haugen (by request of Secretary of State)

Permitting relief for election officers.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Roach and Schow - 2.

Excused: Senator Smith, A. - 1.
SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:05 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, February 10, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 9, 1994

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

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 10, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McDonald, Niemi and Pelz. On motion of Senator Oke, Senator McDonald was excused. On motion of Senator Drew, Senators Niemi and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages Berry Wright and Jessica Wright, presented the Colors. Reverend Joan Cathey of The Evergreen College Campus Ministry, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 9, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2428,
HOUSE BILL NO. 2447,
HOUSE BILL NO. 2477,
SUBSTITUTE HOUSE BILL NO. 2479,
HOUSE BILL NO. 2482, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 9, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1945,
SUBSTITUTE HOUSE BILL NO. 2182,
SUBSTITUTE HOUSE BILL NO. 2191,
SUBSTITUTE HOUSE BILL NO. 2203,
HOUSE BILL NO. 2209,
SUBSTITUTE HOUSE BILL NO. 2277,
HOUSE BILL NO. 2282,
SUBSTITUTE HOUSE BILL NO. 2291,
SUBSTITUTE HOUSE BILL NO. 2351,
SUBSTITUTE HOUSE BILL NO. 2380,
HOUSE BILL NO. 2389,
SUBSTITUTE HOUSE BILL NO. 2412,
HOUSE BILL NO. 2419, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6603 by Senator Talmadge

AN ACT Relating to adjudication of water rights; amending RCW 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.200, 43.27A.190, 43.21A.064, and 90.14.140; adding new sections to chapter 90.03 RCW; adding a new chapter to Title 2 RCW; creating new sections; and repealing RCW 90.03.160, 90.03.170, 90.03.180, 90.03.190, and 90.03.243.

Referred to Committee on Energy and Utilities.

SJM 8032 by Senators Erwin, Moore, Amondson, Prentice and Deccio

Concerning work done by foreign longshore workers in the United States.

Referred to Committee on Labor and Commerce.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1945 by House Committee on Judiciary (originally sponsored by Representative Romero)

Authorizing courts to order parenting seminars in family court actions.

Referred to Committee on Law and Justice.

SHB 2182 by House Committee on Local Government (originally sponsored by Representatives Kremen, Mielke, Eide, King, Linville and H. Myers)

Providing transfer rights to certain port district fire fighters.

Referred to Committee on Labor and Commerce.

SHB 2191 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Ogden, Schoesler, Sheahan, Roland, Carlson, Rayburn and Wineberry) (by request of Washington State University)

Regulating bidding procedures concerning minority and women-owned businesses.

Referred to Committee on Government Operations.

SHB 2203 by House Committee on Judiciary (originally sponsored by Representatives L. Johnson, J. Kohl, Long, King, Sheldon and Springer)

Allowing superior courts to use collection agencies.

Referred to Committee on Law and Justice.

HB 2209 by Representatives Forner, Appelwick, Wood, B. Thomas, Edmondson, Cooke, Karahalios, Chandler and Johanson

Changing provisions relating to restraining orders.

Referred to Committee on Law and Justice.

SHB 2277 by House Committee on Education (originally sponsored by Representatives Jones, Dorn, R. Meyers, Schmidt, Pruitt, Karahalios, Holm, Kessler, Zellinsky, Brough, Mastin, Patterson, Basich and J. Kohl)

Changing teacher evaluation provisions.

Referred to Committee on Education.

HB 2282 by Representatives Holm and Appelwick

Providing that a district court judges salary is not reduced when a pro tempore judge serves due to an affidavit of prejudice.

Referred to Committee on Law and Justice.

SHB 2291 by House Committee on Health Care (originally sponsored by Representatives Dellwo, Dyer, Ballasiotes, R. Johnson, Thibaudeau, L. Johnson and Pruitt)

Modifying certification of mental health counselors.

Referred to Committee on Health and Human Services.

SHB 2351 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Shin, Patterson, Campbell, Finkbeiner, Forner, Appelwick, J. Kohl and Johanson)

Modifying provisions relating to recovery of stray logs.

Referred to Committee on Natural Resources.

SHB 2380 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo and Dyer)

Modifying malpractice insurance coverage.

Referred to Committee on Health and Human Services.

HB 2389 by Representatives Springer, Chandler, Finkbeiner and Eide (by request of Department of Labor and Industries)

Clarifying deadlines for certificates of competency for electricians.

Referred to Committee on Labor and Commerce.

SHB 2412 by House Committee on Transportation (originally sponsored by Representatives Zellinsky and Schmidt)

Revising provisions relating to registration of rental cars.

Referred to Committee on Transportation.

HB 2419 by Representatives Riley, Wineberry, Long, Brough, Johanson, Campbell, B. Thomas, L. Thomas, Bray, Wood, Schoesler, Silver, Cothorn, Kessler, Kremen, Dyer, Chandler, J. Kohl, Chappell, Jones, Sheldon, King, Orr, Carlson, Tate, Mielke, H. Myers and Roland

Honoring law enforcement officers who die in the line of duty.

Referred to Committee on Law and Justice.

SHB 2428 by House Committee on Education (originally sponsored by Representatives Karahalios, Foreman, Chappell, Chandler and J. Kohl)

Allowing spouses of officers of school districts to be under contract as a certificated or classified employee.

Referred to Committee on Education.

HB 2447 by Representatives Roland, Brough, Dorn, Thibaudeau and Patterson (by request of Department of Community Development)

Modifying the early childhood education and assistance program.

Referred to Committee on Education.

HB 2477 by Representatives Foreman, Romero, Brown, Brough, Carlson, Karahalios, Van Luven, Long, Cooke and Wood (by request of Department of Revenue)

Modifying property tax administrative procedures.

Referred to Committee on Ways and Means.

SHB 2479 by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Foreman, Karahalios and Springer) (by request of Department of Revenue)

Making technical corrections of excise and property tax statutes.

Referred to Committee on Ways and Means.

HB 2482 by Representatives Holm, Foreman, Brough, B. Thomas, Forner, Long, Springer, Kessler, Cooke and Wood (by request of Department of Revenue)

Extending the qualifying date for tax deferral of certain investment projects.

Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 6466, by Senators Prentice, Nelson, Vognild, Hochstatter, Drew, Loveland, Sheldon, Schow, Williams, Erwin and Winsley

Streamlining the environmental permit processes for the department of transportation.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6466.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators McDonald, Niemi and Pelz - 3.

SUBSTITUTE SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Skratek was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8004, by Senators Owen, Erwin, Hochstatter, von Reichbauer, Oke, Moyer, Newhouse, Bauer and M. Rasmussen

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

The joint memorial was read the second time.

MOTION

On motion of Senator Ludwig, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Owen, this, as I understand it, is limited to the flag of the United States. My question, I guess, is can this in anyway be construed to include state flags?"

Senator Owen: "Well, not the way that I read the memorial; it could not. It is drafted and directed, specifically, as the United States flag."

Senator Moore: "I just wanted to make that perfectly clear. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8004.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the joint memorial passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West and Winsley - 39.

Voting nay: Senators Fraser, Prentice, Rinehart, Talmadge, Williams and Wojahn - 6.

Excused: Senators McDonald, Niemi, Pelz and Skratek - 4.

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Schow: "Mr. President, I rise to a point of personal privilege. Thank you, Mr. President, and members of the Senate. As all of you know, I'm sort of the rookie down here this year and it is quite a transition to go from a private citizen on Friday at noon and be appointed Friday afternoon and sworn in Monday morning and saying that you are now a member of this Senate. I just want to say 'thank you' to all of you. You will all find on your desks a little scratch pad, a personalized scratch pad. I've been going home every night the last couple of weeks working to the wee hours of the morning getting these ready for you. I just wanted to say that this will be a small token of my appreciation to all of you for your kindness and your acceptance and in helping me become a member of this body. I just want to say 'thank you.'"

MOTION

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

SENATE RESOLUTION 1994-8675

By Senators Bluechel and Rasmussen

WHEREAS, Martin A. Kamarck was sworn in as First Vice President and Vice-Chairman of the Export-Import Bank of the United States on November 23, 1993, following United States Senate confirmation of his nomination by President Clinton, and had been a consultant to the Export-Import Bank since May 1993; and

WHEREAS, The Export-Import Bank is extremely important to Washington State's export-dependent economy as the only agency charged solely with facilitating the financing of United States exports; and

WHEREAS, Washington State has the single most successful Export-Import Bank-sponsored "City/State" export training program, administered by the Export Assistance Center in Seattle; and

WHEREAS, Export-Import Bank has been very supportive of the Pacific Northwest Economic Region's efforts to build and expand regional cooperation in the field of exporting; and

WHEREAS, The recently released report of the Trade Promotion Coordinating Committee Working Group, Chaired by Export-Import Bank Chairman Ken Brody, outlines an ambitious program of the Clinton Administration to help states tap into the federal resources available to expand their export markets; and

WHEREAS, In 1993, The Export-Import Bank of the United States approved ninety-four million dollars in credit applications for Washington State businesses through the City State Cooperative program;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Mr. Martin Kamarck and the Export-Import Bank for their efforts in furthering Washington State's export opportunities and recognize the very successful partnership in this state between the Export-Import Bank's City State Cooperative Program and the Export Assistance Center, which prepares export loan applications for small and medium sized Washington businesses.

INTRODUCTION OF SPECIAL GUEST

The President introduced and welcomed Martin A. Kamarck who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Kamarck to address the Senate.

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

SECOND READING

SENATE BILL NO. 6285, by Senators Moore and Sellar (by request of Department of Financial Institutions)

Regulating financial institutions and securities.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 6285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6285.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6285 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SENATE BILL NO. 6285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6005, by Senator A. Smith

Updating references to the Internal Revenue Code in state trust law.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6005.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6005 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SENATE BILL NO. 6005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6538, by Senators Owen and Oke

Changing recreational boating safety education regarding fire prevention.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6538 was substituted for Senate Bill No. 6538 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6538.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6538 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SUBSTITUTE SENATE BILL NO. 6538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6092, by Senators A. Smith and Nelson

Revising the statute of limitations for negotiable instruments.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6092.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SENATE BILL NO. 6092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6098, by Senators M. Rasmussen, Newhouse, Snyder and Quigley (by request of Department of Agriculture)

Eliminating the expiration of the dairy inspection program.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6098 was substituted for Senate Bill No. 6098 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6098.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6098 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SUBSTITUTE SENATE BILL NO. 6098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:02 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:37 a.m. by President Pritchard.

MOTION

At 11:37 am., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:53 p.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senators Anderson, Bluechel, Sellar and Linda Smith were excused.

SECOND READING

SENATE BILL NO. 6188, by Senators Haugen, Winsley and Drew (by request of Secretary of State)

Implementing the National Voter Registration Act.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6188 was substituted for Senate Bill No. 6188 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6188.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6188 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Pelz - 1.

Excused: Senators Anderson, Bluechel, Sellar, Smith, L. and Vognild - 5.

SUBSTITUTE SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6057, by Senator Ludwig

Strengthening restrictions on aliens carrying firearms.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendment by Senators Roach, Ludwig and Hargrove be adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.170 and 1979 c 158 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it shall be unlawful for any person who is not a citizen of the United States (~~(, or who has not declared his intention to become a citizen of the United States,)~~) to carry or have in his or her possession at any time any (~~(shotgun, rifle, or other)~~) firearm, without first having obtained a license from the director of licensing, and such license is not to be issued by the director of licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien (~~(, that he)~~). The consul shall present a certified copy of the criminal history from the alien's country, and attest that the alien is a responsible person (~~(and)~~). Upon the payment (~~(for the license)~~) of the sum of (~~(fifteen)~~) twenty-three dollars (~~(: PROVIDED, That)~~) by the alien, the director of licensing may issue the license.

(2) If the consul has not provided a certificate of criminal history within ninety days after request by the alien, the alien may apply for a concealed pistol license under RCW 9.41.070 if the alien has been a resident of this state for not less than two years.

(3) This section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used (~~(as to weapons used in such contest)~~). Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a (~~(regular)~~) nonresident hunting or fishing license.

(4) Any person violating the provisions of subsection (1) of this section shall be guilty of a (~~(misdemeanor)~~) class C felony."

POINT OF INQUIRY

Senator Talmadge: "Senator Roach, I presume then that for these individuals under Subsection 2 of your amendment that they would be required to go through the normal kind of background check that we require for any other applicant for a concealed weapons permit, so that these individuals can be checked out as to their criminal history here in the state of Washington or in the United States for the two years they have been in residence in this state or in this country."

Senator Roach: "That is correct. This is a very good bill, which quite frankly may even improve upon--definitely improve upon what we have been doing in the past. The bill itself is to close a very large loophole and Senator Ludwig is to be commended for bringing up the issue and this, I think, clarifies it even greater."

Senator Talmadge: "Is there someplace in this bill or someplace else in RCW 9.41 though that makes clear that these resident aliens would be required to go through the background check that a United States citizen would have to go through under our own law or under the Brady Bill at the national level?"

Senator Roach: "9.41.070 requires that there be finger printing and a background check."

Senator Talmadge: "For these individuals?"

Senator Roach: "For anyone applying through that statute. That is what they have to go through. It is a situation where you have your finger prints taken at any local jurisdiction and there is a background check done, not only to your--any kind of felony convictions but also to your mental deviations you may have, in terms of hospitalization. It actually puts them through the same kind of thing that we require of U.S. citizens, which is more stringent than what they are going through now."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach, Ludwig and Hargrove to Senate Bill No. 6057.

The motion by Senator Roach carried and the amendment was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On line 1 of the title, after "firearms;" strike the remainder of the title and insert "amending RCW 9.41.170; and prescribing penalties."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 6057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Sellar and Smith, L. - 2.

ENGROSSED SENATE BILL NO. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6170, by Senators Pelz and McDonald (by request of Department of Community Development)

Modifying the early childhood education and assistance program.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6170 was substituted for Senate Bill No. 6170 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6170.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6170 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6158, by Senators Talmadge, Moyer, Wojahn and McAuliffe (by request of Department of Health)

Modifying regulations for control of tuberculosis.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted:

On page 2, line 10, after "70.05.070" insert "that provide for release from any involuntary detention, testing, treatment, or isolation as soon as the health officer determines the patient no longer represents a risk to the public's health"

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services amendment on page 2, line 10, to Senate Bill No. 6158.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 6158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6123, by Senators Fraser, Deccio, Amondson, Loveland, Snyder, Sellar, Skratek, Pelz and Winsley

Modifying provisions of the model toxics control act.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6123 was substituted for Senate Bill No. 6123 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendments were considered simultaneously and were adopted:

On page 12, at line 10, after "under a" strike "settlement."

On page 12, at line 11, after "consent decree" strike ", or agreed order"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6123.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6123 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6438, by Senators Bauer, Hochstatter, Deccio, Sutherland, Drew, McAuliffe, Oke and Winsley

Allowing four-year institutions of higher education to accept students in the running start program.

The bill was read the second time.

MOTION

Senator Pelz moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 28, after "." insert "A student enrolled in an institution of higher education under RCW 28A.600.300 through 28A.600.390 shall not be awarded postsecondary credit until the student pays the tuition at the resident tuition rate in effect at the time the coursework was taken. The tuition shall only be paid if the credits are recognized by the postsecondary institution that the student attends. This requirement shall be waived upon application to the higher education coordinating board for any student that qualifies for a tuition waiver based upon need or scholarship based upon need at the institution the student is currently attending. The tuition shall be deposited in a scholarship fund for low-income students which is hereby created in the state treasury and which shall be administered by the higher education coordinating board."

On page 4, line 15, after "education." strike "The state institution of higher education shall not charge a fee for the award of credits." and insert "((The state institution of higher education shall not charge a fee for the award of credits.)) The institution of higher education shall charge the tuition required under RCW 28A.600.350 for any credits accepted."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Pelz on page 3, line 28, and page 4, line 15, to Senate Bill No. 6438.

The motion by Senator Pelz failed and the amendments were not adopted.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6438.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6438 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 6438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6367, by Senators Moore and Newhouse

Regulating microbreweries.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6367.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6367 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Absent: Senator McDonald - 1.

SENATE BILL NO. 6367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5603, by Senators Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

Amending the definition of acting in the course of employment.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Labor and Commerce amendment was adopted:

On page 2, after line 6, insert:

"As used in this section, "voluntary recreational activity or program" does not include any health or wellness programs sponsored and required by the employer."

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5603 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5603.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5603 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Amondson, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 6135, by Senators Talmadge, McDonald and Prentice

Modifying provisions regarding licensure of psychologists.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 6135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6135.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Bluechel - 1.

SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:01 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:03 p.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senators Erwin and Schow were excused.

SECOND READING

SENATE BILL NO. 6225, by Senators Williams, Drew, Quigley and Sheldon

Preventing conflict of interest by agency lobbyists.

MOTION

On motion of Senator Williams, Substitute Senate Bill No. 6225 was substituted for Senate Bill No. 6225 and the substitute bill was placed on second reading and read the second time.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6225.

SECOND READING

SENATE BILL NO. 6213, by Senators Pelz, Franklin, Prentice and Moyer (by request of Department of Community Development)

Modifying limitations of housing-related capital bond proceeds.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6213 was substituted for Senate Bill No. 6213 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6213.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6213 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Deccio, Drew, Franklin, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognil, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Fraser, Haugen, Hochstatter, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., Sutherland, West and Winsley - 19.

Excused: Senators Erwin and Schow - 2.

SUBSTITUTE SENATE BILL NO. 6213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

SENATE BILL NO. 6172, by Senators Moore, Loveland, Quigley, Sheldon, Franklin and Fraser

Regulating securities transactions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6172 was substituted for Senate Bill No. 6172 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Moore and Talmadge be adopted:

On page 6, after line 6, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 21.20 RCW to read as follows:

It is the fundamental policy of the state of Washington that any provision in an agreement between a broker-dealer and a customer that restricts venue in a judicial or arbitration proceeding to a place other than this state shall be of no force and effect."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Moore and Talmadge on page 6, after line 6, to Substitute Senate Bill No. 6172.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6172.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Nelson, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach and Sellar - 14.

Excused: Senators Erwin, Moyer and Schow - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6547, by Senators Sheldon, Niemi, Prentice and Anderson

Providing for auditing of mental health systems.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 6547 was substituted for Senate Bill No. 6547 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Niemi, the following amendments by Senators Niemi and Sheldon were considered simultaneously and were adopted:

On page 1, line 13, after "establish a" insert "single"

On page 2, line 8, after "all" strike "state-appropriated" and insert "appropriated"

On page 2, line 14, after "health" insert "adult and children"

On page 2, line 16, after "providers" insert "and regional support networks. Such outcomes shall include at a minimum:

- (a) Increased stable community living;
- (b) Increased age-appropriate daily activity, including employment, as measured by wages;
- (c) Reduced use of out-of-home and hospital care;
- (d) Increased clients in safe, independent housing;
- (e) Increased consumer and family satisfaction with services provided; and
- (f) Increased system efficiencies"

MOTION

Senator Anderson moved that the following amendment be adopted:

On page 2, line 9, after "services." insert "Assessment must be made of the extent to which the current practice of paying periodic salary adjustments or bonuses to employees is utilized by mental health providers and the impact of this practice on the accountability for state-appropriated funds."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 2, line 9, to Substitute Senate Bill No. 6547.

The motion by Senator Anderson failed and the amendment was not adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 6547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6547.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6547 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Sellar - 1.

Excused: Senators Erwin and Schow - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:36 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Friday, February 11, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 10, 1994

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

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 11, 1994

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Anderson, Erwin, Niemi, Owen, Rasmussen, Rinehart, Sellar and Linda Smith. On motion of Senator Oke, Senators Amondson, Anderson, Erwin, Sellar and Linda Smith were excused. On motion of Senator Loveland, Senators Owen and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Wilharn and Ayana Ehrlichman, presented the Colors. Reverend Joan Cathey of The Evergreen State College Campus Ministry, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 9, 1994

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2245,
SUBSTITUTE HOUSE BILL NO. 2334,
HOUSE BILL NO. 2407,
HOUSE BILL NO. 2492,
HOUSE BILL NO. 2494,
SUBSTITUTE HOUSE BILL NO. 2540,
SUBSTITUTE HOUSE BILL NO. 2541,
SUBSTITUTE HOUSE BILL NO. 2543,
SUBSTITUTE HOUSE BILL NO. 2560,
SUBSTITUTE HOUSE BILL NO. 2566,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2590,
HOUSE BILL NO. 2593,
SUBSTITUTE HOUSE BILL NO. 2623,
SUBSTITUTE HOUSE BILL NO. 2627,
SUBSTITUTE HOUSE BILL NO. 2655,
SUBSTITUTE HOUSE BILL NO. 2693,
HOUSE BILL NO. 2749,
SUBSTITUTE HOUSE BILL NO. 2754,
HOUSE BILL NO. 2849,
HOUSE BILL NO. 2851,
SUBSTITUTE HOUSE BILL NO. 2865,
HOUSE BILL NO. 2893, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 9, 1994

MR. PRESIDENT:

The House has passed:
SECOND SUBSTITUTE HOUSE BILL NO. 1298,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,
HOUSE BILL NO. 1804,
HOUSE BILL NO. 1867,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080,
SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED HOUSE BILL NO. 2171,

SUBSTITUTE HOUSE BILL NO. 2178,
SUBSTITUTE HOUSE BILL NO. 2238,
SUBSTITUTE HOUSE BILL NO. 2274,
SUBSTITUTE HOUSE BILL NO. 2321,
ENGROSSED HOUSE BILL NO. 2327,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2388,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2396,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2401,
ENGROSSED HOUSE BILL NO. 2523,
ENGROSSED HOUSE BILL NO. 2643,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4214, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 10, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1339,
HOUSE BILL NO. 2159,
SUBSTITUTE HOUSE BILL NO. 2170,
SUBSTITUTE HOUSE BILL NO. 2172,
HOUSE BILL NO. 2173,
SUBSTITUTE HOUSE BILL NO. 2192,
SUBSTITUTE HOUSE BILL NO. 2246,
HOUSE BILL NO. 2258, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1298 by House Committee on Education (originally sponsored by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Pruitt, Rust, Cothorn, Jones, Long, Chappell, Holm, Eide, Linville, Johanson, Foreman, Riley, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Carlson, Brumsickle, B. Thomas, H. Myers, Rayburn and Orr) (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Providing for a simple majority of voters voting to authorize school district levies and bonds.

Referred to Committee on Education.

SHB 1339 by House Committee on Judiciary (originally sponsored by Representatives Pruitt, R. Meyers, Brumsickle, Zellinsky and Schmidt)

Appointing court commissioners in municipal court.

Referred to Committee on Law and Justice.

RESHB 1471 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole)

Regulating the non-Puget Sound coastal commercial crab fishery.

Referred to Committee on Natural Resources.

HB 1804 by Representatives Campbell, Mastin and Flemming

Clarifying procedures for temporary remedies from agency action.

Referred to Committee on Government Operations.

HB 1867 by Representatives Anderson, Edmondson, Jacobsen, Rayburn and Thibaudeau

Designating the Washington park arboretum as an official state arboretum.

Referred to Committee on Ecology and Parks.

ESHB 2080 by House Committee on Revenue (originally sponsored by Representatives Ballard, Peery, G. Fisher, Foreman, Romero, Fuhrman, Cothorn, Thibaudeau, Van Luven, Wang, Morris, Anderson, Brumsickle, Sheldon, Silver, Brough, Mielke, Johanson, Padden, L. Johnson, Kremen, Eide, Chandler, Edmondson, Wood, Cooke, Miller, J. Kohl, Stevens, Reams, Schoesler, Ballasiotes and Horn)

Exempting juvenile newspaper carriers from business and occupation tax.

Referred to Committee on Ways and Means.

SHB 2151 by House Committee on Health Care (originally sponsored by Representatives L. Johnson, Ballasiotes, Dellwo, Chappell, Cothorn, Conway, Thibaudeau, Talcott, Wood, Heavey, Sheldon, Van Luven, Campbell, Brough, Dorn, Lemmon, Long, Dyer, Kessler, Holm, Wineberry, Basich, Romero, Springer, Hansen, H. Myers, Leonard and Foreman)

Requiring that victims of felony sex offenses be given notice of HIV test results, whether the results are positive or negative.

Referred to Committee on Health and Human Services.

HB 2159 by Representatives Sheldon, Holm, Dellwo and Wineberry

Changing provisions relating to criminal jurisdiction on Skokomish tribal lands.

Referred to Committee on Law and Justice.

SHB 2170 by House Committee on Education (originally sponsored by Representatives Sommers, Silver, Ogden, Fuhrman, Dunshee, Dorn, Brough, B. Thomas, L. Johnson and J. Kohl) (by request of Legislative Budget Committee)

Extending the duration of special services demonstration projects.

Referred to Committee on Education.

EHB 2171 by Representatives G. Cole, King and Scott

Regulating electrical contractors.

Referred to Committee on Labor and Commerce.

SHB 2172 by House Committee on Judiciary (originally sponsored by Representatives Ogden, Dunshee, Silver, Valle, Karahalios and Johanson) (by request of Legislative Budget Committee)

Revising provisions relating to the employer reporting program of the office of support enforcement.

Referred to Committee on Law and Justice.

HB 2173 by Representatives Heavey, G. Cole and King (by request of Department of Licensing)

Providing for the registration of engineers-in-training.

Referred to Committee on Labor and Commerce.

SHB 2178 by House Committee on Local Government (originally sponsored by Representatives H. Myers and Orr)

Clarifying employee transfer rights for fire fighters.

Referred to Committee on Labor and Commerce.

SHB 2192 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives G. Cole, Forner, Veloria, Ogden and Wineberry) (by request of Office of Minority and Women's Business Enterprises)

Exempting materials submitted for certification under chapter 39.19 RCW from public records disclosure requirements.

Referred to Committee on Law and Justice.

SHB 2238 by House Committee on State Government (originally sponsored by Representatives B. Thomas, Dorn, Padden, Bray, Casada, Anderson, Horn, Chappell, Brumsickle and Dyer)

Eliminating provisions requiring public entities to purchase fuel mined or produced in Washington state.

Referred to Committee on Government Operations.

HB 2245 by Representatives Padden, Zellinsky, Mielke, Horn, Dyer and Long

Providing for bond call notification.

Referred to Committee on Labor and Commerce.

SHB 2246 by House Committee on Education (originally sponsored by Representatives B. Thomas, Dorn, Brough, Cothorn, Brumsickle, Pruitt, Dyer, Karahalios, Stevens, L. Thomas, Eide and Basich)

Changing provisions relating to substitute school employees.

Referred to Committee on Education.

HB 2258 by Representatives Valle, Cooke, Patterson, Brown, Wineberry, King, Campbell, L. Johnson and J. Kohl

Authorizing guardians to obtain background checks of babysitters and caretakers.

Referred to Committee on Health and Human Services.

SHB 2274 by House Committee on Education (originally sponsored by Representatives Quall, Carlson, R. Meyers, Brough, Basich, Karahalios, Peery, Kessler, Eide, L. Johnson, Linville, Shin, Hansen, Talcott, Long, Van Luven, Cooke, Veloria, Scott, Johanson, Finkbeiner, Dunshee, Schoesler, Mastin, Pruitt, Wineberry, King, Conway, Kremen, Springer and H. Myers)

Establishing high school credit equivalencies for credits earned in institutions of higher education.

Referred to Committee on Higher Education.

SHB 2321 by House Committee on Local Government (originally sponsored by Representatives Springer, H. Myers, Edmondson, Johanson and Jones)

Standardizing competitive bidding procedures.

Referred to Committee on Government Operations.

EHB 2327 by Representatives Jacobsen, Brumsickle, Quall, Basich, Ogden, Kessler, Mastin, Wood, Casada, Shin, Orr, Rayburn, Romero and Anderson

Requiring appropriate services for disabled students at institutions of higher education.

Referred to Committee on Higher Education.

SHB 2334 by House Committee on State Government (originally sponsored by Representatives Jacobsen, Ogden, Pruitt, Brough, R. Fisher, Anderson, J. Kohl and Moak)

Printing publications of historical societies.

Referred to Committee on Government Operations.

ESHB 2388 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Heavey, H. Myers, Campbell, King and Anderson) (by request of Department of Labor and Industries)

Providing penalties for multiple failures by a contractor or subcontractor to pay the prevailing rate of wage.

Referred to Committee on Labor and Commerce.

ESHB 2396 by House Committee on Corrections (originally sponsored by Representatives Orr, Morris, Sommers, Dellwo, Padden, Conway, Linville, Kremen, Chandler, Foreman, Lisk, Long, Johanson, Silver, Cothorn, Kessler, J. Kohl, Chappell, Romero, Holm, Jones, Sheldon, Eide, Rayburn, L. Johnson, Springer and H. Myers)

Requiring prisoners to make a one dollar payment for each medical visit.

Referred to Committee on Law and Justice.

ESHB 2401 by House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn, Rust, Quall, L. Johnson, Foreman, Wood and J. Kohl)

Disposing of residential sharps waste.

Referred to Committee on Ecology and Parks.

HB 2407 by Representatives Scott, Leonard, Talcott and Jones

Increasing the length of terms for appointed members of the council for the prevention of child abuse and neglect.

Referred to Committee on Health and Human Services.

HB 2492 by Representatives Dellwo and Dyer (by request of Department of Social and Health Services)

Modifying federal requirements regarding medical assistance.

Referred to Committee on Health and Human Services.

HB 2494 by Representatives Jones, Mielke and Kremen

Requiring moving companies to use a Washington utilities and transportation commission permit number for advertisements.

Referred to Committee on Transportation.

EHB 2523 by Representatives Rayburn, Schoesler, Chappell, Chandler, Foreman, Hansen, R. Meyers and Mastin (by request of Department of Agriculture)

Regulating custom slaughtering and custom meat facility licenses.

Referred to Committee on Agriculture.

SHB 2540 by House Committee on Corrections (originally sponsored by Representatives Long, Appelwick, Morris, Johanson, Padden, Brough, Sheahan, B. Thomas, Dyer, Brumsickle, Kremen, Forner, Springer and Reams)

Releasing information concerning sex offenders.

Referred to Committee on Law and Justice.

SHB 2541 by House Committee on Revenue (originally sponsored by Representatives Cothorn, Brown, Foreman, Romero, Brough, J. Kohl, Van Luven, Rust and Talcott) (by request of Department of Revenue)

Clarifying the business and occupation tax on newspapers.

Referred to Committee on Ways and Means.

SHB 2543 by House Committee on Judiciary (originally sponsored by Representatives Wang, R. Fisher, Long, Mielke and Wood)

Revising provisions relating to awards to persons found not guilty by reason of self defense.

Referred to Committee on Law and Justice.

SHB 2560 by House Committee on Higher Education (originally sponsored by Representatives Kessler, Brumsickle, Jones, Flemming, Quall, Jacobsen, Orr, Mastin, Rayburn, Ogden, Wood, Sheahan, Basich, Carlson, Shin, Bray, Mielke, Dunshee, Brough, Pruitt, J. Kohl, Karahalios, Schoesler, Talcott, Forner and Tate)

Changing state work study provisions.

Referred to Committee on Higher Education.

SHB 2566 by House Committee on Judiciary (originally sponsored by Representatives Dyer, Lisk, B. Thomas, Brough, Brumsickle, Talcott, Long, Mielke, Cooke and Wood)

Providing limited immunity from liability for organizations distributing donated items to children.

Referred to Committee on Law and Justice.

HB 2583 by Representatives Veloria, Reams, Anderson, J. Kohl, Wood and Campbell

Concerning documents that are exempt from public inspection.

Referred to Committee on Law and Justice.

HB 2590 by Representatives King, Quall, Jones and Springer (by request of Statute Law Committee)

Eliminating obsolete references to the department of fisheries and the department of wildlife.

Referred to Committee on Natural Resources.

HB 2593 by Representatives R. Fisher and Springer (by request of Department of Transportation)

Funding highway improvements.

Referred to Committee on Transportation.

SHB 2623 by House Committee on State Government (originally sponsored by Representative Anderson)

Clarifying definitions regarding elections.

Referred to Committee on Government Operations.

SHB 2627 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Quall, Ballard, Valle, Foreman, Shin, Sehlin, Campbell, Johanson, Veloria, Peery, Hansen, G. Cole, Lemmon, Brumsickle, Heavey, Finkbeiner, Dunshee, R. Johnson, Karahalios, Springer, Mastin, Jacobsen, Chappell, R. Meyers, Basich, Patterson, Linville, Grant, Fuhrman, Kremen, Dorn, Ogden, Caver, Scott, Moak, Kessler, Conway, Roland, King, Rayburn, Chandler and J. Kohl)

Creating a housing finance program.

Referred to Committee on Labor and Commerce.

EHB 2643 by Representatives Sommers and Silver (by request of Department of Retirement Systems)

Cross-referencing pension statutes.

Referred to Committee on Ways and Means.

SHB 2655 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Shin, H. Myers and Forner) (by request of Department of Community Development)

Revising provisions relating to ownership of manufactured homes.

Referred to Committee on Labor and Commerce.

SHB 2693 by House Committee on Higher Education (originally sponsored by Representatives Quall, Jacobsen, Brumsickle, Carlson, Forner, Van Luven, Dyer, Cooke, Brough and Springer)

Changing provisions relating to higher education degree-granting authority.

Referred to Committee on Higher Education.

HB 2749 by Representative Springer

Revising provisions relating to cities and towns annexed by fire protection districts.

Referred to Committee on Ways and Means.

SHB 2754 by House Committee on Judiciary (originally sponsored by Representatives McMorris, Appelwick, Padden, Campbell, Schoesler, Johanson, Foreman, Mielke, Finkbeiner, Fuhrman, Mastin, Wineberry, Sheahan, L. Thomas, Cooke, Brough and Springer)

Authorizing use of closed circuit television in court procedural hearings.

Referred to Committee on Law and Justice.

HB 2849 by Representatives Linville and King

Exempting nonsalmon delivery license holders from United States residency requirements.

Referred to Committee on Natural Resources.

HB 2851 by Representatives Appelwick, Morris, J. Kohl, Veloria, Caver and King (by request of Insurance Commissioner)

Allowing courts to waive injunction bonds if person's health or life is jeopardized.

Referred to Committee on Law and Justice.

SHB 2865 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Valle, Sheldon and Roland)

Concerning the release of personal financial information obtained by a governmental agency.

Referred to Committee on Trade, Technology and Economic Development.

HB 2893 by Representative Heavey (by request of Law Revision Commission)

Correcting double amendments relating to job service programs and activities.

Referred to Committee on Labor and Commerce.

SHJR 4214 by House Committee on Education (originally sponsored by Representatives G. Cole, Dorn, Brumsickle, Pruitt, Patterson, Rust, Sheldon, Leonard, Jones, Wineberry, Valle, Eide, King, Cothorn, Carlson, Holm, Ogden, L. Johnson, Quall, Springer and J. Kohl) (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

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

Referred to Committee on Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9407, Ruta E. Fanning, as Director of the Office of Financial Management, was confirmed.

APPOINTMENT OF RUTA E. FANNING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 40.

Absent: Senators Niemi and Rasmussen, M. - 2.

Excused: Senators Amondson, Anderson, Erwin, Owen, Rinehart, Sellar and Smith, L. - 7.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9404, Daniel Evans, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF DANIEL EVANS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Moore - 1.

Excused: Senators Amondson, Erwin, Owen, Rinehart, Sellar and Smith, L. - 6.

SECOND READING

SENATE BILL NO. 6520, by Senators Oke and Haugen

Eliminating the primary in park and recreation district elections.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6520.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6520 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Amondson, Erwin, Rinehart and Sellar - 4.

SENATE BILL NO. 6520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6089, by Senators West, Bauer, A. Smith, Vognild, Talmadge, Nelson, Prince, Oke, Sutherland, Winsley, Sheldon, M. Rasmussen, Deccio, Erwin, Roach, Ludwig, Drew, Loveland, Sellar, Cantu, Morton and Skratek (by request of Washington State University)

Creating the collegiate license plate fund program.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6089 was substituted for Senate Bill No. 6089 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6089 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Amondson, Erwin, Rinehart and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6401, by Senators Franklin, Winsley, Prentice, Rinehart, Pelz, Talmadge, Moore, Drew, Fraser, Moyer, Wojahn and Williams

Requiring a report on environmental risks in relationship to minority and low-income communities.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6401 was substituted for Senate Bill No. 6401 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Fraser, not having been on the committee and heard the discussion, the idea is to match the most polluted sites in the state of Washington, then to see if there is any information on the socio-economic areas, that those sites are in? Is that the idea that we are trying to get here--and an inventory?"

Senator Fraser: "The report that would be produced would include demographic information, a survey of environmental facilities of the categories listed in here, a list of census tracts ranked in order of the amount of toxic chemicals released each year and then a map would be produced."

Senator Anderson: "Is this done with an idea that we are going to have a different prioritization of sites that DOE and EP are going to work on? What course of action will this lead to once we identify this inventory?"

Senator Fraser: "The bill does not deal with the issue of prioritization or regulation or funds, it is strictly a study. It is strictly an inquiry as to compare, basically, two sets of data and see if there are any patterns that we think we might disagree with. If so, then we would engage in a policy discussion of that. But, the study doesn't presume that there is a problem, but there is a legitimate question as to whether there is. I certainly hope this study shows there are not one or two categories of people or communities in our state that are disproportionately impacted. I hope that is the outcome of the study, myself."

Further debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Fraser, this is a fairly extensive study and if you read through it, it requires a good deal of work. What is the fiscal note on this and who carries the burden of paying for it?"

Senator Fraser: "The fiscal--as the previous speaker and prime sponsor indicated--this study was narrowed down substantially from the original introduction. At this point, the fiscal impact is in the twenty thousand dollar range and to be paid, I believe, from the toxic fund. I'll check that."

Further debate ensued.

FURTHER REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President. I would like to correct information I just gave. The source of the money for the study is the Worker Right to Know Fund. This is a fund that is paid--the source of revenue is fees on businesses. There is a fund balance in the fund and that would be the source."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6401.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6401 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 18; Absent, 1; Excused, 4.

Voting yea: Senators Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 26.

Voting nay: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Oke, Rasmussen, M., Roach, Schow, Sheldon, Smith, L. and West - 18.

Absent: Senator Newhouse - 1.

Excused: Senators Amondson, Erwin, Rinehart and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 6401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6368, by Senators Haugen and Winsley

Revising times for filing declarations and withdrawals of candidacy.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6368 was substituted for Senate Bill No. 6368 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6368.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6368 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Bluechel, Newhouse and Roach - 4.

Excused: Senators Erwin, Rinehart and Sellar - 3.

SUBSTITUTE SENATE BILL NO. 6368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6571, by Senators Moore, Wojahn, Gaspard, Franklin, Prentice and Winsley

Disclosing information on residential real estate.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 6571 was substituted for Senate Bill No. 6571 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 6571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6571.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6571 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Bluechel, McCaslin, Oke, Schow and Smith, L. - 6.
Excused: Senators Erwin and Rinehart - 2.
SUBSTITUTE SENATE BILL NO. 6571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SENATE RESOLUTION 1994-8674

By Senator Skratek

WHEREAS, The population of cats and dogs in Washington State exceeds the number of available opportunities for placement or adoption; and

WHEREAS, More than three hundred thirty-five thousand animals were placed in animal shelters and put to death from 1990 through 1992; and

WHEREAS, The statistical trends of animal overpopulation indicate that more than seven hundred seventy thousand additional animals will be killed in animal shelters by the Year 2008; and

WHEREAS, The expense and administration of animal control is a significant burden to local governments; and

WHEREAS, It is unrealistic to expect a sufficient number of homes to be found for the cat and dog population despite the commendable efforts made by public and private agencies; and

WHEREAS, The expense of spaying and neutering can be a deterrent to the financial capacity of persons to assist in control of the animal population; and

WHEREAS, The difficulties and distress associated with animal control can be significantly reduced by a reduction in the breeding of cats and dogs;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the citizens of the state of Washington are encouraged to adopt a one-year moratorium on the casual, indiscriminate, or unplanned breeding of cats and dogs; and

BE IT FURTHER RESOLVED, That the Governor of the state is encouraged to call for a voluntary moratorium on such casual, indiscriminate, or unplanned breeding of cats and dogs; and

BE IT FURTHER RESOLVED, That local governments and the veterinary profession are encouraged to expand cooperative efforts to reduce the population of cats and dogs by making available more reduced-cost spaying and neutering programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Governor, animal control agencies, and the State Veterinary Association.

MOTION

At 9:06 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:15 a.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6155, by Senators McAuliffe, Winsley, Franklin, Prentice and Bauer

Revising provisions relating to schools.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6155 was substituted for Senate Bill No. 6155 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the following amendment was adopted:

On page 2, line 36, strike "five" and insert "two"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6155.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6155 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Cantu - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Linda Smith, the following resolution was adopted:

SENATE RESOLUTION 1994-8668

By Senators L. Smith and Snyder

WHEREAS, The Washington State Legislature encourages excellence in academic and athletic performance in the schools of this state; and

WHEREAS, The State Class A Girls' Volleyball Tournament showcases talented high school teams throughout the state; and

WHEREAS the Castle Rock Rockets have a outstanding academic and athletic tradition; and

WHEREAS, The Rockets topped an excellent season by winning the Class A state volleyball title; and

WHEREAS, The Rockets showed their fortitude by overpowering the Okanogan Bulldogs to win the state title; capping an undefeated season with twenty-one wins; and

WHEREAS, Team members displayed their prominent team spirit, athletic skill, intensity and determination in winning the state crown;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize the winning team members of the Castle Rock girls' volleyball team; its team managers; and its coaches: Julie Clancy, Parrish Reedy and Pam Harmo; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Rockets' Head Coach, Julie Clancy, Castle Rock's Principal, Dr. Gary Udd, and to the Student Body President at Castle Rock High School.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and welcomed the Castle Rock State Class A Girls' Volleyball Championship Team and their coaches who were seated in the gallery.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6120, by Senators Hargrove, Owen, Oke, Haugen, L. Smith, Erwin, Snyder and Winsley

Concerning fisheries enhancement.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6120 was substituted for Senate Bill No. 6120 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Vognild and Owen was adopted:

On page 3, line 35, after "roads." strike all material through "years." on line 36

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTION

On motion of Senator Loveland, Senator Vognild was excused.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6120.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6120 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6332, by Senators Bauer, West, Sutherland, Drew and Snyder

Establishing high school credit equivalencies for credits earned in institutions of higher education.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6332 was substituted for Senate Bill No. 6332 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6332 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 6332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6099, by Senators M. Rasmussen, Newhouse and Snyder (by request of Department of Agriculture)

Modifying weights and measures provisions.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6099 was substituted for Senate Bill No. 6099 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6099.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6099 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Smith, L. - 1.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 6099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6566, by Senator Owen

Modifying requirements for specialized forest product permits.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6566 was substituted for Senate Bill No. 6566 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Owen and Oke was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 76.48.020 and 1992 c 184 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" ~~((shall))~~ means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" ~~((shall))~~ means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, ~~((shall))~~ means evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, ~~mosses, lichens, legumes, grasses,~~ and other cut or picked evergreen products.

(4) "Cedar products" ~~((shall))~~ means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" ~~((shall))~~ means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" ~~((shall))~~ means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, ~~((or))~~ rails~~((;))~~, or rounds less than one foot in length.

(7) "Cedar processor" ~~((shall))~~ means any person who purchases ~~((and/or))~~, takes, or retains possession of cedar products or cedar salvage~~((;))~~ for later sale in the same or modified form~~((;))~~ following ~~((their))~~ removal and delivery from the land where harvested.

(8) "Cascara bark" ~~((shall))~~ means the bark of a Cascara tree.

(9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

(10) "Specialized forest products" ~~((shall))~~ means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.

(11) "Person" ~~((shall))~~ includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(12) "Harvest" ~~((shall))~~ means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection ~~((with))~~ or contact with the land or vegetation upon which it ~~((was or has been))~~ is or was growing~~((;))~~ or (b) from the position in which it ~~((has been))~~ is lying upon ~~((such))~~ the land.

(13) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site~~((including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance, or by helicopter))~~ by any means.

(14) "Landowner" means, with regard to ~~((any))~~ real property, the private owner ~~((thereof))~~, the state of Washington or any political subdivision ~~((thereof))~~, the federal government, or ~~((any))~~ a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at ~~((any))~~ a public or private timber sale.

(15) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees~~((;))~~ which ~~((form))~~ contains the information required by RCW 76.48.080, ~~((and))~~ a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(16) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(17) "Specialized forest products permit" ~~((shall))~~ means a printed document in a form specified by the department of natural resources, or true copy thereof, that is signed by a landowner or his ~~((duly))~~ or her authorized agent or representative ~~((herein))~~, referred to in this chapter as "permittees"~~((;))~~ and validated by the county sheriff ~~((authorizing))~~ and authorizes a designated person ~~((herein))~~, referred to in this chapter as "permittee"~~((;))~~, who ~~((shall))~~ has also ~~((have))~~ signed the permit, to harvest ~~((and/or))~~ and transport a designated specialized forest product from land owned or controlled and specified by the permittor~~((;))~~ and that is located in the county where ~~((such))~~ the permit is issued.

(18) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

(19) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

Sec. 2. RCW 76.48.030 and 1979 ex.s. c 94 s 2 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to:

- (1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;
- (2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; or
- (3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining written permission from the landowner or his or her duly authorized agent or representative.

Sec. 3. RCW 76.48.040 and 1988 c 36 s 49 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, county or municipal police forces, authorized personnel of the United States forest service, and authorized personnel of the departments of natural resources, and ((fisheries,)) fish and wildlife. ((Primary enforcement responsibility lies in the county sheriffs and their deputies.)) The provisions of this chapter shall be strictly enforced by the agencies set out under this section.

Sec. 4. RCW 76.48.050 and 1979 ex.s. c 94 s 4 are each amended to read as follows:

Specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the permits shall be issued by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. A properly completed specialized forest products permit form shall include:

- (1) The date of its execution and expiration;
- (2) The name, address, telephone number, if any, and signature of the permittor;
- (3) The name, address, telephone number, if any, and signature of the permittee;
- (4) The type of specialized forest products to be harvested or transported;
- (5) The approximate amount or volume of specialized forest products to be harvested or transported;
- (6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;
- (7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;
- (8) The person's driver's license or valid picture identification and social security number. The sheriff's office shall verify the social security number when the permit is validated. Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the picker and available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site; and

(9) Any other condition or limitation which the permittor may specify.

Sec. 5. RCW 76.48.060 and 1992 c 184 s 2 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by ~~((any))~~ a person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, ~~((any))~~ a cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than three United States gallons of a single species of wild edible mushroom and ~~((not))~~ more than an aggregate total of nine United States gallons of wild edible mushrooms, plus one wild edible mushroom. Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct ~~((such))~~ other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of ~~((such))~~ the information, the form shall be validated with the sheriff's validation stamp ~~((provided by the department of natural resources))~~. Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession ~~((and/or))~~ or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittor and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit. In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

Sec. 6. RCW 76.48.070 and 1992 c 184 s 3 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it ~~((shall be))~~ is unlawful for any person (a) to possess, ~~((and/or))~~ (b) to transport, or (c) to possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and ~~((not))~~ more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.

(2) It ~~((shall be))~~ is unlawful for any person either (a) to possess ~~((and/or))~~, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

Sec. 7. RCW 76.48.075 and 1979 ex.s. c 94 s 15 are each amended to read as follows:

(1) It is unlawful for any person to transport or cause to be transported into this state from any other state or province specialized forest products, except those harvested from that person's own property, without: (a) First acquiring and having readily available for inspection a document indicating the true origin of the specialized forest products as being outside the state, or (b) without acquiring a specialized forest products permit as provided in subsection (4) of this section.

(2) Any person transporting or causing to be transported specialized forest products into this state from any other state or province shall, upon request of any person to whom the specialized forest products are sold or delivered or upon request of any law enforcement officer, prepare and sign a statement indicating the true origin of the specialized forest products, the date of delivery, and the license number of the vehicle making delivery, and shall leave the statement with the person making the request.

(3) It is unlawful for any person to possess specialized forest products, transported into this state, with knowledge that the products were introduced into this state in violation of this chapter.

(4) When any person transporting or causing to be transported into this state specialized forest products elects to acquire a specialized forest products permit, the specialized forest products transported into this state shall be deemed to be harvested in the county of entry, and the sheriff

of that county may validate the permit as if the products were so harvested, except that the permit shall also indicate the actual harvest site outside the state.

(5) A cedar processor shall comply with RCW 76.48.096 by requiring a person transporting specialized forest products into this state from any other state or province to display a specialized forest products permit, or true copy thereof, or other document indicating the true origin of the specialized forest products as being outside the state. The cedar processor shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage in compliance with RCW 76.48.094.

(6) If, ~~((pursuant to))~~ under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid specialized forest products permit or other acceptable document, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were harvested in this state or wrongfully obtained in another state or province, the officer may take into custody and detain, for a reasonable time, the specialized forest products, all supporting documents, invoices, and bills of lading, and the vehicle in which the products were transported until the true origin of the specialized forest products can be determined.

Sec. 8. RCW 76.48.096 and 1979 ex.s. c 94 s 10 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any cedar processor to purchase, take possession, or retain cedar products or cedar salvage subsequent to the harvesting and prior to the retail sale of ~~((such))~~ the products, unless the supplier thereof displays a specialized forest products permit, or true copy thereof ~~((which))~~ that appears to be valid, or obtains the information ~~((pursuant to))~~ under RCW 76.48.075(5).

Sec. 9. RCW 76.48.098 and 1979 ex.s. c 94 s 11 are each amended to read as follows:

Every cedar processor shall prominently display a valid registration certificate, or copy thereof, obtained from the department of revenue ~~((pursuant to))~~ under RCW 82.32.030 at each location where ~~((such))~~ the processor receives cedar products or cedar salvage.

Permittees shall sell cedar products or cedar salvage only to cedar processors displaying registration certificates which appear to be valid.

Sec. 10. RCW 76.48.100 and 1979 ex.s. c 94 s 12 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply to:

(1) Nursery grown products.

(2) Logs (except as included in the definition of "cedar salvage" under RCW 76.48.020), poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his or her agent, or representative, or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of ~~((such))~~ the landowner or lessee.

Sec. 11. RCW 76.48.110 and 1979 ex.s. c 94 s 13 are each amended to read as follows:

Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any ~~((such))~~ specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he or she shall dispose of ~~((such))~~ the specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the specialized forest products to ~~((their))~~ its rightful owner or pay the proceeds of any sale of specialized forest products less any reasonable expenses of ~~((such))~~ the sale to the rightful owner. If for any reason, the proceeds of ~~((such))~~ the sale cannot be disposed of to the rightful owner, ~~((such))~~ the proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

Sec. 12. RCW 76.48.120 and 1979 ex.s. c 94 s 14 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, forged, or stolen.

Any person who knowingly or intentionally violates this section ~~((shall be))~~ is guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both ~~((such))~~ imprisonment and fine.

Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

Sec. 13. RCW 76.48.130 and 1977 ex.s. c 147 s 10 are each amended to read as follows:

~~((Any))~~ A person who violates ~~((any))~~ a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, ~~((shall be))~~ is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both ~~((such))~~ a fine and imprisonment.

NEW SECTION. Sec. 14. A new section is added to chapter 76.48 RCW to read as follows:

Buyers who purchase specialized forest products are required to record (1) the permit number; (2) the type of forest product purchased; (3) the permit holders name; (4) the amount of forest product purchased; and (5) the purchase price. The buyer shall keep a record of this information for a period of one year from the date of purchase and make the records available for inspection by authorized enforcement officials.

The buyer of specialized forest products must record the license plate number of the vehicle transporting the forest products on the bill of sale, as well as the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.

NEW SECTION. Sec. 15. A new section is added to chapter 76.48 RCW to read as follows:

County sheriffs may contract with other entities to serve as authorized agents to issue specialized forest product permits. These entities include the United States forest service, the bureau of land management, the department of natural resources, local police departments, and other entities as decided upon by the county sheriffs' departments.

NEW SECTION. Sec. 16. A new section is added to chapter 76.48 RCW to read as follows:

Records collected concerning the forest products harvested or purchased may be made available to colleges and universities for the purpose of research and to authorized enforcement officials from federal, state, and county agencies for the purpose of enforcement. These entities may also access relevant information from persons involved in the forest products transactions.

NEW SECTION. Sec. 17. A new section is added to chapter 76.48 RCW to read as follows:

Minority groups have long been participants in the specialized forest products industry. The Asian-American affairs commission set out under RCW 43.117.030 and the Hispanic affairs commission set out under RCW 43.115.020, agencies serving minority communities, community-based organizations, refugee centers, social service agencies, and other interested groups shall work cooperatively to accomplish the following goals:

(1) Make referrals and provide assistance on translation services, to assist in translating educational materials, laws, and rules that are published in those languages used by a majority of the non-English speaking pickers; and

(2) Work with both minority and nonminority pickers in order to (a) help protect resources; (b) provide them with work opportunities; and (c) help provide understanding between minority and nonminority pickers.

NEW SECTION. Sec. 18. RCW 76.48.092 and 1979 ex.s. c 94 s 8 & 1977 ex.s. c 147 s 14 are each repealed.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.48.020, 76.48.030, 76.48.040, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, and 76.48.130; adding new sections to chapter 76.48 RCW; and repealing RCW 76.48.092."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6566.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Amondson, Cantu, McCaslin and Morton - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6387, by Senators Owen, Morton, Oke, Sellar, Hargrove, M. Rasmussen and Haugen

Providing for grizzly bear management.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6387 was substituted for Senate Bill No. 6387 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6387.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6387 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 6387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5692, by Senators Sutherland, Moore, Prentice, Jesernig, Williams, A. Smith, Amondson, Hochstatter, Roach, West and Oke

Financing conservation investment by electrical, gas, and water companies.

MOTION

Senator Sutherland moved that Senate Bill No. 5692 not be substituted.

The President declared the question before the Senate to be the motion by Senator Sutherland that Senate Bill No. 5692 not be substituted.

The motion by Senator Sutherland carried and Senate Bill No. 5692 was not substituted. Senate Bill No. 5692 was read the second time.

MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland and Hochstatter be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bondable conservation investment" means all expenditures made by electrical, gas, or water companies with respect to energy or water conservation measures and services intended to improve the efficiency of electricity, gas, or water end use, including related carrying costs if:

- (a) The conservation measures and services do not produce assets that would be bondable utility property under the general utility mortgage of the electrical, gas, or water company;
- (b) The commission has determined that the expenditures were incurred in conformance with the terms and conditions of a conservation service tariff in effect with the commission at the time the costs were incurred, and at the time of such determination the commission finds that the company has proven that the costs were prudent, that the terms and conditions of the financing are reasonable, and that financing under this chapter is more favorable to the customer than other reasonably available alternatives;
- (c) The commission has approved inclusion of the expenditures in rate base and has not ordered that they be currently expensed; and
- (d) The commission has not required that the measures demonstrate that energy savings have persisted at a certain level for a certain period before approving the cost of these investments as bondable conservation investment.

(2) "Conservation bonds" means bonds, notes, certificates of beneficial interests in trusts, or other evidences of indebtedness or ownership that:

- (a) The commission determines at or before the time of issuance are issued to finance or refinance bondable conservation investment by an electrical, gas or water company; and
 - (b) Rely partly or wholly for repayment on conservation investment assets and revenues arising with respect thereto.
- (3) "Conservation investment assets" means the statutory right of an electrical, gas, or water company:
- (a) To have included in rate base all of its bondable conservation investment and related carrying costs; and
 - (b) To receive through rates revenues sufficient to recover the bondable conservation investment and the costs of equity and debt capital associated with it, including, without limitation, the payment of principal, premium, if any, and interest on conservation bonds.
- (4) "Finance subsidiary" means any corporation, company, association, joint stock association, or trust that is beneficially owned, directly or indirectly, by an electrical, gas, or water company, or in the case of a trust issuing conservation bonds consisting of beneficial interests, for which an electrical, gas, or water company or a subsidiary thereof is the grantor, or an unaffiliated entity formed for the purpose of financing or refinancing approved conservation investment, and that acquires conservation investment assets directly or indirectly from such company in a transaction approved by the commission.

"NEW SECTION. Sec. 2. (1) An electrical, gas, or water company may file a conservation service tariff with the commission. The tariff shall provide:

- (a) The terms and conditions upon which the company will offer the conservation measures and services specified in the tariff;
 - (b) The period of time during which the conservation measures and services will be offered; and
 - (c) The maximum amount of expenditures to be made during a specified time period by the company on conservation measures and services specified in the tariff.
- (2) The commission has the same authority with respect to a proposed conservation service tariff as it has with regard to any other schedule or classification the effect of which is to change any rate or charge, including, without limitation, the power granted by RCW 80.04.130 to conduct a hearing concerning a proposed conservation service tariff and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of the tariff for a period not exceeding ten months from the time the tariff would otherwise go into effect.

(3) An electrical, gas, or water company may from time to time apply to the commission for a determination that specific expenditures may under its tariff constitute bondable conservation investment. A company may request this determination by the commission in separate proceedings for this purpose or in connection with a general rate case. The commission may designate the expenditures as bondable conservation investment as defined in section 1(1) of this act if it finds that such designation is in the public interest.

(4) The commission shall include in rate base all bondable conservation investment. The commission shall approve rates for service by electrical, gas, and water companies at levels sufficient to recover all of the expenditures of the bondable conservation investment included in rate base and the costs of equity and debt capital associated therewith, including, without limitation, the payment of principal, premium, if any, and interest on conservation bonds. The rates so determined may be included in general rate schedules or may be expressed in one or more separate rate schedules. The commission shall not revalue bondable conservation investment for rate-making purposes, to determine that revenues required to recover bondable conservation investment and associated equity and debt capital costs are unjust, unreasonable, or in any way impair or reduce the value of conservation investment assets or that would impair the timing or the amount of revenues arising with respect to conservation investment assets that have been pledged to secure conservation bonds.

(5) Nothing in this chapter precludes the commission from adopting or continuing other conservation policies and programs intended to provide incentives for and to encourage utility investment in improving the efficiency of energy or water end use. However, the policies or programs shall not impair conservation investment assets. This chapter is not intended to be an exclusive or mandatory approach to conservation programs for electrical, gas, and water companies, and no such company is obligated to file conservation service tariffs under this chapter, to apply to the commission for a determination that conservation costs constitute bondable conservation investment within the meaning of this chapter, or to issue conservation bonds.

(6)(a) If a customer of an electrical, gas, or water company for whose benefit the company made expenditures for conservation measures or services ceases to be a customer of such company for one or more of the following reasons, the commission may require that the portion of such conservation expenditures that had been included in rate base but not theretofore recovered in the rates of such company be removed from the rate base of the company:

- (i) The customer ceases to be a customer of the supplier of energy or water, and the customer repays to the company the portion of the conservation expenditures made for the benefit of such customer that has not theretofore been recovered in rates of the company; or
- (ii) The company sells its property used to serve such customer and the customer ceases to be a customer of the company as a result of such action.

(b) An electrical, gas, or water company may include in a contract for a conservation measure or service, and the commission may by rule or order require to be included in such contracts, a provision requiring that, if the customer ceases to be a customer of that supplier of energy or water, the customer shall repay to the company the portion of the conservation expenditures made for the benefit of such customer that has not theretofore been recovered in rates of the company.

"NEW SECTION. Sec. 3. (1) Electrical, gas, and water companies, or finance subsidiaries, may issue conservation bonds upon approval by the commission.

(2) Electrical, gas, and water companies, or finance subsidiaries may pledge conservation investment assets as collateral for conservation bonds by obtaining an order of the commission approving an issue of conservation bonds and providing for a security interest in conservation investment assets. A security interest in conservation investment assets is created and perfected only upon entry of an order by the commission approving a contract governing the granting of the security interest and the filing with the department of licensing of a UCC-1 financing statement, showing such pledgor as "debtor" and identifying such conservation investment assets and the bondable conservation investment associated therewith. The security interest is enforceable against the debtor and all third parties, subject to the rights of any third parties holding security interests

in the conservation investment assets perfected in the manner described in this section, if value has been given by the purchasers of conservation bonds. An approved security interest in conservation investment assets is a continuously perfected security interest in all revenues and proceeds arising with respect to the associated bondable conservation investment, whether or not such revenues have accrued. Upon such approval, the priority of such security interest shall be as set forth in the contract governing the conservation bonds. Conservation investment assets constitute property for the purposes of contracts securing conservation bonds whether or not the related revenues have accrued.

(3) The relative priority of a security interest created under this section is not defeated or adversely affected by the commingling of revenues arising with respect to conservation investment assets with other funds of the debtor. The holders of conservation bonds shall have a perfected security interest in all cash and deposit accounts of the debtor in which revenues arising with respect to conservation investment assets pledged to such holders have been commingled with other funds, but such perfected security interest is limited to an amount not greater than the amount of such revenues received by the debtor within twelve months before (a) any default under the conservation bonds held by the holders or (b) the institution of insolvency proceedings by or against the debtor, less payments from such revenues to the holders during such twelve-month period. If an event of default occurs under an approved contract governing conservation bonds, the holders of conservation bonds or their authorized representatives, as secured parties, may foreclose or otherwise enforce the security interest in the conservation investment assets securing the conservation bonds, subject to the rights of any third parties holding prior security interests in the conservation investment assets perfected in the manner provided in this section. Upon application by the holders of their representatives, without limiting their other remedies, the commission shall order the sequestration and payment to the holders or their representatives of revenues arising with respect to the conservation investment assets pledged to such holders. Any such order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the debtor. Any surplus in excess of amounts necessary to pay principal, premium, if any, interest, and expenses arising under the contract governing the conservation bonds shall be remitted to the debtor electrical, gas, or water company or the debtor finance subsidiary.

(4) The granting, perfection, and enforcement of security interests in conservation investment assets to secure conservation bonds is governed by this chapter rather than by chapter 62A.9 RCW

(5) A transfer of conservation investment assets by an electrical, gas, or water company to a finance subsidiary, which such parties have in the governing documentation expressly stated to be a sale or other absolute transfer, in a transaction approved in an order issued by the commission and in connection with the issuance by such finance subsidiary of conservation bonds, shall be treated as a true sale, and not as a pledge or other financing, of such conservation investment assets. According the holders of conservation bonds a preferred right to revenues of the electrical, gas, or water company, or the provision by such company of other credit enhancement with respect to conservation bonds, does not impair or negate the characterization of any such transfer as a true sale.

(6) Any successor to an electrical, gas, or water company pursuant to any bankruptcy, reorganization, or other insolvency proceeding shall perform and satisfy all obligations of the company under an approved contract governing conservation bonds, in the same manner and to the same extent as such company before any such proceeding, including, without limitation, collecting and paying to the bondholders or their representatives revenues arising with respect to the conservation investment assets pledged to secure the conservation bonds.

NEW SECTION. Sec. 4. (1) Costs incurred before the effective date of this section by electrical, gas, or water companies with respect to energy or water conservation measures and services intended to improve the efficiency of energy or water end use shall constitute bondable conservation investment for purposes of sections 1 through 4 of this act, if:

(a) The commission has previously issued a rate order authorizing the inclusion of such costs in rate base; and

(b) The commission authorizes the issuance of conservation bonds secured by conservation investment assets associated with such costs.

(2) If costs incurred before the effective date of this section by electrical, gas, or water companies with respect to energy or water conservation measures intended to improve the efficiency of energy or water end use have not previously been considered by the commission for inclusion in rate base, an electrical, gas, or water company may apply to the commission for approval of such costs. If the commission finds that the expenditures are a bondable conservation investment, the commission shall by order designate such expenditures as bondable conservation investment, which shall be subject to sections 1 through 4 of this act.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 80.28 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sutherland and Hochstatter to Senate Bill No. 5692.

The motion by Senator Sutherland carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "and adding new sections to chapter 80.28 RCW."

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5692.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Loveland, Niemi and Prentice - 3.

ENGROSSED SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:47 a.m., on motion of Senator Spanel, the Senate recessed until 12:00 noon.

The Senate was called to order at 12:22 p.m. by President Pritchard.

MOTION

At 12:22 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

February 10, 1994

SB 6174 Prime Sponsor, Senator Talmadge: Enacting programs to reduce youth violence. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6174 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Quigley, Vice Chairman; Bauer, Gaspard, Hargrove, Ludwig, Moyer, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

MOTION TO LIMIT DEBATE

Senator Spanel: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the end of the session, March 10, 1994."

Debate ensued.

POINT OF ORDER

Senator Gaspard: "Mr. President and members of the Senate, a point of order. Just to refresh Senator Nelson's memory, that traditionally when we have reached the end of a cut-off as we consider bills, in this case bills that are before the Senate, we have adopted a motion like this. You did it when you were in the majority and we offered you the courtesy. We're doing the courtesy now, so we can have orderly debate, so that we can move forward with the measures before the Senate as we approach the Tuesday five o'clock time by which Senate Bills have to be out of the Senate. We have to have some order in which all of us can debate the issues. The debate will take place and it is something that we have talked to your leadership about and we were surprised, certainly, by the comments made by Senator Nelson."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Spanel to limit debate.

The motion by Senator Spanel carried and debate was limited to three minutes through the end of the session, March 10, 1994.

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

MOTION

On motion of Senator Oke, Senator Anderson was excused.

SECOND READING

SENATE BILL NO. 6103, by Senators Snyder, McCaslin, Loveland, Vognild, Hargrove, Owen, M. Rasmussen, Roach and Oke

Providing for burning permits for fire fighting instruction.

MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 6103 was substituted for Senate Bill No. 6103 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Bluechel - 1.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6283, by Senators Haugen, Winsley, Spanel, Quigley, Drew, Erwin, Fraser and Ludwig

Disclosing real property information.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6283 was substituted for Senate Bill No. 6283 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6283.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6283 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Bluechel - 1.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 6283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 1:22 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 3:04 p.m. by President Pritchard.

MOTIONS

On motion of Senator Oke, Senator Morton was excused.

On motion of Senator West, Senator Winsley was excused.

On motion of Senator Drew, Senator Skratek was excused.

STATEMENT FOR THE JOURNAL

Due to my previous commitment to give a speech to a large group of citizens in my district, I missed the votes on Senate Bill No. 6582, Senate Bill No. 6345, Senate Bill No. 6346, Substitute Senate Bill No. 6315, Substitute Senate Bill No. 6558, Senate Bill No. 6023, Senate Bill No. 6074, Senate Bill No. 6491, Substitute Senate Bill No. 6087, Engrossed Second Substitute Senate Bill No. 6157, Senate Joint Memorial No. 8030, Substitute Senate Bill No. 6093, Substitute Senate Bill No. 6481, Engrossed Substitute Senate Bill No. 6228, Substitute Senate Bill No. 6018, Second Substitute Senate Bill No. 6276, Engrossed Substitute Senate Bill No. 6125, Substitute Senate Bill No. 6006,

Substitute Senate Bill No. 6143, Substitute Senate Bill No. 6492, Engrossed Senate Bill No. 6356, Senate Bill No. 6265, Substitute Senate Bill No. 6163, Engrossed Substitute Senate Bill No. 6124, Substitute Senate Bill No. 6007, Senate Bill No. 6516, Senate Bill No. 6573, Substitute Senate Bill No. 6447, Substitute Senate Bill No. 6593, Engrossed Substitute Senate Bill No. 6357, Engrossed Senate Bill No. 5449, Substitute Senate Bill No. 6421, Senate Bill No. 6203, Senate Bill No. 6408, Engrossed Substitute Senate Bill No. 6068, Engrossed Substitute Senate Bill No. 6219, Senate Bill No. 6205 and Senate Bill No. 6041. I would have voted 'aye' on all these measures, except for Substitute Senate Bill No. 6087 on which I would have voted 'nay.'

SENATOR BOB MORTON, 7th District

SECOND READING

SENATE BILL NO. 6582, by Senators M. Rasmussen, Newhouse, Loveland and Moore

Applying grades and standards only to apples packed in Washington state.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6582.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6582 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 45.

Absent: Senator Prince - 1.

Excused: Senators Morton, Skratek and Winsley - 3.

SENATE BILL NO. 6582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6345, by Senators Skratek, Sellar, Haugen, Franklin, Bluechel, Deccio, Winsley, Moyer, Sheldon, Moore, Drew, Spanel, McAuliffe, McDonald, A. Smith, Oke and Snyder (by request of Governor Lowry)

Expediting the merger of the departments of community development and trade and economic development.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6345.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6345 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Haugen - 1.

Excused: Senators Morton and Skratek - 2.

SENATE BILL NO. 6345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6346, by Senators Owen, Oke, Spanel, Drew, Sheldon, Deccio, Winsley, Skratek, Moore, Haugen, Hargrove, Franklin, McAuliffe, A. Smith, Sellar, McDonald, Moyer and Snyder (by request of Governor Lowry)

Expediting the merger of the departments of fisheries and wildlife.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6346.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6346 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SENATE BILL NO. 6346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6315, by Senators Moore, Amondson, Ludwig, A. Smith and Winsley (by request of Department of Labor and Industries)

Clarifying statutes to reflect the organizational structure of the department of labor and industries.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6315 was substituted for Senate Bill No. 6315 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 6315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6315.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6558, by Senator Gaspard (by request of Department of Revenue)

Modifying the excise taxation of sales of aircraft for use by the United States and foreign governments.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 6558 was substituted for Senate Bill No. 6558 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 6558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6558 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 6023, by Senators Winsley and Haugen

Transferring emergency management functions from the department of community development to the military department.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6023.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6023 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SENATE BILL NO. 6023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6074, by Senator Gaspard

Changing the Washington award for excellence.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6074.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6074 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SENATE BILL NO. 6074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6491, by Senators Vognild and Nelson

Clarifying authority of regional transit authorities.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Cantu: "Senator Vognild, I'm sorry that I hadn't thought about this, but in looking at the materials, it indicates that the entire plan does not have to be submitted. I think in order for the public to have a visibility of what the total plan is, whether or not it all gets implemented is a different question. Were there discussions in committee that indicated that the RTA would actually develop kind of a comprehensive plan, but take the bits and pieces to the voters so that they would have some idea how this all would be integrated?"

Senator Vognild: "Yes, Senator, that is the intent of this. They will develop a total plan. The difference is, under current law, that total plan must be approved at one time by the voters, possibly as much as twelve billion dollars. There are many pieces of that plan that can work by themselves. This will now allow them to submit those pieces to the voters as one part of the total plan. The voters, effectively, can pick and choose what they want and what they want to pay for."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6491.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6491 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Newhouse - 1.

Excused: Senators Morton and Skratek - 2.

SENATE BILL NO. 6491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6157, by Senators Talmadge, Winsley, Wojahn, McAuliffe and Fraser

Addressing hunger in the state of Washington.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 6157 was substituted for Senate Bill No. 6157 and the second substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senator Moyer be adopted:

On page 12, after line 27, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 43.70 RCW to read as follows:

(1) The legislature intends to increase the number of persons being served by the women, infant, and children (WIC) program, using state funding to maximize federal fund availability. The WIC program is a federally funded program established in 1972 by an amendment to the child nutrition act of 1966. The purpose of the program is to serve as an adjunct to health care by providing nutritious food; nutrition education and

counseling; health screening; and referral services to pregnant and breast-feeding women, infants, and children in certain high-risk categories. The WIC program in the state of Washington is administered by the office of WIC services in the department of health.

(2) The department of health shall establish a capacity building task force to seek ways to reach more of the WIC target populations. The department of health shall consider cost-containment options, such as sole-source contracting and multistate buying agreements, for cereals and other foods, and shall implement the options if the options appear cost-effective.

(3) State funding provided for the WIC program shall not be supplanted by federal funds or reallocated to other programs within the department of health."

Renumber the remaining sections consecutively and correct internal references accordingly.
Debate ensued.

MOTION

On motion of Senator Talmadge, further consideration of Second Substitute Senate Bill No. 6157 was deferred.

SECOND READING

SENATE BILL NO. 6087, by Senators Prentice, Winsley, Moyer, Talmadge and Pelz

Concerning the health and safety of farmworkers' housing.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 6087 was substituted for Senate Bill No. 6087 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 6087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6087.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6087 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Newhouse, Roach and Sellar - 3.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6157 and the pending amendment by Senator Moyer on page 12, after line 27, deferred earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 12, after line 27, to Second Substitute Senate Bill No. 6157.

The motion by Senator Talmadge carried and the amendment by Senator Moyer was adopted.

MOTION

Senator Prentice moved that the following amendment be adopted:

On page 11, after line 23, insert the following:

"Sec. 13. RCW 28A.235.150 and 1993 c 333 s 3 are each amended to read as follows:

(1) To the extent funds are appropriated, the superintendent of public instruction may award grants to school districts to increase participation in school breakfast and lunch programs, to improve program quality, and to improve the equipment and facilities used in the programs. School districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated, the superintendent of public instruction shall increase the state support for school breakfasts and lunches. Funds appropriated under this subsection are intended to increase participation by eligible students in school food programs, and shall be used solely to enhance school breakfast and lunch programs."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 11, after line 23, to Second Substitute Senate Bill No. 6157.

The motion by Senator Prentice carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:

On page 12, after line 27, insert the following:

"NEW SECTION. Sec. 17. The department of social and health services shall form a task force with representatives from the financial services industry and grocery industry to discuss initiation of a future pilot project using electronic benefit transfer technology for the food stamp program. The task force shall research the status of federal implementation efforts, as well as the effectiveness of pilot programs in other states. The department shall report to the appropriate standing committees of the legislature on the task force's findings by December 1, 1995.

Private industry members of the task force shall serve voluntarily, without compensation or reimbursement of expense.

On motion of Senator Talmadge, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "28A.235.140," insert "28A.235.150,"

On page 1, beginning on line 6 of the title, after "28A.235 RCW;" insert "adding a new section to chapter 43.70 RCW;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8676

By Senator Moyer

WHEREAS, National attention has focused on the unacceptably high incidence of malnutrition in the elderly; and

WHEREAS, The United States Senate Committee on Education and Labor has reported that eighty-five percent of older Americans have chronic diseases that could be helped by nutritional interventions; and

WHEREAS, Research has shown that poor nutrition leads to an impaired immune system, aggravated infections, organ and multi-organ system failure, prolonged hospitalizations, and catastrophic health care costs; and

WHEREAS, Nutritional status is a basic "vital sign" because illness starts at the cellular level, and food nourishes the body at the cellular level; and

WHEREAS, Routine nutritional screening and early intervention is essential in order to prevent the devastating results of poor nutrition, lower health care costs, and improve quality of life; and

WHEREAS, Awareness and understanding of warning signs of poor nutritional health can help individuals take responsibility to reform their eating habits and lifestyles; and

WHEREAS, Good nutrition helps keep people healthy, active, and independent; and

WHEREAS, Health care providers need to educate the public regarding risk factors and warning signs of poor nutritional health, and help them take responsibility for improving their eating habits and lifestyles in order to promote health, prevent illness, and reduce health care costs; and

WHEREAS, The 1988 Surgeon General's Workshop on Health Promotion and Aging and the 1990 Department of Health and Human Services Report "Healthy People 2000" called for a stepped up, coordinated national effort to promote routine nutrition screening and early intervention in America; and

WHEREAS, The Nutrition Screening Initiative is a direct outgrowth of the government's call which is a multifaceted, multidisciplinary approach to promote routine nutrition screening, early intervention, and better nutritional care into health care practice; and

WHEREAS, The Nutrition Screening Initiative is a project of the American Academy of Family Physicians, the American Dietetic Association, and the National Council on the Aging, Inc. and is supported by more than twenty-eight key organizations and

professionals from the fields of nutrition, medicine, and aging along with a technical advisory committee that plays an important role in guiding the effort; and

WHEREAS, The goals of the Nutrition Screening Initiative are to: Promote and expand existing quality nutrition screening in the nation's health care system; move to incorporate the widespread use of nutrition screening in health and medical care settings; and expand educational outreach to medical and health care professionals, the public, and policy makers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate support the Nutrition Screening Initiative, its goals and objectives;

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Kathleen A. Cope of the Nutrition Screening Initiative.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8030, by Senators Oke, Owen, Hochstatter, Hargrove, Roach, Erwin, L. Smith, Spanel, Haugen and Snyder

Requesting a modification of the Marine Mammal Protection Act.

The joint memorial was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Joint Memorial No. 8030 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8030 and the joint memorial passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Moore, Pelz, Rinehart, Smith, A. and Talmadge - 5.

Excused: Senators Morton and Skratek - 2.

SENATE JOINT MEMORIAL NO. 8030, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6093, by Senators A. Smith and Nelson

Revising the definition of "collection agency."

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6093 was substituted for Senate Bill No. 6093 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6093.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6093 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke,

Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6481, by Senators Bauer, Prince, West, Sellar, Morton, Drew, Rinehart, A. Smith and Sheldon

Authorizing the services and activities committees to determine services and activities fees.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6481 was substituted for Senate Bill No. 6481 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6481.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6481 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6228, by Senators Haugen, Anderson, Owen, Hargrove, Sellar, Oke, McAuliffe and M. Rasmussen

Revising provisions relating to definitions of agricultural and forest land of long-term commercial significance.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6228 was substituted for Senate Bill No. 6228 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment by Senators Haugen and Owen was adopted:

On page 1, beginning on line 5, after "**Sec. 1.**" strike all material through "short-term." on line 16 and insert "The legislature finds that it is in the public interest to identify and provide long-term conservation of those productive natural resource lands that are critical to and can be managed economically and practically for long-term commercial production of food, fiber, and minerals. Successful achievement of the natural resource industries' goal set forth in RCW 36.70A.020 requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible to the management of those designated lands. The 1994 amendments to RCW 36.70A.030 (8) and (10) (section 2 of this act) are intended to clarify legislative intent regarding the designation of forest lands and are not intended to require every county that has already complied with the interim forest land designation requirements of chapter 36.70A RCW to reconsider its actions."

MOTIONS

On motion of Senator Haugen, the following amendments were considered simultaneously and were adopted:

On page 3, line 1, after "~~((includes))~~" insert "(i)"

On page 3, line 2, after "productivity," strike "~~((and))~~" and insert "and"

On page 3, line 3, after "~~land))~~" strike ", and economic viability"

On page 3, line 4, after "~~with))~~" strike "based on" and insert "; and (ii) considers" and after "to" insert "urban, suburban, and rural"

On page 3, line 5, after "surrounding" insert "residential"

On page 3, line 6, after "land" strike "and means land that can be managed, economically and practically," and insert "; and (iii) for forest land, also considers whether the land can be managed economically and practically"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6228.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6228 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Deccio, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 6018, by Senators Winsley and Haugen

Clarifying authorized uses of the excise tax on the sale of real property.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6018 was substituted for Senate Bill No. 6018 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 6018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6018.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6018 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Amondson and Anderson - 2.

Absent: Senator Newhouse - 1.

Excused: Senators McCaslin, Morton and Skratek - 3.

SUBSTITUTE SENATE BILL NO. 6018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 6276, by Senators Haugen, Winsley, Nelson and M. Rasmussen (by request of Secretary of State)

Regulating trademarks.

MOTIONS

On motion of Senator Adam Smith, Second Substitute Senate Bill No. 6276 was substituted for Senate Bill No. 6276 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Second Substitute Senate Bill No. 6276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6276.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6276 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Bluechel, Morton and Skratek - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6125, by Senators Owen, Haugen, Sellar, Spanel and Winsley (by request of Department of Fisheries and Department of Wildlife)

Revising fees and procedures for recreational fish and hunting licenses.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6125 was substituted for Senate Bill No. 6125 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment was adopted:

On page 2, beginning on line 2, after "nonresidents." insert "The license shall include a warm water game fish surcharge, the funds from which shall be deposited in the warm water game fish account, under chapter . . . (Second Substitute Senate Bill No. 6206), Laws of 1994. The license may also include provisions for other special licenses, surcharges, or enhancement stamps as needed."

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6125.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6125 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Cantu, Erwin and Roach - 4.

Absent: Senator Nelson - 1.

Excused: Senators Morton and Skratek - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6006, by Senators A. Smith and Nelson (by request of Administrator for the Courts)

Concerning the judicial information system.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6006 was substituted for Senate Bill No. 6006 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6006 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6006.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6006 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Vognild, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Fraser, Moore, Sutherland, Talmadge and West - 6.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6143, by Senators Spanel, Newhouse, Bauer, Nelson, Vognild, Winsley, Moore and Haugen

Establishing membership service credit.

MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6143 was substituted for Senate Bill No. 6143 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6492, by Senators M. Rasmussen and Newhouse

Regulating agricultural associations.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6492 was substituted for Senate Bill No. 6492 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6492.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6492 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Smith, L. - 1.

Excused: Senators Morton and Skratek - 2.

SUBSTITUTE SENATE BILL NO. 6492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senators Drew, Ludwig and Niemi were excused.

SECOND READING

SENATE BILL NO. 6356, by Senator Quigley

Providing an exception to the requirement that cigarette machines be located fully within premises from which minors are prohibited.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendments were considered simultaneously and were adopted:

On page 1, beginning on line 15, after "(a) If" strike "no portion of the device is visible to any person who is outside the premise: (b) if"

On page 1, line 18, after "; and" strike "(c)" and insert "(b)"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 6356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Talmadge, when we talk about ten feet from a door or entrance or exit, we are referring to the entrance or exit to the facility itself, are we not?"

Senator Talmadge: "That is indeed my understanding, Senator Vognild."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6356.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6356 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Drew, Ludwig, Morton, Niemi and Skratek - 5.

ENGROSSED SENATE BILL NO. 6356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6399, by Senators McAuliffe and M. Rasmussen

Changing child care facility provisions.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6399 was substituted for Senate Bill No. 6399 and the substitute bill was placed on second reading and read the second time.

POINT OF INQUIRY

Senator Anderson: "Senator McAuliffe, it was my understanding when we talked on this bill in Rules, was this the bill that there was supposed to be a second reading amendment on?"

Senator McAuliffe: "I'm sorry, would you ask me that again?"

Senator Anderson: "When we pulled this bill in Rules, is this the bill that there was supposed to be an amendment on--the Child Care Bill--that there was an amendment on?"

Senator McAuliffe: "And we spoke about the waiting system for the State Board of Education?"

Senator Anderson: "Is that this particular bill?"

Senator McAuliffe: "Yes, it is."

Senator Anderson: "Senator McAuliffe, in Rules, you said that as we brought this bill to the floor, there would be an amendment to pull that provision out."

Senator McAuliffe: "And I will. Thank you for the reminder. We'll set the bill down."

Senator Anderson: "Thank you."

MOTION

On motion of Senator McAuliffe, further consideration of Substitute Senate Bill No. 6399 was deferred.

SECOND READING

SENATE BILL NO. 6265, by Senators Sutherland, Amondson, Snyder, Pelz, Erwin, Fraser and Winsley

Implementing the cellular communications tax study recommendations regarding 911 emergency communication system funding.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6265.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6265 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Cantu and McDonald - 2.

Excused: Senators Drew, Morton, Niemi and Skratek - 4.

SENATE BILL NO. 6265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Adam Smith, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6163, by Senators Sheldon, Bluechel, Skratek, Williams and Oke

Allowing businesses in this state to continue participating in the small business innovation research program.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6163 was substituted for Senate Bill No. 6163 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6163.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6163 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Drew, Morton, Niemi and Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "Madam President, a point of personal privilege. It was my understanding that those folks up there came to support 6111 and 6112. I don't know, obviously this fellow is unemployed and didn't have anything to do this afternoon, but we do welcome him. We appreciate you being here."

MOTION

On motion of Senator Loveland, Senator McAuliffe was excused.

SECOND READING

SENATE BILL NO. 6124, by Senators Prentice, Newhouse, Fraser, Haugen, Winsley, Franklin and Oke

Protecting homeowners' equity.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6124 was substituted for Senate Bill No. 6124 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the following amendments were considered simultaneously and were adopted:

On page 4, line 19, strike all of NEW SECTION, Sec. 8.

On page 5, line 1, strike all of NEW SECTION, Sec. 10.

Renumber remaining sections consecutively.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6124.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6124 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Anderson, Bluechel, Erwin and McDonald - 5.

Excused: Senators Drew, McAuliffe, Morton, Niemi and Vognild - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Anderson was excused.

SECOND READING

SENATE BILL NO. 6007, by Senators A. Smith and Nelson

Revising provisions relating to crimes.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6007 was substituted for Senate Bill No. 6007 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6007.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6007 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Drew, McAuliffe, Morton, Niemi and Vognild - 6.

SUBSTITUTE SENATE BILL NO. 6007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator West, the remarks on the final passage of Senate Bill No. 6516 are to be spread upon the Journal.

SECOND READING

SENATE BILL NO. 6516, by Senators West, Talmadge, Moyer, Snyder and Anderson

Creating the Warren Featherstone Reid award for excellence in health care.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 6516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Madam President and members of the Senate. Sometimes you have an obligation as a committee chairman to do your duty and handle particular pieces of legislation and other times you get to do something that really constitutes a pleasure. Senator West had a bill relating to the idea of an award for quality service in the health care system and we were trying to think of someone after whom we could appropriately name this particular award to be offered by the Governor to someone in our state. It came to our attention and thought process that there could be no one better to name this award after than Warren Featherstone Reid.

"Featherstone Reid is known, I think, to many of you out here on the floor. For those of you that don't know him, you should know that he is someone who grew up in the Wenatchee area, served on the staff of the Legislature in the 1950's and into the early 1960's and then, thereafter, was an assistant to United States Senator Warren Magnuson, in the United State Senate, both in his tenure as Chair of the United States Senate Commerce Committee and in his tenure as President Pro Tempore of the Senate. He also served with Senator Mark Hatfield when Senator Hatfield chaired the Appropriations Committee. He came back to

the state of Washington and served as staff counsel to the Senate Ways and Means Committee during the tenure of Jim McDermott as Chair of that committee and the tenure of Dan McDonald as chair of that committee. Thereafter, Feather worked for the Governor's Office in the Office of Financial Management on health care matters.

"We have received a variety of letters from a variety of people who have indicated what Feather Reid has done for the state of Washington, both as to public health as to access to health care, both in the rural parts of the state and the urban parts of the state and in the area of bio-medical research. Dr. Jack Lein from the University of Washington indicated that the University of Washington status as a premier institution in bio-medial research would not have been possible, had it not been for the quiet work of Feather Reid. The efforts on rural health care would not have been met had we not had those efforts by this quiet and modest man. We've had a variety of letters from people like Jim McDermott, Mike Kreidler, Dr. Lein and Lloyd Meeds, a former member of Congress.

"The one thing that I wanted to relate to the members on the floor was something that occurred in the committee when we heard testimony on the bill. A lot of us know Dave Broderick. Dave is the lobbyist for the Washington Hospital Association, not known to be a softie at heart, but when he came before the committee to testify on this bill, Dave choked up and couldn't go forward with his testimony. He felt so emotional about this award and about the amazing things that this individual that we will name this award after, has been able to accomplish over a life-time of commitment to public service.

"It is real pleasant to be able to do something, Madam President, for someone while they are alive. Feather is not dead; we're not naming this as a memorial, but rather it is a living tribute to someone who has been dedicated to the state of Washington in a capacity of serving the Legislature of the state of Washington, the Executive Branch of the state of Washington, and the Federal Congressional Legislature as well. It is truly a pleasure to be able to commend this bill to the members of the Senate."

REMARKS BY SENATOR WEST

Senator West: "Thank you, Madam President and members of the Senate. This is a bill that will recognize the best and the brightest in the health care field providers. As we continue to grapple and improve our health care system in America, but particularly in the state of Washington, it is important to recognize those providers that do the right thing--do a good job. You know, have high achievements and consumer satisfaction, high achievements in quality and high achievements in cost efficiency--innovation and leadership and other factors. I can think of nobody more fitting to name the award after than Featherstone Reid.

"As was mentioned, he is a quiet and modest man. He would never take credit for anything. He would always lay up the options for decisions and then he would look at you and kind of get a twinkle in his eyes. You would ask him, 'Feather, what do you think I should do,' and he would kind of lean back in his chair and say, 'Well, Senator, I don't have to make that decision, that's for you to do; I didn't get elected.' Again, I think if we are going to hold up the best and the brightest, I think people will be proud to earn this award and I think that many will aspire to it and they will be proud to display it on their wall or wherever with the name of Featherstone Reid on it. I would commend this to the Senate and ask for your approval."

REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Madam President. I, too, would like to add to the accolades for the person for whom this award is being named after. Warren Featherstone Reid and I went to high school together in Wenatchee. We were good friends then and had some good rivalry between ourselves and I really think it is a privilege to have enjoyed his comments and company through the years when our paths have passed. I agree that he is an unusual and unique person and I feel very honored that I have had the opportunity to enjoy conversations with him. I think this is a marvelous way to add to those accolades. Thank you very much."

REMARKS BY SENATOR McDONALD

Senator McDonald: "Sounds like we are giving an eulogy and certainly we aren't, because he is very much alive and with us. I think the one thing about being in the Legislature is the somewhat unique personalities that you run across every once in a while. 'Unique' has got to be Featherstone Reid, because how else can you explain being on the staff of Warren Magnuson, Jim McDermott and Dan McDonald. The way he was able to do that was because he gave good consul--wise consul. He always was terribly honest with you and as Senator West pointed out, he would finally say, 'And that is your choice, Senator.' I think he is a unique personality; I think this a fitting tribute to a very much live person and somebody that I think very highly of, but I think that anybody that has been in contact with him thinks as well."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6516.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6516 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Drew, McAuliffe, Morton, Niemi and Vognild - 6.

SENATE BILL NO. 6516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6573, by Senators Bauer and Bluechel

Directing a study to examine the effect of the tax system on manufacturers.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6573.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6573 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Drew, McAuliffe, Morton, Niemi and Vognild - 6.

SENATE BILL NO. 6573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6447, by Senator Prince

Adopting a formula for transmitting funds for transfer students.

MOTIONS

On motion of Senator Prince, Substitute Senate Bill No. 6447 was substituted for Senate Bill No. 6447 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prince, the rules were suspended, Substitute Senate Bill No. 6447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6447.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6447 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Drew, McAuliffe, Morton and Niemi - 4.

SUBSTITUTE SENATE BILL NO. 6447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6593, by Senators Pelz, M. Rasmussen, Skratek and McAuliffe

Creating the learning and life skills grant program.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6593 was substituted for Senate Bill No. 6593 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Pelz, in the summary that we have in front of us of the proposed substitute, it references basic education funds. Are we using basic ed funds to fund this program and if we are can you explain how that mechanism works?"

Senator Pelz: "Yes, the department--DJR will administer the program. They will set up a grant program to contract with school districts. The school districts shall apply their basic education dollars to the education of the children involved, so if the child is not in school the basic ed dollars will not flow. The basic ed dollars are not impacted by this bill. This bill speaks to--and it is null and voided--but the bill speaks to the grant program run by DJR to allow school districts some additional case management and other activities with the child while they are enrolling a child in an educational program, and it is the education program that those basic ed dollars flow to. If the child is not enrolled in school, the basic ed dollars do not flow."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6593.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6593 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Drew, McAuliffe, Morton and Niemi - 4.

SUBSTITUTE SENATE BILL NO. 6593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Amondson, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 6357, by Senator Quigley

Creating the liquor control agency.

MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6357 was substituted for Senate Bill No. 6357 and the substitute bill was placed on second reading and read the second time.

Senator Quigley moved that the following amendments be considered simultaneously and be adopted:

On page 7, after line 7, insert the following:

"The final decision of the liquor control review board shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW."

On page 9, line 16, after "agency," strike "and"

On page 9, line 17, after "title" insert "; and"

(8) The director may summarily suspend a license or permit for a period of up to thirty days without a prior hearing if he or she finds that public health, safety, or welfare imperatively require emergency action, and incorporates a finding to that effect in his or her order; and proceedings for revocation or other action must be promptly instituted and determined"

On page 9, line 30, after "(2)" insert "The director shall adopt rules applicable to adjudicative proceedings that are subject to the applicable provisions of chapter 34.05 RCW as provided in (a), (b), and (c) of this subsection."

(a) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(b) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in RCW 66.08.020(8), prior to the suspension of any permit or license.

(c) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(3)"

On page 15, beginning on line 19, strike all of section 16

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 23, after line 9, strike everything through line 18, and insert the following:

"(1) RCW 66.08.016 and 1961 c 1 s 30, 1947 c 113 s 2, & 1933 ex.s. c 62 s 65;

(2) RCW 66.08.050 and 1993 c 25 s 1, 1986 c 214 s 2, 1983 c 160 s 1, 1975 1st ex.s. c 173 s 1, 1969 ex.s. c 178 s 1, 1963 c 239 s 3, 1935 c 174 s 10, & 1933 ex.s. c 62 s 69; and

(3) RCW 66.08.150 and 1989 c 175 s 122, 1967 c 237 s 23, & 1933 ex.s. c 62 s 62."

POINT OF INQUIRY

Senator Roach: "Senator Quigley, I am just reading lines fourteen through nineteen and I am wondering a couple of things. What is the current law in relation to 'may summarily suspend a license or permit for a period of up to thirty days without a prior hearing?' What is the current law, that is my first question."

Senator Quigley: "Senator Roach, I had a feeling that someone would be careful and ask this question and I contacted staff and have been informed this simply reflects existing law."

Senator Roach: "That's existing law?"

Senator Quigley: "Yes, that is how--"

Senator Roach: "Thank you, Senator Quigley. That is the last question."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Quigley on page 7, after line 7; page 9, lines 16, 17, and 30; page 15, beginning on line 19; and page 23, after line 9; to Substitute Senate Bill No. 6357.

The motion by Senator Quigley carried and the amendments were adopted.

MOTIONS

On motion of Senator Quigley, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "66.08.100," strike "66.08.150,"

On page 1, beginning on line 6 of the title, after "repealing RCW" strike everything through "66.08.050" on line 7, and insert "66.08.016, 66.08.050, and 66.08.150"

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Cantu: "Senator Quigley, under this bill, do I still have the Liquor Control Board and create a new body called, 'The Agency?' Do I not have both?"

Senator Quigley: "No, Senator Cantu, there is a Liquor Control Agency, which has a Liquor Control Director that performs many of the functions of the Liquor Control Board. Then, in addition, we create a Liquor Review Board, a five person Liquor Review Board, that meets on an as-need basis, is paid a per diem, to handle appeals and administrative claims."

Senator Cantu: "O.K., but that's added; we do not do away with the Liquor Control Board or the existing agency? We're adding another one?"

Senator Quigley: "No, we do do away with the existing Liquor Control Board."

Senator Cantu: "Thank you. I didn't quite understand and that is why I was asking."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6357.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6357 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 41.

Voting nay: Senators Nelson and Wojahn - 2.

Absent: Senators Bluechel and Smith, A. - 2.

Excused: Senators McAuliffe, McCaslin, Morton and Niemi - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Adam Smith was excused.

SECOND READING

SENATE BILL NO. 5449, by Senator Hargrove

Changing provisions regarding judgments.

The bill was read the second time.

MOTIONS

On motion of Senator Ludwig, the following Committee on Law and Justice amendment was adopted:

On page 2, after line 30, insert the following:

"When application is made to the court to grant an additional ten years during which an execution may be issued on a judgment, the application shall be accompanied by a current and updated judgment summary as outlined in this section."

On motion of Senator Ludwig, the rules were suspended, Engrossed Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi and Smith, A. - 5.

ENGROSSED SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6421, by Senators Moyer, Wojahn, Winsley, Pelz, Haugen, Loveland, Hochstatter, M. Rasmussen, Morton, Prentice, Prince, Sheldon, Quigley, Deccio, L. Smith, Bluechel, Sellar and Oke

Requiring standards for long-term care insurance.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 6421 was substituted for Senate Bill No. 6421 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 6421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6421.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6421 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Anderson - 1.

Absent: Senator Spanel - 1.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi and Smith, A. - 5.

SUBSTITUTE SENATE BILL NO. 6421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6203, by Senators Snyder, Haugen and Spanel

Changing limits on rural partial-county library districts.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 6203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Oke, Senator Linda Smith was excused.

On motion of Senator Sheldon, Senator Rinehart was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6203.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6203 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi, Rinehart, Smith, A. and Smith, L. - 7.

SENATE BILL NO. 6203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6408, by Senators Spanel, Owen, Prentice, Sheldon, Fraser and Hargrove

Including tribal authorities in mental health systems.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 6408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6408.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi, Rinehart, Smith, A. and Smith, L. - 7.

SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6068, by Senators Fraser, Deccio, Spanel and Oke

Revising procedures for appeals involving boards within the environmental hearings office.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6068 was substituted for Senate Bill No. 6068 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 10, after line 25 insert the following:

"NEW SECTION. Sec. 10. (1) The Legislature finds that the Governor's Task Force on Regulatory Reform, created by executive order 93-06, proposes to review and make recommendations for legislation in the 1995 session on the integration of land use and environmental laws related to construction and resource use, including the integration of appeals and litigation processes. The Legislature further finds that the Task Force has created a subcommittee to conduct this review, and therefore the review directed by this section is most appropriately conducted by the Task Force as part of its proposed study during 1994.

(2) The Governor's Task Force on Regulatory Reform, created by executive order 93-06, shall review and make recommendations regarding the consolidation of the following boards into a single board with jurisdiction over such land use and environmental decisions as such boards collectively exercise under current law:

- (a) Pollution control hearings board;
- (b) Growth planning hearings boards;
- (c) Shorelines hearings board;
- (d) Hydraulics appeals board; and
- (e) Forest practices appeals board.

The Task Force shall review the caseloads, staffing, and appeal procedures of such boards, as well as current and anticipated caseloads in view of future regulatory, planning or other requirements likely to impact the caseloads of such boards. The Task Force shall include in its review the anticipated impact on such boards of the implementations of recommendations that the Task Force may make regarding the integration of environmental and land use laws, appeals and litigation processes, as described in subsection (1).

(3) The Task Force shall include the results of its review in a report to the Governor and the standing committees of the legislature on environmental and judiciary matters on or before December 1, 1994. The report shall include recommendations on whether such board consolidation may achieve administrative efficiencies while ensuring timely resolution of all matters which may be considered by such a board. The report shall also include recommendations on board size, staffing, and other considerations relevant to consolidation of the existing boards.

(4) The report and recommendations may be incorporated with any additional reports which the Task Force prepares in compliance with executive order 93-06."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 10, after line 25, to Substitute Senate Bill No. 6068.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and were adopted:

On page 1, line 4 of the title, after ";," delete "and"

On page 1, line 5 of the title, after "RCW" insert "; and creating a new section"

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6068.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6068 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi, Rinehart, Smith, A. and Smith, L. - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6219, by Senators Skratek, Bluechel, Sheldon, Williams, Erwin, M. Rasmussen and Winsley

Establishing the Washington manufacturing extension center.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 6219 was substituted for Senate Bill No. 6219 and the substitute bill was placed on second reading and read the second time.

Senator Bauer moved that the following amendments by Senators Bauer and Prince be considered simultaneously and be adopted:

On page 2, line 29, after "4," strike "5, and 6" and insert "and 5"

On page 3, line 11, after "4," strike "5, and 6" and insert "and 5"

On page 4, line 2, after "3," strike "5, and 6" and insert "and 5"

On page 4, line 5, after "3," strike "5, and 6" and insert "and 5"

On page 5, beginning on line 12, strike all of section 6

Renumber the remaining section consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Bauer and Prince on page 2, line 29; page 3, line 11; page 4, lines 2 and 5; and page 5, beginning on line 12; to Substitute Senate Bill No. 6219.

The motion by Senator Bauer carried and the amendments were adopted.

MOTIONS

On motion of Senator Stratek, the following title amendment was adopted:

On page 1, beginning on line 3 of the title, after "RCW;" strike everything through "28B.80 RCW;" on line 4

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Anderson and Sellar - 2.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi, Rinehart, Smith, A. and Smith, L. - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6205, by Senators Vognild and Prince

Regulating ready-mix mixer trucks.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6205.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6205 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi, Rinehart, Smith, A. and Smith, L. - 7.

SENATE BILL NO. 6205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6041, by Senators Ludwig, A. Smith, Winsley, Oke, Nelson and McAuliffe

Prescribing penalties for criminal street gang activities.

The bill was read the second time.

MOTION

On motion of Senator Ludwig, the rules were suspended, Senate Bill No. 6041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6041.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6041 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McAuliffe, McCaslin, Morton, Niemi, Rinehart, Smith, A. and Smith, L. - 7.

SENATE BILL NO. 6041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:58 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Saturday, February 12, 1994.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 11, 1994

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

THIRTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 12, 1994

The Senate was called to order at 8:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cantu, Hochstatter, McAuliffe, McCaslin, Niemi, Adam Smith, Linda Smith and West. On motion of Senator Oke, Senators Cantu, Hochstatter, McCaslin, Linda Smith and West were excused. On motion of Senator Drew, Senator McAuliffe was excused.

The Sergeant at Arms Color Guard, consisting of Pages Teresa Comer and Libby Liming, presented the Colors. Senator Bob Oke offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 10, 1994

MR. PRESIDENT:

The House has passed:
SECOND SUBSTITUTE HOUSE BILL NO. 1235,
SUBSTITUTE HOUSE BILL NO. 1561,
SUBSTITUTE HOUSE BILL NO. 2076,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2154,
SUBSTITUTE HOUSE BILL NO. 2176,
HOUSE BILL NO. 2189,
SUBSTITUTE HOUSE BILL NO. 2197,
HOUSE BILL NO. 2211,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2237,
SUBSTITUTE HOUSE BILL NO. 2239,
HOUSE BILL NO. 2275,
ENGROSSED HOUSE BILL NO. 2292,
SUBSTITUTE HOUSE BILL NO. 2365,
HOUSE BILL NO. 2478,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2595,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2637,
SUBSTITUTE HOUSE BILL NO. 2642,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,
HOUSE BILL NO. 2661,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2696,
HOUSE BILL NO. 2809,
HOUSE BILL NO. 2812, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 10, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2278,
SUBSTITUTE HOUSE BILL NO. 2280,
SUBSTITUTE HOUSE BILL NO. 2325,
SUBSTITUTE HOUSE BILL NO. 2402,

SUBSTITUTE HOUSE BILL NO. 2425,
SUBSTITUTE HOUSE BILL NO. 2429,
SUBSTITUTE HOUSE BILL NO. 2436,
SUBSTITUTE HOUSE BILL NO. 2456,
HOUSE BILL NO. 2480, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 10, 1994

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 2236,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2443,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2629,
HOUSE BILL NO. 2677,
HOUSE BILL NO. 2678,
HOUSE BILL NO. 2750,
HOUSE BILL NO. 2843, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 11, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4429, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 11, 1994

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2814,
HOUSE BILL NO. 2841,
SUBSTITUTE HOUSE BILL NO. 2891,
HOUSE BILL NO. 2905,
HOUSE BILL NO. 2909, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 11, 1994

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2486,
SUBSTITUTE HOUSE BILL NO. 2493,
HOUSE BILL NO. 2503,
SUBSTITUTE HOUSE BILL NO. 2504,
HOUSE BILL NO. 2511,
HOUSE BILL NO. 2512,
SUBSTITUTE HOUSE BILL NO. 2516,
HOUSE BILL NO. 2527,
SUBSTITUTE HOUSE BILL NO. 2529,
SUBSTITUTE HOUSE BILL NO. 2557,
HOUSE BILL NO. 2558,
HOUSE BILL NO. 2562,
HOUSE BILL NO. 2606,
SUBSTITUTE HOUSE BILL NO. 2608,
HOUSE BILL NO. 2645,
SUBSTITUTE HOUSE BILL NO. 2662, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 11, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 2707,
SUBSTITUTE HOUSE BILL NO. 2709,
SUBSTITUTE HOUSE BILL NO. 2738,
SUBSTITUTE HOUSE BILL NO. 2764,
SUBSTITUTE HOUSE BILL NO. 2771,
HOUSE BILL NO. 2811, and the same are herewith transmitted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1235 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Ludwig and Johanson)

Creating partnerships.

Referred to Committee on Law and Justice.

SHB 1561 by House Committee on Human Services (originally sponsored by Representatives Brown, Wolfe, Thibaudeau, Mastin, J. Kohl, H. Myers, Johanson, Romero, Leonard, Karahalios and L. Johnson)

Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people.

Referred to Committee on Health and Human Services.

SHB 2076 by House Committee on Capital Budget (originally sponsored by Representatives Jacobsen, Ogden, Quall, G. Cole, Johanson, Kremen, Flemming and Eide)

Creating a process for maintenance and efficient operation of state agency and school district facilities.

Referred to Committee on Ways and Means.

E2SHB 2154 by House Committee on Appropriations (originally sponsored by Representatives R. Meyers, Valle, Carlson, Jones, Dellwo, Roland, Campbell, Dorn, Ogden, Kessler, Holm, Wineberry and Thibaudeau)

Providing protection for residents of long-term care facilities.

Referred to Committee on Health and Human Services.

SHB 2176 by House Committee on Local Government (originally sponsored by Representatives G. Cole, Edmondson, Jacobsen, Padden, Dunshee, Orr, Lemmon and Carlson)

Incorporating and annexing cities and towns.

Referred to Committee on Government Operations.

HB 2189 by Representatives Kremen, J. Kohl and Linville

Providing a tax exemption for property used by nonprofit organizations for camping and recreational purposes.

Referred to Committee on Ways and Means.

SHB 2197 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Appelwick, Wood, Kessler, Ballard, Karahalios, Reams, Wineberry, Foreman, Dyer, Jones, Casada, B. Thomas, Long, Campbell, Van Luven, Silver, Schmidt, Brumsickle, Brough, Edmondson, Cooke, J. Kohl, King, Flemming, Roland, Kremen, Sheldon, Chandler, Eide, Johanson, Springer and Mastin)

Providing notice of inmate release.

Referred to Committee on Law and Justice.

HB 2211 by Representatives R. Meyers, Padden, Appelwick, Wineberry, J. Kohl and Johanson

Allowing costs to be imposed against a defaulting defendant.

Referred to Committee on Law and Justice.

EHB 2236 by Representatives R. Johnson, Long, Quall, J. Kohl, Wineberry, Pruitt, Kremen and Johanson

Stalking or harassing.

Referred to Committee on Law and Justice.

ESHB 2237 by House Committee on Capital Budget (originally sponsored by Representatives Wang, Ogden, Sehlin, Silver, Linville, King, Flemming, Pruitt, Karahalios, Romero, Dunshee, Eide and Springer)

Improving the efficiency of state facilities and the budget process.

Referred to Committee on Ways and Means.

SHB 2239 by House Committee on Capital Budget (originally sponsored by Representatives Wang, Ogden, Sehlin, Silver, Jones, King, Karahalios, Eide and Springer) (by request of Department of Corrections and Department of General Administration)

Providing procedures for innovative prison construction.

Referred to Committee on Ways and Means.

HB 2275 by Representatives Kessler, H. Myers, Springer, Jones, Morris, Sheldon, Wineberry, King, Campbell, Holm, Chandler and Foreman (by request of Department of Community Development)

Modifying the emergency mortgage and rental assistance program for dislocated forest products workers.

Referred to Committee on Trade, Technology and Economic Development.

SHB 2278 by House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson and Springer)

Making laws relating to local government office vacancies more uniform.

Referred to Committee on Government Operations.

SHB 2280 by House Committee on Revenue (originally sponsored by Representatives Holm, B. Thomas, Sheldon, Jones, Kessler and J. Kohl)

Increasing the minimum lot size for property tax relief for senior citizens and disabled persons.

Referred to Committee on Ways and Means.

EHB 2292 by Representatives Conway, Basich, Kremen, Rayburn, Orr, Lisk, Dyer, Sheahan, King, Chappell, Johanson, Sheldon, Flemming, Jones, Eide, Schoesler, Campbell, Long, Roland, Chandler and Kessler

Providing free hunting licenses to veterans who are confined to wheelchairs.

Referred to Committee on Natural Resources.

SHB 2325 by House Committee on Local Government (originally sponsored by Representatives Edmondson, H. Myers and Springer)

Revising procedures for changing the plan of government for cities and towns.

Referred to Committee on Government Operations.

ESHB 2326 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Heavey, Cooke, Schmidt, Sheldon and Springer)

Eliminating gasohol tax exemption.

Referred to Committee on Transportation.

SHB 2365 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives Foreman, King, Rust and Quall)

Reducing disturbances to fish, wildlife, and their habitats.

Referred to Committee on Natural Resources.

SHB 2402 by House Committee on Local Government (originally sponsored by Representatives Dellwo, Mielke, Brown, Orr and Silver)

Changing provisions regarding public facilities districts.

Referred to Committee on Government Operations.

SHB 2425 by House Committee on Revenue (originally sponsored by Representatives Jones, G. Fisher, Foreman, Heavey and Kessler)

Modifying procedures for residential property tax exemption.

Referred to Committee on Ways and Means.

SHB 2429 by House Committee on Human Services (originally sponsored by Representatives Karahalios, Johanson and Wineberry)

Concerning funeral expenses for indigent persons.

Referred to Committee on Government Operations.

SHB 2436 by House Committee on Energy and Utilities (originally sponsored by Representative Zellinsky)

Revising provisions relating to radon testing.

Referred to Committee on Energy and Utilities.

SHB 2443 by House Committee on Health Care (originally sponsored by Representatives Dellwo, L. Johnson, Conway, Wineberry, Wolfe, J. Kohl, Veloria, Romero and King) (by request of Health Services Commission and Governor Lowry)

Modifying employer-sponsored health benefits coverage for seasonal workers.

Referred to Committee on Health and Human Services.

SHB 2456 by House Committee on Revenue (originally sponsored by Representatives Valle, Silver, Morris, Talcott, Wolfe, Romero and Van Luven)

Eliminating references to reclassified reforestation lands.

Referred to Committee on Natural Resources.

ESHB 2462 by House Committee on Environmental Affairs (originally sponsored by Representatives R. Johnson, Pruitt and Rust)

Providing for flood hazard management.

Referred to Committee on Natural Resources.

HB 2478 by Representatives Foreman and G. Fisher (by request of Department of Revenue)

Requiring reporting to the department of revenue by purchasers of timber and logs.

Referred to Committee on Natural Resources.

HB 2480 by Representatives G. Fisher and Foreman (by request of Department of Revenue)

Relating to the taxation of manufacturers of fish products.

Referred to Committee on Ways and Means.

HB 2486 by Representatives Ogden, Silver, Fuhrman, Valle, Sommers, Chandler, Brough, Dyer, Talcott, Forner, Long and Wood (by request of Legislative Budget Committee)

Delaying or repealing specified sunset provisions.

Referred to Committee on Government Operations.

SHB 2493 by House Committee on Health Care (originally sponsored by Representatives Dellwo and Dyer) (by request of Department of Social and Health Services)

Excluding medical assistance administration reimbursement fees and schedules from the administrative procedure act.

Referred to Committee on Health and Human Services.

HB 2503 by Representatives Dunshee, Carlson and Holm

Removing requirement that board of equalization appeals be filed with county auditor.

Referred to Committee on Government Operations.

SHB 2504 by House Committee on Commerce and Labor (originally sponsored by Representatives Jacobsen and Anderson) (by request of Department of Licensing)

Changing the name of the profession from shorthand reporting to court reporting, and changing some of the licensing requirements.

Referred to Committee on Labor and Commerce.

HB 2511 by Representatives Leonard, Cooke, Thibaudeau, King and Ogden (by request of Department of Social and Health Services)

Petitioning for involuntary treatment.

Referred to Committee on Health and Human Services.

HB 2512 by Representatives Leonard, Cooke, Thibaudeau, Karahalios, Sheldon, J. Kohl and King (by request of Department of Social and Health Services)

Expanding eligibility criteria for funds for sexually aggressive youth.

Referred to Committee on Health and Human Services.

SHB 2516 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Jones, King and Rayburn)

Limiting the liability for damage resulting from wildlife-induced fence destruction.

Referred to Committee on Agriculture.

HB 2527 by Representatives Appelwick, Campbell, Dyer, Morris, Casada, Wineberry, Dorn, Ballasiotes, Chappell, Kessler, Anderson, Carlson, Conway, Johanson, Pruitt, Jones, Moak, Roland, Schoesler and Springer

Repealing provisions relating to the chiropractic review board.

Referred to Committee on Health and Human Services.

SHB 2529 by House Committee on Judiciary (originally sponsored by Representatives Karahalios, Veloria and Mielke)

Providing that persons and entities involved in adoption processes shall incur no liability.

Referred to Committee on Health and Human Services.

SHB 2557 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky and Dunshee) (by request of Department of Licensing)

Deregulating debt adjusters.

Referred to Committee on Labor and Commerce.

HB 2558 by Representative Zellinsky (by request of Utilities and Transportation Commission)

Changing provisions relating to regulation of securities issued by regulated utilities and transportation companies.

Referred to Committee on Energy and Utilities.

HB 2562 by Representative Rayburn

Foreclosing liens on delinquent assessments.

Referred to Committee on Agriculture.

ESHB 2595 by House Committee on Human Services (originally sponsored by Representatives Leonard, Padden, Karahalios, Thibaudeau, Patterson, Rust, Pruitt, Ogden, Caver, G. Cole, Scott, King, J. Kohl and L. Johnson) (by request of Attorney General)

Changing provisions relating to children removed from the custody of parents.

Referred to Committee on Health and Human Services.

HB 2606 by Representative R. Fisher

Modifying apportionment of motor vehicle excise taxes.

Referred to Committee on Transportation.

SHB 2608 by House Committee on Local Government (originally sponsored by Representatives Moak, Edmondson, H. Myers, Springer and Rayburn)

Allowing a port commission to sell property valued at under ten thousand dollars.

Referred to Committee on Government Operations.

HB 2612 by Representatives Eide, Johanson, R. Meyers and Roland

Eliminating elective office candidate qualification evaluations from topics for executive sessions of governing bodies.

Referred to Committee on Government Operations.

ESHB 2628 by House Committee on Local Government (originally sponsored by Representatives R. Fisher, Campbell, Edmondson, Sommers, Appelwick and Dorn)

Revising provisions relating to condemnation of blighted property.

Referred to Committee on Government Operations.

SHB 2629 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Appelwick, Campbell, Sommers, Edmondson and Dorn)

Revising the definition of junk vehicle.

Referred to Committee on Transportation.

ESHB 2637 by House Committee on State Government (originally sponsored by Representatives Karahalios, Reams, Foreman, Kessler, Roland, Brough, Zellinsky, B. Thomas, Linville, Eide, Springer, G. Fisher, R. Johnson, Finkbeiner, Rayburn, Hansen, Mastin, Patterson, Brown, Chandler, Morris, Flemming, Forner, Wolfe, Campbell, Johanson, Quall, Horn, Romero, Schoesler, Moak, Fuhrman, Dyer, Wood, L. Thomas, Tate, Mielke, Backlund and Long)

Developing a plan to increase collection of state-held bad debt.

Referred to Committee on Ways and Means.

SHB 2642 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Lisk) (by request of Department of Community Development)

Modifying fireworks enforcement protection services.

Referred to Committee on Labor and Commerce.

HB 2645 by Representatives Rayburn, Chandler, Grant, Ballard, Schoesler, H. Myers, Foreman, Lisk and Roland

Giving the apple advertising commission authority to accept gifts, grants, and other donations.

Referred to Committee on Agriculture.

ESHB 2647 by House Committee on Transportation (originally sponsored by Representative Peery)

Granting special parking privileges to cabulances.

Referred to Committee on Transportation.

HB 2661 by Representatives Hansen and Rayburn

Extending the time for filing and sending notice for crop liens for furnishing work or labor.

Referred to Committee on Agriculture.

SHB 2662 by House Committee on Revenue (originally sponsored by Representatives Holm, Foreman, G. Fisher, Dunshee, Patterson, Dorn, Lemmon, Basich, Ogden, Jones, Finkbeiner, Moak, Kremen, Springer, Roland, King, Cothorn, Morris, J. Kohl and L. Johnson) (by request of Department of Revenue)

Modifying hazardous waste fees.

Referred to Committee on Ecology and Parks.

HB 2677 by Representatives Karahalios, Reams, Anderson, Jones, Kessler and Conway (by request of Governor Lowry)

Expediting the merger of the departments of community development and trade and economic development.

Referred to Committee on Trade, Technology and Economic Development.

HB 2678 by Representatives Quall, Reams, King, Anderson, Jones, Kessler and Conway (by request of Governor Lowry)

Expediting the merger of the departments of fisheries and wildlife.

Referred to Committee on Natural Resources.

SHB 2685 by House Committee on Health Care (originally sponsored by Representatives Heavey, Lisk, Springer, Basich and Kessler)

Concerning the placement of cigarette vending machines.

Referred to Committee on Health and Human Services.

ESHB 2696 by House Committee on Commerce and Labor (originally sponsored by Representatives Flemming, Heavey, Backlund, Veloria, Thibaudeau, Campbell, Valle, Wineberry, Holm, Roland, Johanson, Pruitt, J. Kohl, Jones, L. Johnson, King, Karahalios, Conway and Springer)

Developing procedures and criteria for chemically related illness.

Referred to Committee on Labor and Commerce.

SHB 2707 by House Committee on Transportation (originally sponsored by Representatives R. Fisher and Johanson) (by request of Transportation Improvement Board)

Revising transportation improvement funding procedures.

Referred to Committee on Transportation.

SHB 2709 by House Committee on Health Care (originally sponsored by Representative Dyer)

Modifying the implementation date of the long-term care partnership program.

Referred to Committee on Health and Human Services.

SHB 2738 by House Committee on Health Care (originally sponsored by Representatives Flemming and Foreman)

Revising provisions relating to certificates of need.

Referred to Committee on Health and Human Services.

HB 2750 by Representatives Long, Bray, Kessler, Johanson, Chandler, Finkbeiner, Kremen and Caver

Changing provisions relating to joint operating agencies.

Referred to Committee on Energy and Utilities.

SHB 2764 by House Committee on Health Care (originally sponsored by Representatives Veloria, Dyer, Dellwo, Carlson, Fuhrman, Foreman, Edmondson, Cooke, Pruitt and Long)

Modifying the authority of the board of physical therapy.

Referred to Committee on Health and Human Services.

SHB 2771 by House Committee on Local Government (originally sponsored by Representatives Chappell, Brumsickle, Chandler, Sehlin, Hansen, L. Thomas, McMorris, Fuhrman, Dyer, Schoesler, Sheahan, Holm and Basich)

Allowing permits for instruction in methods of fire fighting.

Referred to Committee on Ecology and Parks.

HB 2809 by Representatives Backlund, Finkbeiner, Flemming, L. Johnson, Stevens, Romero, Basich, Talcott, Chandler, Casada, McMorris and Cothran

Exempting photography studios from cosmetology licensing requirements.

Referred to Committee on Labor and Commerce.

HB 2811 by Representatives Caver, Anderson, Wolfe, Reams, Ballard, Pruitt, Jones, Dunshee, Quall, Karahalios and Springer (by request of Department of General Administration)

Eliminating obsolete practices in state procurement.

Referred to Committee on Government Operations.

HB 2812 by Representatives Bray, Caver, Romero, Reams and Ballard (by request of Department of General Administration)

Revising provisions insuring energy conservation in design of public buildings.

Referred to Committee on Energy and Utilities.

HB 2814 by Representatives Anderson, Veloria, Caver, Wolfe, Romero and Dunshee (by request of Department of General Administration)

Allowing public benefit nonprofit corporations to participate in state contracts for purchases.

Referred to Committee on Government Operations.

HB 2841 by Representatives Peery, Brumsickle, Jacobsen, Flemming, Shin, Talcott, Lemmon, Springer, Johanson and Basich

Authorizing colleges to transfer exceptional faculty award funds to local endowment funds.

Referred to Committee on Higher Education.

HB 2843 by Representatives G. Cole, Long, Heavey, Roland, Cothorn, Jones, Caver, Valle, Flemming, Wolfe, L. Johnson, Shin, Lemmon, Conway, Springer, Karahalios, J. Kohl, Kessler, Orr and King (by request of Department of Labor and Industries)

Creating pilot projects to reduce long-term disability within workers' compensation.

Referred to Committee on Labor and Commerce.

SHB 2891 by House Committee on Education (originally sponsored by Representatives Dorn and Springer)

Providing medical aid benefits coverage for school district-sponsored work-based learning experiences.

Referred to Committee on Education.

HB 2905 by Representatives Sommers, Long, Linville and Rayburn (by request of Joint Committee on Pension Policy)

Making permanent and simplifying the age sixty-five cost-of-living adjustment to retirement allowances.

Referred to Committee on Ways and Means.

HB 2909 by Representatives R. Fisher, Schmidt, Forner and Wood

Authorizing bonds for public-private transportation initiatives.

Referred to Committee on Transportation.

HCR 4429 by Representatives King, Anderson, Fuhrman, Orr, Jacobsen, Rayburn, Lisk, Veloria, Schmidt, Heavey, Ballard, Wineberry, Sheldon, Leonard, Pruitt, Jones and J. Kohl

Establishing a joint select committee on Indian Affairs.

Referred to Committee on Government Operations.

SECOND READING
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9254, Gina Vicente, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

Senators Bauer and Sheldon spoke to the confirmation of Gina Vicente as a member of the Board of Trustees for Olympic Community College.

MOTION

On motion of Senator Oke, Senator McDonald was excused.

CONFIRMATION OF GINA VICENTE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 41.

Absent: Senators Niemi and Smith, A. - 2.

Excused: Senators Cantu, Hochstatter, McCaslin, McDonald, Smith, L. and West - 6.

MOTION

On motion of Senator Drew, Senators Niemi and Adam Smith were excused.

MOTION

On motion of Senator Quigley, Gubernatorial Appointment No. 9394, Dr. Wendy Pava, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

CONFIRMATION OF DR. WENDY PAVA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 42.

Excused: Senators Cantu, Hochstatter, McCaslin, Niemi, Smith, A., Smith, L. and West - 7.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9395, Terry Robertson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

CONFIRMATION OF TERRY ROBERTSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 42.

Excused: Senators Cantu, Hochstatter, McCaslin, Niemi, Smith, A., Smith, L. and West - 7.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9397, Cynthia L. Roney, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

CONFIRMATION OF CYNTHIA L. RONEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 42.

Excused: Senators Cantu, Hochstatter, McCaslin, Niemi, Smith, A., Smith, L. and West - 7.

SECOND READING

SENATE BILL NO. 6051, by Senators Quigley, Ludwig and A. Smith

Providing for speed measuring device expert testimony.

MOTIONS

On motion of Senator Ludwig, Substitute Senate Bill No. 6051 was substituted for Senate Bill No. 6051 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Ludwig, the rules were suspended, Substitute Senate Bill No. 6051 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6051.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6051 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Cantu, Hochstatter, McCaslin, Niemi, Smith, A. and Smith, L. - 6.

SUBSTITUTE SENATE BILL NO. 6051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6254, by Senators Fraser, Loveland, M. Rasmussen and Winsley

Authorizing counties to file claims against escheat property for funeral or burial expenses of indigent persons.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6254 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6254.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6254 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Cantu, Hochstatter, McCaslin, Niemi, Smith, A. and Smith, L. - 6.

SENATE BILL NO. 6254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6110, by Senators Spanel, A. Smith, Hargrove and Winsley

Providing a family health history for children upon the dissolution of a marriage.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6110 was substituted for Senate Bill No. 6110 and the substitute bill was placed on second reading and read the second time.

Senator Roach moved that the following amendments by Senators Roach, Spanel and Moyer be considered simultaneously and be adopted:

On page 1, line 5, before "**Sec. 1.**" insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that parents or guardians of minor children should have access to information regarding the family medical history of their children. This information will enable medical professionals to provide appropriate health care to children. It is also the intent of the legislature to recognize that each person has a privacy interest in his or her family medical history. The legislature intends to limit access to this information in order to respect this interest."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 7, before "In" insert "(1)"

On page 1, after line 18, insert the following:

"(2) In order to meet the requirement of providing family medical history under subsection (1) of this section, the parent shall submit a written statement describing any medical attribute, diagnosis or disease in the parent's immediate family that is generally accepted to be medically linked to the health of the

child, such as medically accepted genetic traits or abnormalities, and that would facilitate the proper health care of the child. For purposes of this section, "immediate family" means parents, siblings, grandparents, aunts, uncles and first cousins.

(3) Absent a court order, a parent is not required to make inquiries regarding his or her family medical history and may provide only such information of which the parent is aware at the time of entering into the decree of dissolution of marriage, legal separation or declaration of invalidity.

(4) In order to assist a parent in complying with the obligation to provide a family medical history under subsection (1) of this section, the court shall provide each parent with a list of medical attributes, diagnoses or diseases that are generally accepted as being medically linked to the health of children.

(5) The department of health shall provide courts with the list described in subsection (4) of this section, and update this list as needed.

(6) Family medical history shall be considered confidential information, and all records containing this information shall be sealed. The court shall not open these records to inspection by any person except:

(a) The parent or guardian of the minor child in question for purposes of facilitating proper health care of the child; or

(b) The child in question after such child has reached the age of eighteen."

On page 4, line 25, after "(4)" insert "In order to meet the requirement of providing family medical history under subsection (3) of this section, the parent shall submit a written statement describing any medical attribute, diagnosis or disease in the parent's immediate family that is generally accepted to be medically linked to the health of the child, such as medically accepted genetic traits or abnormalities, and that would facilitate the proper health care of the child. For purposes of this section, "immediate family" means parents, siblings, grandparents, aunts, uncles and first cousins.

(5) Absent a court order, a parent is not required to make inquiries regarding his or her family medical history and may provide only such information of which the parent is aware at the time of entering into the decree of dissolution of marriage, legal separation or declaration of invalidity.

(6) In order to assist a parent in complying with the obligation to provide a family medical history under subsection (3) of this section, the court shall provide each parent with a list of medical attributes, diagnoses or diseases that are generally accepted as being medically linked to the health of children.

(7) The department of health shall provide courts with the list described in subsection (6) of this section, and update this list as needed.

(8) Family medical history shall be considered confidential information, and all records containing this information shall be sealed. The court shall not open these records to inspection by any person except:

(a) The parent or guardian of the minor child in question for purposes of facilitating proper health care of the child; or

(b) The child in question after such child has reached the age of eighteen.

(9)"

On page 4, line 32, strike "(5)" and insert "(((5))) (10)"

On page 4, line 35, strike "(6)" and insert "(((6))) (11)"

On page 5, line 1, strike "(7)" and insert "(((7))) (12)"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Roach, Spanel and Moyer on page 1, lines 5, 7 and 18; page 4, lines 25, 32 and 35; and page 5, line 1, to Substitute Senate Bill No. 6110.

The motion by Senator Roach carried and the amendments were adopted.

MOTIONS

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 2 of the title, after "26.09.170;" strike "and" and on line 3, after "26.26.130" insert "; and creating a new section"

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 6110 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6110.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6110 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Hochstatter, McCaslin, Niemi and Smith, A. - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6136, by Senators McAuliffe, Drew, Quigley, Bluechel, Vognild, McDonald and Cantu

Creating a thirtieth community and technical college district.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 6136 was substituted for Senate Bill No. 6136 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 6136 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6136.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6136 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Newhouse, Sellar and Talmadge - 4.

Excused: Senators Cantu, Hochstatter, McCaslin and Niemi - 4.

SUBSTITUTE SENATE BILL NO. 6136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8029, by Senators Morton, A. Smith, Hochstatter, Prince, McDonald, Oke, Bluechel, L. Smith, Sellar, McCaslin, Moyer, Winsley, Deccio, West and Roach

Petitioning Congress to allow states to require a notice requirement before imposing a federal lien on real property.

The joint memorial was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Joint Memorial No. 8029 was advanced to third reading, the second reading considered the third and joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8029.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8029 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Cantu, Hochstatter and McCaslin - 3.

SENATE JOINT MEMORIAL NO. 8029, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6086, by Senators West, Haugen, Deccio, Prince, Morton and Moyer

Changing provisions regarding public facilities districts.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6086 was substituted for Senate Bill No. 6086 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6086 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6086.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6086 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Cantu, Hochstatter and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6081, by Senators Haugen, Deccio, Bauer and Winsley

Excluding "biological septic tank additives" from regulation as an on-site sewage disposal system additive.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6081 was substituted for Senate Bill No. 6081 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6081 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6081.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6081 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Cantu, Hochstatter and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6071, by Senators Snyder and Hargrove

Authorizing an additional six-year industrial development levy.

MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 6071 was substituted for Senate Bill No. 6071 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the following amendments were considered simultaneously and were adopted:

On page 1, line 8, after "for" strike all material through "eighteen" and insert "twelve"

On page 1, line 11, after "district." insert "A Washington port district in a county bordering the Pacific Ocean and having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue for eighteen years only, in addition to all other revenues authorized by law on the effective date of this section, by an annual levy not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district."

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Loveland be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 53.36.100 and 1982 1st ex.s. c 3 s 1 are each amended to read as follows:

(1) A port district having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue, for ~~((twelve))~~ eighteen years only, in addition to all other revenues now authorized by law, by an annual levy not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district. Said levy shall be used exclusively for the exercise of the powers granted to port districts under chapter 53.25 RCW except as provided in RCW 53.36.110. The levy of such taxes is herein authorized notwithstanding the provisions of RCW 84.52.050 and 84.52.043. The revenues derived from levies made under RCW 53.36.100 and 53.36.110 not expended in the year in which the levies are made may be paid into a fund for future use in carrying out the powers granted under chapter 53.25 RCW, which fund may be accumulated and carried over from year to year, with the right to continue to levy the taxes provided for in RCW 53.36.100 and 53.36.110 for the purposes herein authorized.

(2) If a port district intends to levy a tax under this section for one or more years after the first six years and before the thirteenth year authorized in this section, the port commission shall publish notice of this intention, in one or more newspapers of general circulation within the district, by June 1 of the year in which the first levy of the seventh through twelfth year period is to be made. If within ninety days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the port district for the office of the governor at the last preceding gubernatorial election, the county auditor shall canvass the signatures in the same manner as prescribed in RCW 29.79.200 and certify their sufficiency to the port commission within two weeks. The proposition to make these levies in the seventh through twelfth year period shall be submitted to the voters of the port district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29.13.070. The levies may be made in the seventh through twelfth year period only if approved by a majority of the voters of the port district voting on the proposition. This subsection does not apply to levies for one or more years in the first six years or thirteenth through eighteenth years authorized in this section.

(3) If a port district intends to levy a tax under this section for one or more years after the first twelve years authorized in this section, it shall be approved by a majority of the voters in the port district."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Loveland to Substitute Senate Bill No. 6071.

The motion by Senator Haugen failed and the amendment was not adopted on a rising vote, the President voting 'nay.'

MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute Senate Bill No. 6071 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6071.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6071 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Drew, Franklin, Gaspard, Hargrove, Ludwig, McAuliffe, Moore, Morton, Moyer, Owen, Pelz, Quigley, Rasmussen, M., Rinehart, Sellar, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vogniild, Williams and Wojahn - 26.

Voting nay: Senators Anderson, Deccio, Erwin, Fraser, Haugen, Loveland, McDonald, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Roach, Schow, Sheldon, Smith, L., Spanel, West and Winsley - 20.

Excused: Senators Cantu, Hochstatter and McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:31 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:07 a.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

SENATE BILL NO. 6111, by Senators Drew, McCaslin, Gaspard, Sellar, Haugen, Snyder, Fraser, Franklin, Sheldon, Bauer, Owen, Spanel, Pelz, M. Rasmussen, Winsley, Oke and Skratek (by request of Commission on Ethics in Government and Campaign Financing, Governor Lowry and Attorney General Gregoire)

Changing ethics provisions for state officers and state employees.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6111 was substituted for Senate Bill No. 6111 and the substitute bill was placed on second reading and read the second time.

Senator Linda Smith moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 28, after "conduct" strike all material through "executive ethics board" on line 29 and insert "and the citizens' commission on governmental ethics"

On page 18, after line 15, strike all material through "chapter." on page 22, line 22 and insert the following:

NEW SECTION. Sec. 201. CITIZENS' COMMISSION ON GOVERNMENTAL ETHICS.

(1) The citizens' commission on governmental ethics is created.

(2) The commission shall be composed of thirteen members, selected as follows:

(a) The secretary of state shall select nine of the thirteen members by lot from among those registered voters eligible to vote at the general election held in November 1993, and thereafter from among those registered voters eligible to vote at the time of the selection. One member shall be selected from each congressional district. The secretary of state shall notify persons selected. If a selected person declines appointment to the commission, the secretary of state shall select a new person. The secretary of state shall forward the names of persons selected to the governor who shall appoint these persons to the commission. The secretary of state shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection for a congressional district if a person selected from the district declines appointment to the commission.

(b) The governor shall appoint (i) one person who is a former judge and who is retired from the Washington state judicial system and (ii) one person who is a former member of the state legislature.

(c) The lieutenant governor shall appoint (i) one person who is a former judge and who is retired from the Washington state judicial system and (ii) one person who is a former member of the state legislature.

(3) No person shall be eligible to serve on the commission who has been convicted of a felony or gross misdemeanor.

(4) Persons appointed to the commission as former members of the state legislature shall not have an identification with the same political party.

(5) Except for initial members and members completing partial terms, members of the commission shall serve five-year terms. Each member of the commission shall serve for the term of his or her appointment and until his or her successor is appointed.

(6) Terms of initial commission members shall be staggered as follows:

(a) The member selected by lot from the first congressional district shall serve a one-year term; the members selected by lot from the second and third congressional districts shall each serve a two-year term; the members selected by lot from the fourth and fifth congressional districts shall each serve a three-year term; the members selected by lot from the sixth and seventh congressional districts shall each serve a four-year term; and the members selected by lot from the eighth and ninth congressional districts shall each serve a five-year term.

(b) The former judge and former member of the state legislature appointed by the governor shall each serve a two-year term.

(c) The former judge and former member of the state legislature appointed by the lieutenant governor shall each serve a five-year term.

(7) Any member of the commission may be removed by the governor, but only upon grounds of incapacity, incompetence, neglect of duty, or misconduct in office or for a disqualifying change of residence.

(8) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission.

(9) Except as provided otherwise in this section, the commission shall be solely responsible for its own organization, operation, and action. Members of the commission shall annually elect a chairperson from among the nine members selected by lot by the secretary of state.

(10) Seven members of the commission shall constitute a quorum.

(11) Except as provided in section 213 of this act, the attorney general shall provide staff assistance to the commission.

(12) Members of the commission shall receive no compensation for their services, but shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 202. AUTHORITY OF CITIZENS' COMMISSION ON GOVERNMENTAL ETHICS. (1) The citizens' commission on governmental ethics shall hear all matters related to the statutes, rules, and policies that establish standards of ethical conduct for members and employees of the state legislature, state-wide elected officers, and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education. Subject to the limitations in section 222 of this act, the citizens' commission on governmental ethics has jurisdiction over matters involving any alleged violation occurring before January 1, 1995, based on the statutes, rules, and policies in effect at the time of the violation.

(2) The citizens' commission on governmental ethics shall:

(a) Develop educational materials and training;

(b) Adopt rules or policies, including but not limited to defining working hours;

(c) Issue advisory opinions;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and

(g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules and policies adopted under it.

(3) The citizens' commission on governmental ethics may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the citizens' commission on governmental ethics or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) The citizens' commission on governmental ethics may review and approve agency policies as provided for in this chapter.

(5) This section does not apply to state officers and state employees of the judicial branch.

NEW SECTION. Sec. 203. TRANSFER OF JURISDICTION TO CITIZENS' COMMISSION ON GOVERNMENTAL ETHICS. On the effective date of this section, any complaints or other matters under investigation or consideration by the boards of legislative ethics in the house of representatives and the senate operating pursuant to chapter 44.60 RCW shall be transferred to the citizens' commission on governmental ethics. All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to the citizens' commission on governmental ethics pursuant to their direction and the citizens' commission on governmental ethics shall assume full jurisdiction over all pending complaints, investigations, and proceedings.

NEW SECTION. Sec. 204. POLITICAL ACTIVITIES OF MEMBERS OF CITIZENS' COMMISSION ON GOVERNMENTAL ETHICS. No member of the citizens' commission on governmental ethics may (1) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (2) be an officer of any political party or political committee as defined in chapter 42.17 RCW other than the position of precinct committeeperson; (3) permit his or her name to be used, or make contributions, in support of or in opposition to any

state candidate or state ballot measure; or (4) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

NEW SECTION. Sec. 205. APPOINTMENT OF INITIAL MEMBERS OF CITIZENS' COMMISSION ON GOVERNMENTAL ETHICS. The members of the citizens' commission on governmental ethics shall be appointed no later than October 1, 1994. Notwithstanding the authority granted to the commission by section 202 of this act, until January 1, 1995, the authority of the commission shall be limited to conducting meetings and incurring expenses solely for administrative and organizational purposes.

This section shall expire January 1, 1995.

NEW SECTION. Sec. 206. AUTHORITY OF COMMISSION ON JUDICIAL CONDUCT. The commission on judicial conduct shall enforce this chapter and rules and policies adopted under it with respect to state officers and employees of the judicial branch and may do so according to procedures prescribed in Article IV, section 31 of the state Constitution. In addition to the sanctions authorized in Article IV, section 31 of the state Constitution, the commission may impose sanctions authorized by this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, beginning on line 4, strike all of section 224.

Debate ensued.

Senator Erwin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Linda Smith on page 3, line 28; page 18, after line 15; and page 28, beginning on line 4; to Substitute Senate Bill No. 6111.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 14; Nays, 31; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Erwin, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L. and West - 14.

Voting nay: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 31.

Absent: Senator Hargrove - 1.

Excused: Senators Cantu, Hochstatter and Moyer - 3.

MOTIONS

On motion of Senator Drew, the following amendment was adopted:

On page 4, line 33, after "otherwise" insert "but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties"

On motion of Senator Drew, the following amendments were considered simultaneously and were adopted:

On page 6, line 1, after "(19)" insert "(a)"

On page 6, at the beginning of line 6, strike "(a)" and insert "(i)"

On page 6, at the beginning of line 7, strike "(b)" and insert "(ii)"

On page 6, at the beginning of line 8, strike "(c)" and insert "(iii)"

On page 6, beginning on line 10, strike all material through "legislation." on line 11 and insert the following:

"(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit."

MOTIONS

On motion of Senator Drew, the following amendments were considered simultaneously and were adopted:

On page 6, line 26, after "may" strike "transact business" and insert "participate in a transaction involving the state"

On page 6, line 29, after "owns" strike "an" and insert "a beneficial"

On motion of Senator Drew, the following amendment was adopted:

On page 11, line 5, after "employee" strike "or" and insert "in his or her official capacity or by"

On motion of Senator Drew, the following amendment was adopted:

On page 11, beginning on line 10, after "with" strike all material through "only if:" on line 12 and insert "a state agency only if:"

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 12, line 1, after "(5)" insert "Notwithstanding subsections (1) through (4) of this section, no person who is a member or employee of the state legislature may have a beneficial interest in a grant or personal services contract with a special purpose district, a school district, a quasi-municipal corporation, the state, a state agency, or a local government in connection with a program that receives a substantial portion of its funding from the state.

(6)"

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Oke, Senator Roach was excused.

REQUEST TO BE EXCUSED

Senator Ludwig: "I wonder if I should be excused from voting on this measure because occasionally over the past three years, I have infrequently served as a judge pro-temp in the Benton County District Court when judges were not available. I think this means that this may have a direct effect on my being able to be doing that, even though it is only infrequently."

REPLY BY THE PRESIDENT

President Pritchard: "Well, Senator Ludwig, you have to make that decision, but the Chair's view is that since this is an ethics bill that deals with conduct of all the Senators, I think you should vote on it."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 12, line 1, to Substitute Senate Bill No. 6111.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 10; Nays, 34; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Erwin, McCaslin, Nelson, Newhouse, Oke, Schow, Sellar, Smith, L. and West - 10.

Voting nay: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, McDonald, Moore, Morton, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 34.

Excused: Senators Cantu, Hochstatter, Ludwig, Moyer and Roach - 5.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 15, beginning on line 31, strike all of section 118 and insert the following:

***Sec. 118.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to read as follows:

(1) No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the government official or employee using public resources in violation of this section constitutes a violation of this section. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency.~~(- PROVIDED, That)~~ ~~The ((foregoing))~~ provisions of this section shall not apply to the following activities:

~~((1))~~ (a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as ((a)) (i) any required notice of the meeting includes the title and number of the ballot proposition, and ((b)) (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

~~((2))~~ (b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

~~((3))~~ (c) Activities which are part of the normal and regular conduct of the office or agency.

(2) No agency or official or employee of any agency may disburse funds in the form of dues or membership fees to an entity that uses any portion of such dues or membership fees for the support of or opposition to a ballot proposition. This subsection does not apply to funds deducted from a public employee's pay and forwarded to a bargaining representative pursuant to RCW 41.56.110."

POINT OF ORDER

Senator Spanel: "I'd like to raise a point of order, Mr. President. I raise the question of the scope and object of this amendment. This bill deals with the establishment of a uniform code of ethics for state officers and state employees and defines the standards of conduct for those individuals and former officials and employees. This particular amendment addresses, also, local--the conduct of local officials and so I raise the question that it is beyond the scope of this particular bill."

There being no objection, the President deferred further consideration of the amendment by Senator Linda Smith on page 15, beginning on line 31.

MOTION

Senator Linda Smith moved that the following amendments be considered simultaneously and be adopted:

On page 16, beginning on line 18, after "inquiry" strike all material through "expenditure" on line 25 and insert "and"

On page 16, line 27, after "agency" strike all material through "communications" on line 34

Debate ensued.

Senator Pelz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Linda Smith on page 16, lines 18 and 27, to Substitute Senate Bill No. 6111.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 11; Nays, 35; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Erwin, McDonald, Morton, Nelson, Newhouse, Oke, Roach, Schow, Sellar and Smith, L. - 11.

Voting nay: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 35.

Excused: Senators Cantu, Hochstatter and Moyer - 3.

MOTION

Senator Nelson moved that the following amendment be adopted:

On page 16, after line 36, insert the following:

"Sec. 119. RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to read as follows:

(1) No local government elective official nor any employee of his or her office nor any person appointed to or employed by any local government public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the local government official or employee using public resources in violation of this section constitutes a violation of this section. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency(~~:- PROVIDED, That~~), The (~~foregoing~~) provisions of this section shall not apply to the following activities:

~~((1))~~ (a) Action taken at an open public meeting by members of an elected local government legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as ~~((a))~~ (i) any required notice of the meeting includes the title and number of the ballot proposition, and ~~((b))~~ (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

~~((2))~~ (b) A statement by an elected local government official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

~~((3))~~ (c) Activities which are part of the normal and regular conduct of the office or agency.

(2) No agency or official or employee of any agency may disburse funds in the form of dues or membership fees to an entity that uses any portion of the dues or membership fees for the support of or opposition to a ballot proposition. This subsection does not apply to funds deducted from a public employee's pay and forwarded to a bargaining representative pursuant to RCW 41.56.110."

Renumber the remaining sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I raise the question of scope and object of this amendment. This amendment, also, deals with local officials and this bill deals with the conduct of state officials. It is very similar to the previous one that I asked for a scope on."

There being no objection, the President deferred further consideration of the amendment by Senator Nelson on page 16, after line 36.

MOTION

Senator Nelson moved that the following amendment be adopted:

On page 16, after line 36, insert the following:

"(4) No agency or official or employee of any agency may disburse funds in the form of dues or membership fees to an entity that uses any portion of the dues or membership fees for the support of or opposition to a ballot proposition. This subsection does not apply to funds deducted from a public employee's pay and forwarded to a bargaining representative pursuant to RCW 41.56.110."

Debate ensued.

Senator Nelson demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 16, after line 36, to Substitute Senate Bill No. 6111.

The motion by Senator Nelson failed and the amendment was not adopted.

MOTIONS

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Drew were considered simultaneously and were adopted:

On page 24, after line 16, insert the following:

"(7) If the board makes a determination that there is not reasonable cause to believe that a violation has been or is being committed or has made a finding under subsection (6) of this section, the attorney general shall represent the officer or employee in any action subsequently commenced based on the alleged facts in the complaint."

On page 25, after line 15, insert the following:

"Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall represent the defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment."

Senator Drew moved that the following amendment be adopted:

act" On page 24, beginning on line 34, after "believe that" strike "some provision of this chapter" and insert "section 118 of this

Senator Linda Smith asked Senator Drew to yield to a question and Senator Drew would not yield.
Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Drew on page 24, beginning on line 34, to Substitute Senate Bill No. 6111.

The motion by Senator Drew carried and the amendment was adopted.

MOTION

Senator Linda Smith moved that the following amendments be considered simultaneously and be adopted:

On page 25, line 30, after "up to" strike "five" and insert "ten"

On page 26, line 14, after "up to" strike "five" and insert "ten"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Linda Smith on page 25, line 30, and page 26, line 14, to Substitute Senate Bill No. 6111.

The motion by Senator Linda Smith failed and the amendments were not adopted.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 28, after line 13, insert the following:

"VOTERS' AND CANDIDATES' PAMPHLET"

Sec. 301. RCW 43.07.310 and 1992 c 163 s 2 are each amended to read as follows:

VOTERS' PAMPHLET--ELECTRONIC. The secretary of state, through the division of elections, is responsible for the following duties, as prescribed by Title 29 RCW:

(1) The filing, verification of signatures, and certification of state initiative, referendum, and recall petitions;

(2)(a) The production and distribution of a state voters' and candidates' pamphlet for the state primary and general election;

(b) In addition to the written pamphlet, the secretary of state may produce the state voters' and candidates' pamphlet in electronic format. If the secretary of state produces the pamphlet in video format, closed captioning shall be used;

(3) The examination, testing, and certification of voting equipment, voting devices, and vote-tallying systems;

(4) The administration, canvassing, and certification of the presidential primary, state primaries, and state general elections;

(5) The administration of motor voter and other voter registration and voter outreach programs;

(6) The training, testing, and certification of state and local elections personnel as established in RCW 29.60.030;

(7) The training of state and local party observers required by RCW 29.60.040;

(8) The conduct of postelection reviews as established in RCW 29.60.070; and

(9) Other duties that may be prescribed by the legislature.

Sec. 302. RCW 29.80.010 and 1987 c 295 s 17 are each amended to read as follows:

CANDIDATES' PAMPHLET. As soon as possible before each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein, together with a campaign mailing address and telephone number submitted by the nominee at the nominee's option, and in even-numbered years containing a description of the office of precinct committee officer and its duties, in order that voters will understand that the office is a state office and will be found on the ballot of the forthcoming general election. A candidates' pamphlet shall be prepared by the secretary of state prior to each state primary. Within the funds available for this purpose, the secretary of state shall distribute the primary pamphlet as widely as resources allow. The secretary of state shall consider electronic publication, placement in public libraries, and other cost-effective methods of distribution to the extent that funds do not permit mailing to each residence in the state. In odd-numbered years no candidates' pamphlet may be published unless an election is to be held to fill a vacancy in one or more of the following state-wide elective offices: United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, or justice of the supreme court.

Sec. 303. RCW 29.80.020 and 1984 c 54 s 2 are each amended to read as follows:

CANDIDATE STATEMENTS. At a time to be determined by the secretary of state (~~(~~but in any event not later than forty-five days)) before the applicable state primary and general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court may file with the secretary of state a written statement advocating his or her candidacy accompanied by the campaign mailing address and telephone number submitted by the nominee at the nominee's option, and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet. The maximum number of words for the statements shall be determined according to the offices sought as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; United States senator, United States representative, and governor, three hundred words. No such statement or photograph may be printed in the candidates' pamphlet for any person who is the sole nominee for any nonpartisan or judicial office.

Sec. 304. RCW 29.81.010 and 1984 c 54 s 4 are each amended to read as follows:

IDENTIFICATION OF ADVOCATES. The voters' pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(1) Upon the top portion of the first two opposing pages relating to the measure and not exceeding one-third of the total printing area shall appear:

(a) The legal identification of the measure by serial designation and number;

(b) The official ballot title of the measure;

(c) A brief statement explaining the law as it presently exists;

(d) A brief statement explaining the effect of the proposed measure should it be approved into law;

(e) The total number of votes cast for and against the measure in both the state senate and house of representatives if the measure has been passed by the legislature;

(f) A heavy double ruled line across both pages to clearly set apart the above items from the remaining text.

(2) Upon the lower portion of the left page of the two facing pages shall appear an argument advocating the voters' approval of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(3) Upon the lower portion of the right hand page of the two facing pages shall appear an argument advocating the voters' rejection of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(4) Following each argument or rebuttal statement each member of the committee advocating for or against a measure shall be listed in bold face capital letters by name and address to the end that the public shall be fully apprised of the advocate's identity. Also, following each argument or rebuttal statement, the secretary of state shall list, at the option of the committee that submitted the argument or statement, a telephone number that citizens may call in order to obtain information on the ballot measure.

(5) At the conclusion of the pamphlet the full text of each of the measures shall appear. The text of the proposed constitutional amendments shall be set forth in the form provided for in RCW 29.81.080.

Sec. 305. RCW 29.80.040 and 1984 c 54 s 3 are each amended to read as follows:

PRINTING. The nominees' statements, photographs, and the addresses and telephone numbers submitted by them as set forth in RCW 29.80.010 and 29.80.020 shall be published by the secretary of state as a candidates' pamphlet, the printing of which shall be completed as soon as possible before the state primary or general election concerned. The overall dimensions of the pamphlet shall be determined by the secretary of state as those which in the secretary's judgment best serve the voters, and whenever possible the candidates' pamphlet shall be combined with the voters' pamphlet as a single publication.

Sec. 306. RCW 29.80.090 and 1984 c 54 s 7 are each amended to read as follows:

PUBLIC DISCLOSURE COMMISSION SERVICES. In addition to other contents included in the candidates' pamphlet, the secretary of state shall prepare and include a section containing (1) a brief explanation of how voters may participate in the election campaign process; (2) the name, address, and telephone number of each political party that has one or more nominees listed in the candidates' pamphlet, but this information shall be included in the candidates' pamphlet only if and as filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party; (3) the address and telephone number of the public disclosure commission established under RCW 42.17.350 and a description of the services available through the public disclosure commission; (4) a summary of the disclosure requirements that apply when contributions are made to candidates and political committees; and (5) an explanation of the federal income tax credits and deductions that are available to persons who make such contributions. Whenever the candidates' pamphlet is combined with the voters' pamphlet, the section shall be placed at or near the beginning of the combined publication.

Sec. 307. RCW 29.81A.010 and 1984 c 106 s 3 are each amended to read as follows:

At least ninety days before any primary or general election, or at least forty days before any special election held under RCW 29.13.010 or 29.13.020, the legislative authority of any county or first-class or code city may adopt an ordinance authorizing the publication, in printed or electronic format or both, and distribution of a local voters' pamphlet. The pamphlet shall provide information on all measures within that jurisdiction and may, if specified in the ordinance, include information on candidates within that jurisdiction. If both a county and a first-class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first-class or code city. If no agreement can be reached between the county and first-class or code city, the county and first-class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or general election or for any future primaries or elections. The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of chapters 29.80 and 29.81 RCW regarding the publication of the state candidates' and voters' pamphlets.

PART IV"

Renumber remaining sections and correct internal references accordingly.

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I raise the question of scope and object of this amendment. Senate Bill No. 6111 does not address responsibility of state officials regarding the conduct of elections or the responsibility of the Secretary of State to produce a voters' pamphlet. The bill addresses the subject of officials conduct in election only in the context of defining what is and is not ethical conduct. The amendment here would require the production of a primary voters' pamphlet by the Secretary of State and address related matters and, therefore, expands the scope and object of this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senator Linda Smith on page 28, after line 13.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 28, after line 13, insert the following:

"LOBBYIST REPORTING CHANGES

NEW SECTION. Sec. 301. EMPLOYEE-LOBBYISTS.

(1) Before doing any lobbying, or within two weeks after being employed or assigned as a lobbyist, whichever is sooner, an employee-lobbyist shall file with the commission a registration statement. The registration shall include the following:

- (a) The lobbyist's name, business address, and telephone number;
- (b) The name, business address, and telephone number of the lobbyist employer;
- (c) The terms of the employee's compensation for lobbying, including the nature and extent of reimbursement for expenses; and
- (d) A statement describing the extent to which lobbying comprises the employee's duties for the employer.

(2) The lobbyist's registration shall be accompanied by a written statement:

- (a) Confirming the lobbyist's employment or assignment by the employer's chief executive officer or similarly authorized individual;
- (b) Describing the employer's principal product, service, or business activity;
- (c) Describing the subject matters regarding which lobbying will be conducted on behalf of the employer.

The name, address, and telephone number of the person who will have custody of the records required to be kept under this chapter on behalf of the lobbyist employer.

If the employer has a connected, related, or closely affiliated political committee, the name of that committee.

If the employer is an entity that as a representative entity lobbies for individuals, businesses, groups, associations, or organizations, the name and address of each member of the entity or person represented by the entity whose fees, dues, payments, or other consideration paid to the

entity during either of the previous two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to the entity during the current year.

NEW SECTION. Sec. 302. SEPARATE REGISTRATION. A lobbyist who receives or is to receive compensation from more than one employer for lobbying services with respect to the same legislation or subject of rule making shall file a separate registration for each employer.

NEW SECTION. Sec. 303. ANNUAL REGISTRATION. Every lobbyist registered with the commission shall file an annual registration, revised as appropriate, before the second Monday in January. Failure to do so shall terminate the lobbyist's registration.

NEW SECTION. Sec. 304. CHANGE IN STATUS. A lobbyist shall notify the commission within two weeks of a material change in the status of his or her registration. As used in this section, "material change" means the following:

- (1) A termination of employment as a lobbyist;
- (2) A change in the terms of compensation provided in a prior filing with the commission;
- (3) A change in the name or address of the lobbyist or a lobbyist employer;
- (4) A change in status from contract-lobbyist to employee-lobbyist or vice-versa;
- (5) A change in status with regard to a proprietor, officer, partner, or employee of a contract lobbyist.

NEW SECTION. Sec. 305. CONTRACT-LOBBYISTS. (1) Before doing any lobbying, or within two weeks after contracting to provide lobbying services to any person, whichever is sooner, a contract-lobbyist shall file with the commission a registration statement. The registration shall include the following:

- (a) The lobbyist's name, business address, and telephone number;
- (b) The name of any individual who is a proprietor, officer, partner, or employee of the contract lobbyist, or who is authorized to lobby on behalf of the contract-lobbyist's employers;
- (c) The name, business address, and telephone number of the lobbyist employer;
- (d) The terms of the contract-lobbyist's compensation for lobbying, including the nature and extent of reimbursement for expenses;
- (e) The name, address, and telephone number of the person who will have custody of the records required to be kept by the contract-lobbyist under this chapter;
- (f) The name and address of any other lobbyist the contract-lobbyist has agreed to compensate in exchange for assisting with lobbying on behalf of the employer named in the registration.

(2) The lobbyist's registration shall be accompanied by a written statement:

- (a) Confirming the lobbyist's contract by the employer's chief executive officer or similarly authorized individual;
- (b) Describing the employer's principal product, service, or business activity;
- (c) Describing the subject matters regarding which lobbying will be conducted on behalf of the employer.

The name, address, and telephone number of the person who will have custody of the records required to be kept under this chapter on behalf of the lobbyist employer.

If the employer has a connected, related, or closely affiliated political committee, the name of that committee.

If the employer is an entity that as a representative entity lobbies for individuals, businesses, groups, associations, or organizations, the name and address of each member of the entity or person represented by the entity whose fees, dues, payments, or other consideration paid to the entity during either of the previous two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to the entity during the current year.

NEW SECTION. Sec. 306. LOBBYIST EMPLOYER REPORTING. (1) Each employer of a lobbyist registered under this chapter shall file a semiannual report. Reports shall be filed as specified in subsection (2) of this section.

(2) Employer reports shall include the following:

- (a) The employer's name, business address, and telephone number;
- (b) The name of lobbyists registered on behalf of the employer;
- (c) The name and address of each political committee associated, affiliated, or sponsored by the employer and total contributions made by the committee during the reporting period;

(d) The name of each legislator, state elected official, state officer or employee, successful candidate for state office, and any member of the immediate family of those persons to whom the employer has paid any compensation in the amount of five hundred dollars or more during the reporting period for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2), and the consideration given or performed in exchange for the compensation;

(e) The name of each legislator, state elected official, state officer or employee, successful candidate for state office, and any member of the immediate family of those persons to whom the lobbyist employer has made expenditures, directly or indirectly, through a lobbyist or otherwise the amount of the expenditures and the purpose for the expenditures. For purposes of this subsection, "expenditure" shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the recipient of the expenditure or the member of his or her family as an official or candidate for a state office;

(f)(i) Except as provided in (f)(ii) of this subsection (2), an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefitted by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made;

(ii) The provisions of (f)(i) of this subsection (2) do not apply to a contribution that is made through a registered lobbyist and reportable under RCW 42.17.170;

(g) The total expenditures made during the reporting period by the employer for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this section, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020; and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of any rule, standard, or rate by any agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity;

(h) Total amount or value of contributions made during the reporting period by the employer to any candidate for state or local office, any political committee whose purpose is to support or oppose the election of one or more candidates for state or local office, a political committee established by a caucus of the state legislature, a political party, or any political committee formed for the purpose of supporting or opposing a state or local ballot proposition or any grass roots lobby;

(i) Total amounts of compensation for lobbying during the reporting period paid or owed to lobbyists employed, hired, contracted, retained, or assigned by the employer;

(j) Total amount for any "special lobbying activities" as designated by section 40 of this act;

(k) Total amount of reimbursement for expenses incurred in connection with lobbying during the reporting period paid or owed to lobbyists employed, hired, contracted, retained, or assigned by the employer;

(l) Total amount for entertainment in connection with lobbying during the reporting period paid or owed to lobbyists employed, hired, contracted, retained, or assigned by the employer;

(m) Total amount of expenditures by the employer or value of gifts during the reporting period to state legislators, state legislative staff, state elected officials, state officers and employees, or members of their immediate families;

(n) The name and amount paid each employee or other person to or for whom fees, salary, or wages of five hundred dollars or more was spent for lobbying or professional assistance for lobbying. This provision shall not apply to persons to the extent that their lobbying or assistance is the result of an appointment or written request of the legislature or agency to participate in a study or provide expertise;

(o) Such other information as the commission prescribes by rule in keeping with the policies and purposes of this chapter.

(3) The compensation and expenditures to be reported under this section are those whose principal purpose is for lobbying, and those that would not have been made but for lobbying. The amounts or values required to be reported shall include cash, the fair market value of goods, services, or tangible or intangible property.

NEW SECTION. Sec. 307. REPORTING. (1) A person who spends twenty-five hundred dollars or more to sponsor a single event that is a special lobbying activity other than that covered by RCW 42.17.200 shall report the information required in this section.

(2) For purposes of this section: (a) "Special lobbying activities" includes but is not limited to receptions, rallies, demonstrations, transportation of members or supporters to facilitate individual or group lobbying, dinners, conventions, mass gatherings, parades, and mailings; and (b) "sponsor" means the person or entity who pays for, organizes, coordinates, or directs a lobbying activity.

(3) Within two weeks after the lobbying activity, the sponsor shall file with the commission a report including the following:

(a) The name and address of the sponsor;

(b) The name and address of the principal officers of the sponsor;

(c) A description of the activity and the place and date on which it was conducted;

(d) The name, address, and amount contributed by each person who contributed money, goods, or services with a value of one hundred dollars or more;

(e) The total of all expenditures made to sponsor or support the activity. Expenditures shall be listed in the following categories:

(i) Salaries or compensation of persons paid to plan, coordinate, operate, or participate in the event;

(ii) Advertising and printing;

(iii) Transportation;

(iv) Food, beverages, and catering;

(v) Lodging;

(vi) Rent of buildings or equipment; and

(vii) Other expenditures; and

(f) Such other relevant information as the commission may require.

NEW SECTION. Sec. 308. Sections 301 through 307 of this act are each added to chapter 42.17 RCW.

Sec. 309. RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to read as follows:

MONTHLY PERIODIC REPORT. (1) Any lobbyist registered under RCW 42.17.150 or section 301 or 305 of this act and any person who lobbies shall file with the commission periodic reports of his or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein, ~~((without))~~ and shall include amounts actually expended on each person where calculable, or allocating any portion of ~~((such))~~ the expenditure to individual participants.

~~((However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.))~~

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefitted by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

(f) A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period.

(g) The total expenditures made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020; and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist a gift, as defined in RCW 42.17.020 the lobbyist shall transmit to the official a copy of the completed form used to identify the gift in the report at the same time the report is filed with the commission.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section.

Sec. 310. RCW 42.17.020 and 1992 c 139 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Gift," for the purposes of RCW 42.17.170 and 42.17.2415, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the reception by the total number of persons partaking in the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415 does not include:

(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;

(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;

(c) A contribution that is required to be reported under RCW 42.17.090 or *42.17.243;

(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an official or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;

(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization.

However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;

(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or

(g) A gift given prior to September 29, 1991.

(17) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(18) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(19) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(20) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf and includes employee lobbyists and contract lobbyists. "Contract lobbyist" is a person, other than a regular employee of a lobbyist employer, who independently contracts for economic consideration for the purpose of lobbying. "Employee lobbyist" is a regular employee of a lobbyist employer who has lobbying as all or part of his or her regular duties for his or her lobbyist employer.

(21) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and ~~((all persons by whom he is compensated for acting))~~ or authorized to act as a lobbyist.

(22) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(23) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(24) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(25) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(26) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(27) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(28) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(29) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

PART IV"

Renumber remaining sections and correct internal references accordingly.

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I raise the question of the scope and object of this amendment. As stated earlier, I did state what this bill does deal with and it does not address the registration or reporting by lobbyists or those who hire lobbyists. This amendment would require comprehensive changes in the registration and reporting requirements of the lobbyists and the lobbyist's employers and institute new reporting requirements for other persons as well. The amendment, therefore, expands the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senator Linda Smith on page 28, after line 13.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 28, after line 14, insert the following:

"**Sec. 301.** RCW 42.17.350 and 1984 c 287 s 74 are each amended to read as follows:

There is hereby established a "public disclosure commission" which shall be composed of ~~((five))~~ seven members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after January 1, 1973. The term of each member shall be five years except that the ~~((original five members shall serve initial terms of one, two, three, four, and five))~~ two new members appointed after the effective date of this act shall serve initial terms of two and four years, respectively, as designated by the governor. No member of the commission, during his or her tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his or her name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist: PROVIDED, That a member or the staff of the commission may lobby to the limited extent permitted by RCW 42.17.190 on matters directly affecting this chapter. No member shall be eligible for appointment to more than ~~((one))~~ two full terms. A vacancy on the commission shall be filled by the governor within thirty days of the vacancy ~~((by the governor))~~, with the consent of the senate and the appointee shall serve for the remaining term of his or her predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. ~~((Three))~~ Four members of the commission shall constitute a quorum. The commission shall elect its own ~~((chairman))~~ chair and adopt its own rules of procedure in the manner provided in chapter 34.05 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Members shall be compensated in accordance with RCW 43.03.250 and in addition shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state."

Renumber remaining sections and correct internal references accordingly.

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I raise the question of the scope and object of this amendment. As I said, Senate Bill No. 6111 concerns standards of conduct for state officials and state employees. The bill does not address any

matters relating to campaign practices or the public disclosure law. This amendment simply makes changes in the membership and terms of a body--the Public Disclosure Commission--which is not otherwise mentioned in the bill and which, under the bill's provisions, has no jurisdiction over the standards of conduct established by the provisions of the bill and, therefore, this amendment expands the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senator Linda Smith on page 28, after line 14.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 28, after line 14, insert the following:

Sec. 301. RCW 42.17.190 and 1986 c 239 s 1 are each amended to read as follows:

(1) ~~(Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter. PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.)~~ The house of representatives and the senate shall report annually: The total budget; the portion of the total attributed to staff; number of full-time and part-time positions occupied by nonpartisan staff, with dollar figures as well as number of positions; number of full-time and part-time positions occupied by partisan staff, by caucus, and the dollar figures attributed to those positions; and comparable figures for the preceding ten years. By no later than July 1, 1995, the house of representatives and the senate shall each reduce the number of full-time equivalent positions allotted to each caucus by one-half the number allotted to each caucus as of June 30, 1993.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: PROVIDED, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business(=~~PROVIDED FURTHER, That~~). This section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection the term "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy."

Renumber remaining sections and correct internal references accordingly.

Debate ensued.

MOTION

On motion of Senator Linda Smith, and there being no objection, the amendment on page 28, after line 14, to Substitute Senate Bill No. 6111 was withdrawn.

MOTION

Senator Linda Smith moved that the following amendments be considered simultaneously and be adopted:

On page 28, after line 29, insert "RCW 42.22.070"

On page 30, beginning on line 5, strike "RCW 42.22.070 and 1959 c 320 s 7;

(46)"

Renumber the remaining subsections consecutively.

The President declared the question before the Senate to be the adoption of the amendments by Senator Linda Smith on page 28, after line 29, and page 30, beginning on line 5, to Substitute Senate Bill No. 6111.

The motion by Senator Linda Smith failed and the amendments were not adopted.

MOTION

At 11:46 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:47 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6111, and the pending amendments which were deferred before the Senate went at ease.

There being no objection, the Senate resumed consideration of the amendment by Senator Linda Smith on page 15, beginning on line 31, to Substitute Senate Bill No. 6111.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute Senate Bill No. 6111 is a measure which establishes codes and standards of ethical conduct and interests for government officers and employees, and further creates enforcement mechanisms and procedures.

"The amendment by Senator Linda Smith on page 15, beginning on line 31, would make changes in the standards for use of public facilities for campaign purposes.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Linda Smith on page 15, beginning on line 31, to Substitute Senate Bill No. 6111 was ruled in order.

There being no objection, the Senate resumed consideration of the amendment by Senator Nelson on page 16, after line 36, to Substitute Senate Bill No. 6111.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute Senate Bill No. 6111 is a measure which establishes codes and standards of ethical conduct and interests for government officers and employees, and further creates enforcement mechanisms and procedures.

"The amendment by Senator Nelson on page 16, after line 36, would make changes in the standards for use of public facilities for campaign purposes.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Nelson on page 16, after line 36, to Substitute Senate Bill No. 6111 was ruled in order.

There being no objection, the Senate resumed consideration of the amendment by Senator Linda Smith on page 28, after line 13, to Substitute Senate Bill No. 6111.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute Senate Bill No. 6111 is a measure which establishes codes and standards of ethical conduct and interests for government officers and employees, and further creates enforcement mechanisms and procedures.

"The amendment by Senator Linda Smith on page 28, after line 13, would require a state primary voters' pamphlet.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Linda Smith on page 28, after line 13, to Substitute Senate Bill No. 6111 was ruled out of order.

There being no objection, the Senate resumed consideration of the amendment by Senator Linda Smith on page 28, after line 13, to Substitute Senate Bill No. 6111.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute Senate Bill No. 6111 is a measure which establishes codes and standards of ethical conduct and interests for government officers and employees, and further creates enforcement mechanisms and procedures.

"The amendment by Senator Linda Smith on page 28, after line 13, would make extensive changes and add new material to the lobbyist registration and reporting statutes.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Linda Smith on page 28, after line 13, to Substitute Senate Bill No. 6111 was ruled out of order.

There being no objection, the Senate resumed consideration of the amendment by Senator Linda Smith on page 28, after line 14, to Substitute Senate Bill No. 6111.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute Senate Bill No. 6111 is a measure which establishes codes and standards of ethical conduct and interests for government officers and employees, and further creates enforcement mechanisms and procedures.

"The amendment by Senator Linda Smith on page 28, after line 14, would change the number of commissioners of the public disclosure commission.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Linda Smith on page 28, after line 14, to Substitute Senate Bill No. 6111 was ruled out of order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 15, beginning on line 31, to Substitute Senate Bill No. 6111, which was ruled in order.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 15, beginning on line 31, to Substitute Senate Bill No. 6111.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 10; Nays, 33; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Erwin, McDonald, Morton, Newhouse, Oke, Roach, Schow, Sellar and Smith, L. - 10.

Voting nay: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognd, West, Williams, Winsley and Wojahn - 33.

Absent: Senators Nelson and Smith, A. - 2.

Excused: Senators Cantu, Hochstatter, McCaslin and Moyer - 4.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 16, after line 36, to Substitute Senate Bill No. 6111, which was ruled in order.

The motion by Senator Nelson failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6111 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Drew, Section 104 of the bill restricts the ability of a state officer or employee to assist another person in some situations. I guess I have a couple of questions about that section. First, would the bill prohibit a legislator from assisting a constituent who is having a problem or difficulty with a state agency?"

Senator Drew: "No, Section 104 expressly excludes activity that is in the course of or incidental to official duties. Assistance of that sort is clearly contemplated in the bill in this and other sections."

Senator Talmadge: "Will this section prohibit a legislator who is a lawyer from representing a client in a lawsuit against a state agency?"

Senator Drew: "No it will not, unless the lawsuit is based on a transaction in which the legislator participated on the state's behalf. Amendments adopted today to Section 101 (19) make clear that the usual legislative duties do not constitute such participation."

Senator Talmadge: "I guess the final question, Senator, will the bill prohibit a business of which a legislator is an employee, a partner, or owner, from doing business with the state or local government?"

Senator Drew: "Again, the answer is 'no,' unless a business transaction concerns a transaction involving the state in which the legislator was substantially and personally involved. As previously noted, the usual legislative duties--including preparation, consideration and enactment of legislation--would not trigger the restrictions on conduct set forth in Section 104."

Senator Talmadge: "Thank you, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6111.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6111 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Smith, L. - 1.

Excused: Senators Cantu, Hochstatter, McCaslin and Moyer - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6414, by Senators Haugen, Oke and Winsley (by request of State Treasurer)

Restricting campaign financing for the office of state treasurer.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6414 was substituted for Senate Bill No. 6414 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendment be adopted:

On page 1, after line 4, strike all materials through and including "process." on page 2, line 4 and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.08 RCW to read as follows:

(1) Except as provided in subsection (3) of this section, the state treasurer may not enter into an agreement or contract for the services of an underwriter or service provider that has made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date of such agreement or contract.

(2) Except as provided in subsection (3) of this section, the state treasurer may not enter into an agreement or contract for the services of an underwriter or service provider that will not, as a condition of entry to the agreement or contract, certify (a) that it has not made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date

of such agreement or contract, and (b) that it will not make a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period beginning on the date of entry into the agreement or contract and ending one year after the date the agreement or contract has been revoked or otherwise become inoperative.

(3) This section does not apply to agreements or contracts entered into through competitive solicitation or with respect to any reportable contribution made before January 1, 1995.

(4) As used in this section:

(a) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria that may include such factors as the service provider or underwriter's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(b) "Service provider" means an individual or firm that provides legal or financial advisory assistance to the state or to another service provider or underwriter, for compensation. The term includes agents, officers, principals, and professional employees of the service provider, but only from the date the individual or firm becomes employed or is retained by a service provider as an agent, officer, principal, or professional employee.

(c) "Underwriter" means an individual or firm that initially purchases an issue of bonds from the state by a negotiated sale. The term includes agents, officers, principals, and professional employees of the underwriter, but only from the date the individual or firm becomes employed or is retained by the underwriter as an agent, officer, principal, or professional employee.

NEW SECTION. Sec. 2. A new section is added to chapter 43.33 RCW to read as follows:

(1) Except as provided in subsection (3) of this section, the state finance committee may not enter into an agreement or contract for the services of an underwriter or service provider that has made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date of such agreement or contract.

(2) Except as provided in subsection (3) of this section, the state finance committee may not enter into an agreement or contract for the services of an underwriter or service provider that will not, as a condition of entry to the agreement or contract, certify (a) that it has not made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date of such agreement or contract, and (b) that it will not make a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the period beginning on the date of entry into the agreement or contract and ending one year after the date the agreement or contract has been revoked or otherwise become inoperative.

(3) This section does not apply to agreements or contracts entered into through competitive solicitation or with respect to any reportable contribution made before January 1, 1995.

(4) As used in this section:

(a) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria that may include such factors as the service provider or underwriter's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(b) "Service provider" means an individual or firm that provides legal or financial advisory assistance to the state or to another service provider or underwriter, for compensation. The term includes agents, officers, principals, and professional employees of the service provider, but only from the date the individual or firm becomes employed or is retained by the service provider as an agent, officer, principal, or professional employee.

(c) "Underwriter" means an individual or firm that initially purchases an issue of bonds from the state by a negotiated sale. The term includes agents, officers, principals, and professional employees of the underwriter, but only from the date the individual or firm becomes employed or is retained by the underwriter as an agent, officer, principal, or professional employee.

NEW SECTION. Sec. 3. A new section is added to chapter 43.33A RCW to read as follows:

(1) Except as provided in subsection (3) of this section, the state investment board may not enter into an agreement or contract for the services of a service provider that has made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date of such agreement or contract.

(2) Except as provided in subsection (3) of this section, the state investment board may not enter into an agreement or contract for the services of a service provider that will not, as a condition of entry to the agreement or contract, certify (a) that it has not made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date of such agreement or contract, and (b) that it will not make a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the period beginning on the date of entry into the agreement or contract and ending one year after the date the agreement or contract has been revoked or otherwise become inoperative.

(3) The state investment board may not enter into any partnership agreement with any person who has made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date of such agreement.

(4) The state investment board may not enter into a partnership agreement with any person that will not, as a condition of entry to the agreement, certify (a) that it has not made a contribution reportable under chapter 42.17 RCW to a candidate for the office of state treasurer during the two-year period immediately preceding the effective date of such agreement or contract, and (b) that it will not make a contribution reportable under chapter 42.17 RCW to a candidate for state office during the period beginning on the date of entry into the agreement and ending one year after the date the agreement or contract has been revoked or otherwise become inoperative.

(5) This section does not apply to agreements or contracts entered into through competitive solicitation or with respect to any reportable contribution made before January 1, 1995.

(6) As used in this section:

(a) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria that may include such factors as the service provider or underwriter's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(b) "Person" includes an individual, partnership, joint venture, public or private corporation, association, or other group of persons, however organized. The term includes agents, officers, principals, and professional employees of such person, but only from the date the individual or firm becomes employed or is retained by the person as an agent, officer, principal, or professional employee.

(c) "Service provider" means an individual or firm that provides legal or financial advisory assistance to the state or to another service provider or underwriter, for compensation. The term includes agents, officers, principals, and professional employees of the service provider, but only from the date the individual or firm becomes employed or is retained by the service provider as an agent, officer, principal, or professional employee."

Renumber remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 1, after line 4, to Substitute Senate Bill No. 6414.

The motion by Senator West failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6414 was advanced to third reading, the second reading considered the third and bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Haugen, the Senator from the forty-eighth district talked about amending this and it confused me. Doesn't this amendment strengthen 134?"

Senator Haugen: "Thank you, Senator Vognild. I was just going to rise and tell the people that this is truly strengthening 134. We are not amending it; we are making it stronger. The way I understand the people who supported that amendment in my district, they felt it was only a start and they wanted to go further. I challenge you--I challenge you not to vote for something that would not strengthen. To me, the public is saying, 'We want stronger laws, not weaker.' I would urge you to support this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call, which will require a two-thirds majority, on the final passage of Substitute Senate Bill No. 6414.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6414 and the bill failed to receive the two-thirds majority by the following vote: Yeas, 30; Nays, 15; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Deccio, Erwin, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L. and West - 15.

Excused: Senators Cantu, Hochstatter, McCaslin and Moyer - 4.

SUBSTITUTE SENATE BILL NO. 6414, having failed to receive the two-thirds constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator West served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 6414 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 6112, by Senators Drew, McCaslin, Gaspard, Snyder, Fraser, Franklin, Quigley, Sheldon, Bauer, Owen, Spanel, Pelz, M. Rasmussen and Winsley (by request of Commission on Ethics in Government and Campaign Financing, Governor Lowry and Attorney General)

Making changes to the campaign practices law.

MOTIONS

On motion of Senator Adam Smith, Second Substitute Senate Bill No. 6112 was substituted for Senate Bill No. 6112 and the second substitute bill was placed on second reading and read the second time.

Senator Sellar moved that the following amendment by Senators Sellar and West be adopted:

On page 21, after line 9, strike all materials through and including "reports." on page 22, line 29.

Renummer remaining sections and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sellar and West on page 21, after line 9, to Second Substitute Senate Bill No. 6112.

The motion by Senator Sellar carried and the amendment was adopted.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6112 was advanced to third reading, the second reading considered the third and bill was placed on final passage.
Debate ensued.

PARLIAMENTARY INQUIRY

Senator Anderson: "Mr. President, I rise to a point of parliamentary inquiry. Will this measure amend Initiative 134? Is there a two-thirds vote required?"

REPLY BY THE PRRESIDENT

President Pritchard: "Yes, it takes a two-thirds vote, if that is what you wanted to know."

Senator Anderson: "Thank you, Mr. President."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6112.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6112 and the bill failed to receive the two-thirds vote by the following vote: Yeas, 28; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Bluechel, Deccio, Erwin, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Skratek, Smith, L. and West - 17.

Excused: Senators Cantu, Hochstatter, McCaslin and Moyer - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6112, having failed to receive the two-thirds constitutional majority, was declared lost.

MOTION

At 2:02 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:34 p.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Due to a family emergency in Seattle, I missed the votes on the motion by Senator Nelson to Substitute Senate Bill No 6242, the amendment by Senator Amondson to Senate Bill No. 6242, the amendments by Senator Anderson (2) to Senate Bill No, 6242, the amendments by Senators Hargrove and others to Senate Bill No. 6242, the amendment by Senator Deccio to Senate Bill No. 6242, the final passage of Engrossed Senate Bill No. 6242 and the final passage of Engrossed Substitute Senate Bill No. 6339.

I would have voted 'aye' on the final passage of Engrossed Substitute Senate Bill No. 6339 and 'nay' on all the rest.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 6242, by Senators Sheldon, Sellar, Moore, Anderson, Gaspard, Snyder, Quigley, Franklin, McAuliffe, Oke, Pelz, M. Rasmussen, Winsley, Drew and Ludwig (by request of Governor Lowry)

Implementing regulatory reform.

MOTION

On motion of Senator Moore, Substitute Senate Bill No. 6242 was substituted for Senate Bill No. 6242 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

MOTION FOR RECONSIDERATION

Senator Moore moved to reconsider the motion by which Substitute Senate Bill No. 6242 was substituted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Moore to reconsider the motion by which Senate Bill No. 6242 was substituted.

The motion for reconsideration carried.

MOTION

Senator Moore moved to not substitute Senate Bill No. 6242.

MOTION

Senator Nelson moved that Senate Bill No. 6242 be substituted.
Senator Nelson demanded a roll call and the demand was sustained.
The President declared the question before the Senate to be the roll call on the motion by Senator Nelson that Senate Bill No. 6242 be substituted.

ROLL CALL

The Secretary called the roll and the motion by Senator Nelson to substitute Senate Bill No. 6242 failed by the following vote: Yeas, 16; Nays, 26; Absent, 3; Excused, 4.

Voting yea: Senators Amondson, Anderson, Deccio, Erwin, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 16.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 26.

Absent: Senators Bluechel, Niemi and Talmadge - 3.

Excused: Senators Cantu, Hochstatter, McCaslin and Moyer - 4.

Senate Bill No. 6242 was read the second time.

MOTION

On motion of Senator Morton, Senator Bluechel was excused.

MOTION

Senator Moore moved that the following amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 44.04 RCW to read as follows:

(1) The legislature recognizes that clear grants of rule-making authority are necessary for efficient and effective regulatory programs and accountability in governmental decision making, and that the agency granted rule-making authority should be the most competent to exercise jurisdiction over the subject matter. It is therefore the legislature's purpose to establish processes to ensure that existing and future laws provide clear and appropriate rule-making authority.

(2) The standing committees of the legislature shall selectively review legislative grants of rule-making authority to determine: (a) Whether the authority granted is clear and as intended; (b) whether the legislative intent is specific and includes defined objectives; and (c) whether the grant of authority is consistent with and not duplicative of grants to other agencies. In performing such a review, priority shall be given to grants of rule-making authority to the department of revenue, the employment security department, the department of ecology, the department of labor and industries, the department of health, the department of licensing, and the department of fish and wildlife.

In those instances where the review identifies statutes that do not meet these criteria, corrective legislation shall be prepared that clarifies, narrows, or repeals the grants of rule-making authority.

(3) The senate and the house of representatives shall ensure that bills introduced that grant rule-making authority to state agencies contain clear and specific direction regarding the authority granted. (4) Appropriate standing committees of the senate and house of representatives shall prepare a regulatory note as part of the bill report on each bill before the committee that grants rule-making authority to a state agency. The regulatory note shall identify if rule making is required or authorized by the bill, describe the nature of the rule making, identify agencies to which rule making is delegated, and identify any other agencies that have rule-making authority over the same activity or subject matter.

Sec. 2. RCW 34.05.370 and 1988 c 288 s 313 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;
(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(e) The concise explanatory statement required by RCW 34.05.355;

(f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule; (~~and~~)

(g) Citations to all data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public;

(h) The written summary and response required by RCW 34.05.325(6); and

(i) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

Sec. 3. RCW 34.05.350 and 1989 c 175 s 10 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule, the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any agency headed by a nonelected official. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any agency action based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

NEW SECTION. Sec. 4. A new section is added to chapter 34.05 RCW to read as follows:

(1) In addition to other requirements imposed by law, an agency may not adopt a rule the violation of which subjects a person to a penalty or administrative sanction; that establishes, alters, or revokes a qualification or standard for the issuance, suspension, or revocation of a license to pursue a commercial activity, trade, or profession; or that establishes, alters, or revokes a mandatory standard for a product or material that must be met before distribution or sale, unless:

- (a) The rule is needed;
- (b) The likely benefits of the rule justify its likely costs;
- (c) There are no alternatives to the rule that would be as effective but less burdensome on those required to comply;
- (d) Any fee imposed is reasonable and related to the cost of administration;
- (e) The rule is clearly and simply stated, so that it can be understood by persons required to comply;
- (f) The rule does not conflict with, or unless necessary to achieve the objectives of the statute upon which the rule is based, overlap, or duplicate any other provision of federal, state, or local law;
- (g) The rule does not, unless necessary to achieve the objectives of the statute upon which the rule is based, differ from any provision of federal law regulating the same activity or subject matter;
- (h) The rule does not, unless necessary to achieve the objectives of the statute upon which the rule is based, differ in its application to public and private entities.

(2) Nothing in subsection (1) of this section shall be construed to change the existing standard of judicial review of agency rule making.

NEW SECTION. Sec. 5. A new section is added to chapter 34.05 RCW to read as follows:

(1) Upon adoption of any rule covered by section 4 of this act, an agency shall have a plan to: (a) Inform and educate affected persons about the rule; (b) promote voluntary compliance; and (c) evaluate whether the rule achieves the purpose for which it was adopted.

(2) Upon the adoption of a rule covered by section 4 of this act regulating the same activity or subject matter as another provision of federal, state, or local law, an agency shall do all of the following:

- (a) Provide to the business assistance center a list citing by reference the other federal, state, and local laws that regulate the same activity or subject matter;
- (b) Coordinate implementation and enforcement of the rule with the other federal, state, and local entities regulating the same activity or subject matter by doing one or more of the following: (i) Deferring to the other entity; (ii) designating a lead agency; or (iii) entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement. If the agency is unable to meet this requirement, the agency shall report to the legislature pursuant to (c) of this subsection;
- (c) Report to the chief clerk of the house of representatives and the secretary of the senate regarding: (i) The existence of any overlap or duplication of other federal, state, or local laws, and any differences from federal law; (ii) legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference; and (iii) legislation that may be necessary to facilitate coordination with appropriate governmental entities regulating the same activity or subject matter.

Sec. 6. RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. Each agency may prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency shall ((4)) (a) either deny the petition in writing, stating its reasons for the denial, or ((2)) (b) initiate rule-making proceedings in accordance with this chapter.

(2) If an agency headed by a nonelected official denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The petitioner may file notice of the appeal with the code reviser for publication in the Washington State Register. Within sixty days after receiving the appeal, the governor shall either reject the appeal in writing, stating his or her reasons for the rejection, or order the agency to initiate rule-making proceedings in accordance with this chapter. In deciding on the appeal, among other factors the governor should consider:

- (a) Whether the agency complied with sections 4 and 5 of this act;
- (b) Whether the agency has established an adequate internal rules review process, allowing public participation, and has subjected the rule to that review;

- (c) The nature of complaints and other comments received from the public concerning the rule;
- (d) Whether the rule conflicts with, overlaps, or duplicates any other provision of federal, state, or local law and, if so, whether the agency has taken steps to mitigate any adverse effects of the conflict, overlap, or duplication;
- (e) The extent to which technology, social or economic conditions, or other relevant factors have changed since the rule was adopted, and whether, given those changes, the rule continues to be necessary and appropriate;
- (f) Whether the statute that the rule implements has been amended or repealed by the legislature, or ruled invalid by a court.

(3) The governor's office shall provide a copy of the governor's ruling under subsection (2) of this section to anyone upon request.

Sec. 7. RCW 34.05.325 and 1992 c 57 s 1 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and

authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6) Before the adoption of a final rule, an agency shall prepare a written summary of all comments received regarding the proposed rule, and a substantive response to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so. The agency shall provide the written summary and response to any person upon request or from whom the agency received comment.

Sec. 8. RCW 34.05.355 and 1988 c 288 s 310 are each amended to read as follows:

~~((4))~~ At the time it files an adopted rule with the code reviser or within thirty days thereafter, an agency shall place into the rule-making file maintained under RCW 34.05.370 a concise explanatory statement about the rule, identifying ~~((a))~~ (1) the agency's reasons for adopting the rule, and ~~((b))~~ (2) a description of any difference between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for change.

~~((2) Upon the request of any interested person within thirty days after adoption of a rule, the agency shall issue a concise statement of the principal reasons for overruling the considerations urged against its adoption.)~~

NEW SECTION. Sec. 9. A new section is added to chapter 19.85 RCW to read as follows:

The legislature finds that administrative rules adopted by state agencies can have a disproportionate impact on the state's small businesses because of the size of those businesses. This disproportionate impact reduces competition, innovation, employment, and new employment opportunities, and threatens the very existence of some small businesses. The legislature therefore enacts the regulatory fairness act, chapter . . . , Laws of 1994 (this act), with the intent of reducing the disproportionate impact of state administrative rules on small business.

Sec. 10. RCW 19.85.020 and 1993 c 280 s 34 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one ~~((three-digit))~~ four-digit standard industrial classification as published by the United States department of commerce.

Sec. 11. RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are each reenacted and amended to read as follows:

~~((In the adoption of any rule pursuant to RCW 34.05.320 that will have an economic impact on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:~~

(1) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:

- ~~(a) Establish differing compliance or reporting requirements or timetables for small businesses;~~
- ~~(b) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;~~
- ~~(c) Establish performance rather than design standards;~~
- ~~(d) Exempt small businesses from any or all requirements of the rule;~~

~~(2) Shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file such statement with the code reviser along with the notice required under RCW 34.05.320;~~

~~((3)) (1) In the adoption of a rule under RCW 34.05.320, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register.~~

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.

(2) A proposed rule will impose more than minor costs on businesses in an industry when the costs imposed will equal or exceed 0.1 percent of the average yearly profit for businesses in that industry. The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose such costs. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.

(3) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, unless reasonable justification exists to do otherwise, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include, but are not limited to:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Establishing performance rather than design standards;
- (c) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (d) Reducing the frequency of inspections;
- (e) Delaying compliance timetables; or
- (f) Reducing or modifying fine schedules for noncompliance.

Sec. 12. RCW 19.85.040 and 1989 c 374 s 3 and 1989 c 175 s 73 are each reenacted and amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. ~~((A small business economic impact statement))~~ It shall analyze ~~((based on existing data))~~ the costs of compliance for businesses required to comply with the ~~((provisions of a))~~ proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, lost sales or revenue, and increased administrative costs ~~((and))~~. To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare ~~((to the greatest extent possible))~~ the cost of compliance for small business with the cost of compliance for the ten percent of ~~((firms which))~~ businesses that are the largest businesses required to comply with the proposed ~~((new or amendatory))~~ rules ~~((The small business economic impact statement shall use))~~ using one or more of the following as a basis for comparing costs:

- ~~((4))~~ (a) Cost per employee;
- ~~((2))~~ (b) Cost per hour of labor; or

~~((3))~~ (c) Cost per one hundred dollars of sales(;

~~(4) Any combination of (1), (2), or (3)).~~

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(3), or reasonable justification for not doing so, addressing, at a minimum, each of the options listed in RCW 19.85.030(3);

(b) A description of how the agency will involve small businesses in the development of the rule; and

(c) A list of industries that will be required to comply with the rule.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.

NEW SECTION. Sec. 13. A new section is added to chapter 19.85 RCW to read as follows:

Unless so requested by a majority vote of the joint administrative rules review committee under RCW 19.85.030, an agency is not required to comply with this chapter when adopting any rule solely for the purpose of conformity or compliance, or both, with federal law. In lieu of the statement required under RCW 19.85.030, the agency shall file a statement citing, with specificity, the federal law with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted.

Sec. 14. RCW 34.05.320 and 1992 c 197 s 8 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and

(k) A statement indicating how a person can obtain a copy of the small business economic impact statement(, if applicable, and a statement of steps taken to minimize the economic impact in accordance with RCW 19.85.030) prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing individual mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

NEW SECTION. Sec. 15. A new section is added to chapter 43.31 RCW to read as follows:

To assist state agencies in reducing regulatory costs to small business and to promote greater public participation in the rule-making process, the business assistance center shall:

(1) Develop agency guidelines for the preparation of a small business economic impact statement and compliance with chapter 19.85 RCW;

(2) Review and provide comments to agencies on draft or final small business economic impact statements;

(3) Advise the joint administrative rules review committee on whether an agency reasonably assessed the costs of a proposed rule and reduced the costs for small business as required by chapter 19.85 RCW; and

(4) Organize and chair a state rules coordinating committee, consisting of agency rules coordinators and interested members of the public, to develop an education and training program that includes, among other components, a component that addresses voluntary compliance, for agency personnel responsible for rule development and implementation. The business assistance center shall submit recommendations to the department of personnel for an administrative procedures training program that is based on the sharing of interagency resources.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 19.85.010 and 1982 c 6 s 1;

(2) RCW 19.85.060 and 1989 c 374 s 5; and

(3) RCW 19.85.080 and 1992 c 197 s 2.

Sec. 17. RCW 34.05.620 and 1988 c 288 s 602 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, or that an agency may not be adopting a proposed rule in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, the committee shall give the affected agency written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.05.320. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

Sec. 18. RCW 34.05.630 and 1993 c 277 s 1 are each amended to read as follows:

(1) All rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350, are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule or whether they are within the intent of the legislature as expressed by the governing statute.

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, (c) that an agency is using a policy statement, guideline, or issuance in place of a rule, or (d) that the policy statement, guideline, or issuance is outside of legislative intent, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule, or (d) whether the policy statement, guideline, or issuance is within the legislative intent.

Sec. 19. RCW 34.05.640 and 1993 c 277 s 2 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.05.620 or 34.05.630, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a committee finding of the agency's failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that an existing rule was not adopted in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, or (c) that the agency is using a policy statement, guideline, or issuance in place of a rule, or that the policy statement, guideline, or issuance is outside of the legislative intent, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a two-thirds vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the appropriate standing committees of the legislature, the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session.

(4) If the governor disapproves the recommendation of the rules review committee to suspend the rule, the transmittal of such decision, along with the findings of the rules review committee, shall be treated by the agency as a petition by the rules review committee to repeal the rule under RCW 34.05.330.

(5) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (1), (2), or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

~~((6))~~ (6) An election by the rules review committee to recommend suspension of a rule, whether or not the suspension is approved by the governor, establishes a presumption in any subsequent judicial review of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.

(7) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 20. RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

Except as provided in RCW 34.05.640(6), it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 34.05.670 and 1992 c 197 s 3; and

(2) RCW 34.05.680 and 1992 c 197 s 4.

NEW SECTION. Sec. 22. The department of community, trade, and economic development shall develop a standardized format for reporting information that is commonly required from the public by state and local government agencies for permits, licenses, approvals, and services. In the development of the format, the department shall work in conjunction with representatives from state and local government agencies and representatives of the business community.

The department shall submit the standardized format together with recommendations for implementation to the legislature by December 31, 1994.

NEW SECTION. Sec. 23. A new section is added to chapter 34.05 RCW to read as follows:

(1) This section applies only to the department of revenue, the employment security department, the department of ecology, the department of labor and industries, the department of health, the department of licensing, and the department of fish and wildlife.

(2) An agency listed in subsection (1) of this section may immediately impose a penalty otherwise provided for by law for a violation of a statute or administrative rule by a business entity only if the entity on which the penalty will be imposed has: (a) Previously violated the same statute or rule; or (b) willfully violated the statute or rule. Where a penalty is otherwise provided, but may not be imposed under this subsection, the agency shall issue a statement of deficiency.

(3) A statement of deficiency shall specify: (a) The particular rule violated; (b) the steps the entity must take to comply with the rule; (c) agency personnel designated by the agency to provide technical assistance regarding compliance with the rule; and (d) a date by which the entity is required to

comply with the rule. The date specified shall provide a reasonable period of time for the entity to comply with the rule, considering the size of the entity, its available resources, and the threat posed by the violation. If the entity fails to comply with the rule by the date specified, it shall be subject to the penalty otherwise provided in law.

(4) Subsection (2) of this section shall not apply to any violation that places a person in danger of death or substantial bodily harm, is causing or is likely to cause significant environmental harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars. With regard to a statute or rule requiring the payment of a tax, subsection (1) of this section shall not apply when a business entity has paid less than eighty-five percent of the tax actually owed.

(5) The state, the agency, and officers or employees of the state shall not be liable for damages to any person to the extent that liability is asserted to arise from the technical assistance provided under this section, or if liability is asserted to arise from the failure of the agency to supply technical assistance.

(6) Where a state agency has been delegated authority to enforce federal rules, the agency shall submit a written petition to the appropriate federal agency for authorization to comply with this section for all inspections while retaining the state's federal delegation. In such cases, this section applies only to the extent authorized by the appropriate federal agency.

NEW SECTION. Sec. 24. A new section is added to chapter 4.84 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 24 through 26 and 27 of this act.

(1) "Agency" means agency as defined by chapter 34.05 RCW.

(2) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness may be

compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(3) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(4) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed; (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. Sec. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association; or (c) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization, having not more than one hundred employees at the time the initial petition for judicial review was filed.

(5) "Rule" means a rule as defined by chapter 34.05 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 4.84 RCW to read as follows:

If upon judicial review a rule is declared invalid and the party that challenged the rule is a qualified party, the party shall be awarded fees and other expenses not to exceed ten thousand dollars. This section does not apply unless all parties to the action challenging the rule are qualified parties. If two or more qualified parties join in an action challenging a rule, the fees and expenses awarded shall not in total exceed ten thousand dollars.

NEW SECTION. Sec. 26. A new section is added to chapter 4.84 RCW to read as follows:

Fees and other expenses awarded under section 25 of this act shall be paid by the agency that adopted the invalid rule from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to section 25 of this act shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

NEW SECTION. Sec. 27. A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall report annually to the legislature on the amount of fees and other expenses awarded during the preceding fiscal year under section 25 of this act. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

NEW SECTION. Sec. 28. Section 10 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Sutherland moved that the following amendments by Senators Sutherland and Williams to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 1, line 14, after "legislature's" strike "purpose" and insert "intent"

On page 1, line 16, beginning with "(2)" strike all material through "matter." on page 2, line 3

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Sutherland and Williams on page 1, lines 14 and 16, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Sutherland failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTION

Senator Amondson moved that the following amendments to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 1, line 25, after "licensing," strike "and"

On page 1, line 25, after "wildlife" insert ", the department of natural resources, and the insurance commissioner"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Amondson on page 1, line 25 (2), to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Amondson carried and the amendments to the striking amendment were adopted.

MOTION

Senator Moore moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 2, line 3 of the striking amendment, following "matter." insert "However in the event of a conflict between the note and any section of the revised code of Washington or uncodified session law, the revised code or uncodified session law shall prevail and nothing in the note shall be considered to be part of the revised code or uncodified session law"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moore on page 2, line 3, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Moore carried and the amendment to the striking amendment was adopted.

MOTION

On motion of Senator Drew, Senator Niemi and Talmadge were excused.

MOTION

Senator Amondson moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 2, after line 3 of the amendment, insert the following:

NEW SECTION. Sec. 2. The legislature finds that it has allowed state agencies to adopt administrative rules without sufficient guidance from the legislature, relying on general grants of authority rather than specific legislative policy direction. This has resulted in agency-initiated policy that has been adopted without the benefit of the public dialogue and accountability inherent to the legislative process. It is therefore the intent of the legislature in this act to lessen reliance on general grants of authority, limit agency rule making to those matters specifically authorized by the legislature, and that grants of rule-making authority be narrowly construed.

Sec. 3. RCW 43.70.040 and 1989 1st ex. s. c 9 s 106 are each amended to read as follows:

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules ~~((necessary to carry out the provisions of this act;))~~ or policy statements, other than emergency rules, only:

(a) As specifically required by federal law; or

(b) As specifically authorized, and only to the extent specifically authorized, by the legislature.

(2) Appoint such advisory committees as may be necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.

Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.; or

(7) Accept gifts, grants, or other funds.

Sec. 4. RCW 82.01.060 and 1977 c 75 s 92 are each amended to read as follows:

The director of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the director, through the department of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the department, shall:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) ~~((Make, adopt and publish such rules and regulations as he may deem necessary or desirable to carry out the powers and duties imposed upon him or the department by the legislature: PROVIDED, That))~~ The director of revenue may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(a) As specifically required by federal law; or

(b) As specifically authorized, and only to the extent specifically authorized, by the legislature.

~~((3))~~ (3) Rules ((and regulations)) adopted by the tax commission prior to the effective date of this ((1967 amendatory)) 1994 act shall remain in force until such time as they may be revised or rescinded by the director;

~~((4))~~ (4) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

~~((4))~~ (5) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

~~((5))~~ (6) Recommend to the governor such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

NEW SECTION. Sec. 5. A new section is added to chapter 43.21A RCW to read as follows:

The director of the department of ecology may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

NEW SECTION. Sec. 6. A new section is added to chapter 43.22 RCW to read as follows:

The director of the department of labor and industries may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

NEW SECTION. Sec. 7. A new section is added to chapter 43.24 RCW to read as follows:

The director of the department of licensing may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

Sec. 8. RCW 46.01.110 and 1979 c 158 s 120 are each amended to read as follows:

The director of licensing is hereby authorized to adopt ~~((and enforce such reasonable rules and regulations as may be consistent with and)), in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:~~

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

~~The rules shall be necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW.~~

Sec. 9. RCW 50.12.010 and 1977 c 75 s 75 are each amended to read as follows:

The commissioner shall administer this title. He ~~or she~~ shall have the power and authority to ~~((adopt, amend, or rescind such rules and regulations, to))~~ employ ~~((such))~~ persons, make ~~((such))~~ expenditures, require ~~((such))~~ reports, make ~~((such))~~ investigations, and take ~~((such))~~ other action as he ~~or she~~ deems necessary or suitable to that end. ~~((Such rules and regulations shall be effective upon publication and in the manner, not inconsistent with the provisions of this title, which the commissioner shall prescribe.))~~ The commissioner, in accordance with the provisions of this title, shall determine the organization and methods of procedure of the divisions referred to in this title, and shall have an official seal which shall be judicially noticed. The commissioner shall submit to the governor a report covering the administration and operation of this title during the preceding fiscal year, July 1 through June 30, and shall make ~~((such))~~ recommendations for amendments to this title as he ~~or she~~ deems proper. ~~((Such))~~ The report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial

principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he or she shall promptly ((se)) inform the governor and legislature and make recommendations with respect thereto.

NEW SECTION. Sec. 10. A new section is added to chapter 50.12 RCW to read as follows:

The commissioner of the employment security department may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

- (1) As specifically required by federal law; or
- (2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

Sec. 11. RCW 77.04.090 and 1984 c 240 s 1 are each amended to read as follows:

The commission shall adopt ((permanent rules and amendments to or repeals of existing rules)), in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature, by approval of four members by resolution,

entered and recorded in the minutes of the commission. The commission shall adopt emergency rules by approval of four members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

Sec. 12. RCW 43.17.060 and 1965 c 8 s 43.17.060 are each amended to read as follows:

The director of each department may prescribe ((rules and regulations,)) guidelines not inconsistent with law, for the government of his or her department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto. This section shall not be construed to authorize the adoption of rules under chapter 34.05 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 43.21A.080 and 1970 ex.s. c 62 s 8; and
- (2) RCW 50.12.040 and 1973 1st ex.s. c 158 s 3 & 1945 c 35 s 43."

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Amondson on page 2, after line 3, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 17; Nays, 25; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Deccio, Erwin, Hargrove, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 17.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 25.

Excused: Senators Bluechel, Cantu, Hochstatter, McCaslin, Moyer, Niemi and Talmadge - 7.

MOTION

Senator Anderson moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 2, line 3, after "matter." insert "In addition, the regulatory note shall contain a checklist confirming that the committee addressed the following criteria:

(a) Whether the bill responds to a specific, identifiable regulatory need and whether government is the most appropriate institution to address the need;

(b) Whether the bill contains a clear statement of legislative intent and identification of the state agency or local government charged with carrying out the intent;

(c) Whether the bill contains measurable outcomes and an evaluation process that will be used to determine if the outcomes are achieved;

(d) Whether there has been adequate involvement of affected interests in the development of the bill;

(e) Whether the costs of compliance and administration have been estimated, whether the bill achieves its outcomes with the least cost and burden to those affected by the regulation, and whether the cost of not enacting the law has been considered;

(f) Whether the bill adequately allows for voluntary compliance;

(g) Whether the bill is written clearly and concisely, without ambiguities;

(h) Whether the bill adequately resolves potential conflicts with other laws."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 2, line 3, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Anderson failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Erwin moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 3, line 37, after "(3)" strike "Within seven days after the rule is adopted, any" and insert "Any"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 3, line 37, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Erwin failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Anderson moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 4, after line 10 insert the following:

"(4) In adopting an emergency rule, the agency shall meet the same criteria as set forth in section 4 of this act or provide written justification for its failure to provide the information."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 4, after line 10, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Anderson carried and the amendment to the striking amendment was adopted.

MOTION

Senator Fraser moved that the following amendments to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 4, line 11, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. The Governor's Task Force on Regulatory Reform shall study whether additional standards should be established to govern the adoption of rules by state administrative agencies. The Task Force shall consider what additional criteria, if any, should be used to evaluate the appropriateness of administrative rules and the most simple, cost effective and least burdensome way to assure agency compliance with these criteria. The task force shall report to the governor and the legislature by January 1, 1995."

On page 20, after line 24, insert the following:

"NEW SECTION. Sec. 30. Section 4 of this act shall expire on January 1, 1995."

Debate ensued.

There being no objection the President deferred further consideration of the amendment by Senator Fraser on page 4, line 11, and page 20, after line 24.

MOTION

Senator Oke moved that the following amendment by Senators Oke and Cantu to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 4, line 21, after "rule" strike "justify" and insert "are greater than"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke and Cantu on page 4, line 21, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Oke failed and the amendment to the striking amendment was not adopted on a rising vote.

MOTION

Senator Anderson moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 4, beginning on line 28, after "(f)" strike all material through "law;" on line 30 and insert "The rule does not, without clear and specific statutory authorization to do so, conflict with, overlap, or duplicate, any other provision of federal, state, or local law regulating the same activity or subject matter. The agency shall survey other federal, state, and local entities that have jurisdiction over the same or similar subject matter to determine whether such conflict, overlap, or duplication exists;"

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Amondson on page 4, beginning on line 28, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 23; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Deccio, Erwin, Hargrove, McDonald, Morton, Nelson, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Smith, L., Vognild, West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moore, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Williams and Wojahn - 23.

Excused: Senators Bluechel, Cantu, Hochstatter, McCaslin, Moyer, Niemi and Talmadge - 7.

MOTION

Senator Anderson moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 4, beginning on line 31, after "(g)" strike all material through "matter;" on line 33, and insert "The rule does not, without clear and specific statutory authorization to do so, differ from any provision of federal law regulating the same activity or subject matter;"

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Amondson on page 4, beginning on line 31, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 18; Nays, 24; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Deccio, Erwin, Hargrove, McDonald, Morton, Nelson, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 18.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moore, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 24.

Excused: Senators Bluechel, Cantu, Hochstatter, McCaslin, Moyer, Niemi and Talmadge - 7.

MOTION

Senator Sutherland moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 4, line 33, after "matter;" insert "and"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 4, line 33, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Sutherland carried and the amendment to the striking amendment was adopted.

MOTION

Senator Fraser moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 4, line 38 after "making" insert "or to constitute grounds to be utilized in such judicial review"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 4, line 38, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted.

There being no objection, the Senate resumed consideration of the amendments by Senator Fraser on page 4, line 11, and page 20, after line 24, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 4, line 11, and page 20, after line 24, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Fraser failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Hargrove moved that the following amendments by Senators Snyder, Hargrove, Owen, Amondson and Anderson to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 5, line 5 of the amendment, after "compliance;" strike "and"

On page 5, line 6 of the amendment, after "adopted" insert "; and (d) evaluate whether the rule avoids the taking of private property for public use unless no reasonable alternative exists that advances the public interest"

On page 5, after line 28 of the amendment, insert the following:

"(3) For purposes of this section, "taking" means totally destroying or rendering valueless private property, damaging by a public use in connection with an actual taking by the exercise of eminent domain, or when there is interference with use of property to owner's prejudice, with resulting diminution in value. Police action to prevent or abate actual damage to another is not considered a taking."

On page 9, after line 3 of the amendment, insert the following:

"(4) "Taking" means totally destroying or rendering valueless private property, damaging by a public use in connection with an actual taking by the exercise of eminent domain, or when there is interference with use of property to owner's prejudice, with resulting diminution in value. Police action to prevent or abate actual damage to another is not considered a taking."

Debate ensued.

Senator Erwin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Snyder, Hargrove, Owen, Amondson and Anderson on page 5, lines 5, 6, and 28, and page 9, after line 3, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were adopted by the following vote: Yeas, 27; Nays, 15; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Deccio, Erwin, Hargrove, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Oke, Owen, Prince, Rasmussen, M., Roach, Schow, Sellar, Smith, L., Snyder, Vognild, West, Winsley and Wojahn - 27.

Voting nay: Senators Drew, Franklin, Fraser, Gaspard, Haugen, Pelz, Prentice, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Spanel, Sutherland and Williams - 15.

Excused: Senators Bluechel, Cantu, Hochstatter, McCaslin, Moyer, Niemi and Talmadge - 7.

MOTION

Senator Schow moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 6, line 27, after "(3)" strike all material through "request," on line 28 and insert "The governor shall file a copy of the ruling in subsection (2) of this section with the code reviser for publication in the Washington state register."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schow on page 6, line 27, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Schow failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Fraser moved that the following amendments to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 8, line 15 beginning with "NEW" strike all material through "1992 c 197 s 2." on page 14, line 3 and insert the following:

"NEW SECTION. Sec. 9. The governor shall appoint a committee consisting of state agency representatives and representatives of small businesses to discuss and develop recommendations to amend RCW 19.85, the Regulatory Fairness Act. The recommendations shall address: (1) when a small business economic impact statement should be required; (2) what the contents of such a statement should be; (3) allowable methods of reducing the disproportionate impact of administrative rules on small business; and (4) the consequences to an agency of inadequate compliance with the Act. The recommendation shall be in the form of proposed legislation and shall be submitted to the governor and the legislature by January 1, 1995."

Renumber the sections consecutively and correct any internal references accordingly.

On page 20, after line 24, insert the following:

"NEW SECTION. Sec. 30. Section 9 of this act shall expire on January 1, 1995."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 8, line 15; and page 20, after line 24; to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Fraser failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Anderson moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 16, line 4, after "by a" strike "two-thirds" and insert "~~((two-thirds))~~ majority"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 16, line 4, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Anderson failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Anderson moved that the following amendments to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 16, beginning on line 29, strike everything through "agency." on line 33, and insert "(5)"
Renumber the remaining subsection consecutively and correct any internal references accordingly

On page 17, line 3, strike "Except as provided in RCW 34.05.640(6),it" and insert "It"

On page 17, line 8, after "rules." insert "However, the rules review committee may, by a two-thirds vote of its membership, create a rebuttable presumption, for purposes of a judicial proceeding in which the validity of the rule is at issue, that a rule was adopted without proper legal authority."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Anderson on page 16, beginning on line 29; page 17, lines 3 and 8; to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Anderson failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, West, Moyer and McCaslin to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 17, after line 12, insert the following:

"NEW SECTION. Sec. 22. Before final adoption of a rule, each agency shall file with the chief clerk of the house of representatives and the secretary of the senate a copy of the rule for review by the appropriate standing committees of the legislature. Upon review, if a standing committee determines by majority vote that the rule is within the intent of the legislature as expressed by the statute that the rule implements, the rule is approved and may be adopted by the agency. If not approved, the rule may be modified by the agency so as to conform with the intent of the legislature and resubmitted for approval by the standing committees."

Debate ensued.

Senator Deccio demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Deccio, West, Moyer and McCaslin on page 17, after line 12, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 22; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Deccio, Erwin, Hargrove, Haugen, Loveland, McDonald, Morton, Nelson, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Ludwig, McAuliffe, Moore, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 22.

Excused: Senators Bluechel, Cantu, Hochstatter, McCaslin, Moyer, Niemi and Talmadge - 7.

MOTION

Senator Snyder moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 17, after line 8, insert the following:

"Sec. 21. RCW 70.95.060 and 1969 ex.s. c 134 s 6 are each amended to read as follows:

The department in accordance with procedures prescribed by the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended, may adopt such minimum functional standards for solid waste handling as it deems appropriate. The department in adopting such standards may classify areas of the state with respect to population density, climate, geology, and other relevant factors bearing on solid waste disposal standards. For standards with an effective date of November 27, 1993, the term "existing municipal solid waste landfill unit" as applied to counties bordering the Columbia river and with a population of between eighty thousand and one hundred thousand shall mean the entire area of any landfill unit permitted by the jurisdictional health department, even if planned cells or sections of such unit were not receiving or prepared to receive waste as of November 27, 1993."

Renumber the following sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I raise the question of scope and object of this amendment. I think, though we might be sympathetic, the basic bill here that we are dealing with deals with rule making procedures and process and this particular amendment sets out substantial changes to the solid waste landfill statutes. Therefore, the amendment is beyond the scope and object of this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senator Snyder on page 17, after line 8, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

MOTION

Senator Fraser moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 17, line 23, strike all of section 23 and insert the following:

"NEW SECTION. Sec. 23. A new section is added to chapter 43.17 RCW to read as follows:

(1) The governor and all elected officials who head state agencies shall, where appropriate, require state agencies with regulatory enforcement authority to designate one or more technical assistance representatives to encourage and coordinate voluntary compliance and provide technical assistance concerning compliance with the agency's laws and rules. Such technical assistance representatives may perform such duties on either a full-time or part-time basis.

(2) An employee designated by an agency to provide technical assistance may not, during the period of the designation, have authority to issue orders or assess penalties on behalf of the agency. The agency shall develop a means to identify the employee to businesses as a technical assistance provider during the period of designation. Such an employee who provides on-site consultation to a business and who observes non-compliance with the law shall inform the owner or operator of the business of the violations and provide technical assistance concerning compliance. On-site consultation visits by such an employee may not be regarded as inspections or investigations for enforcement purposes, and no notices or citations may be issued or civil penalties assessed during such a visit. If the owner or operator of the business does not correct the observed non-compliance within a reasonable time and the business is inspected with enforcement personnel, the agency may take appropriate enforcement action. If a technical assistance representative or member of a technical assistance unit observes a non-compliance with the law that places a person in danger of death or substantial bodily harm, is causing or is likely to cause significant environmental harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars, the agency may initiate enforcement action immediately upon observing the violation. In the case of an unpaid tax or fee, the agency may initiate immediate enforcement action if the amount unpaid by the business in a year is greater than a minor amount or a minor percent of the amount owed.

(3) The state, the agency, and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from the performance by technical assistance representatives of their duties, or if liability is asserted to arise from the failure of the agency to supply technical assistance.

(4) Nothing in this section shall be construed to preclude any agency employee from providing technical assistance concerning compliance with an agency's laws and rules."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 17, line 23, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Hargrove moved that the following amendments to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 19, line 31 of the amendment, after "rule" insert "or its application to any party"

On page 19, line 32 of the amendment, after "rule" insert "or its application"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hargrove on page 19, lines 31 and 32, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Hargrove failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTION

Senator Sutherland moved that the following amendments by Senators Sutherland, Hargrove and Owen to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be considered simultaneously and be adopted:

On page 19, line 33, after "exceed" strike "ten" and insert "fifty"

On page 19, line 37, after "exceed" strike "ten" and insert "fifty"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Sutherland, Hargrove and Owen on page 19, lines 33 and 37, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Sutherland carried and the amendments to the striking amendment were adopted on a rising vote.

MOTION

Senator Prince moved that the following amendment to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 20, after line 18, insert the following:

"Sec. 28. RCW 34.05.570 and 1989 c 175 s 27 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that it violates constitutional provisions, exceeds the statutory authority of the agency, was adopted without compliance with statutory rule-making procedures, or could not conceivably have been the product of a rational decision-maker.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

(5) Grants of rule-making authority to an agency by the legislature are to be narrowly construed.

Renumber the remaining section consecutively

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prince on page 20, after line 18, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Prince failed and the amendment to the striking amendment was not adopted on a rising vote.

MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland and Skratek to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder be adopted:

On page 20, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 30. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 1, 1994, in the supplemental appropriations act, this act is null and void."

Debate ensued.

POINT OF INQUIRY

Senator Franklin: "Senator Sutherland, I wanted this loud and clear, did you just recently say that we have created a full employment bill?"

Senator Sutherland: "I'm not sure that it is a full employment bill for all state employees, but it would add to the role of the state employees in the state of Washington and it would have a sufficient fiscal impact to the budget of the state of Washington if we were to adequately fund this."

Senator Franklin: "If it is not a full employment bill, then, it does add significant numbers to the state employment roll, which we have worked to decrease."

Senator Sutherland: "Well, it is all in your definition of significant, but it would add, in the next biennium, at least seven hundred thousand dollars worth of new employees to the state of Washington. It would also add to the employment rolls in the private sector. As another member of this body earlier mentioned to me, with the adoption of the amendments by Senators Sutherland, Hargrove and Owen on page 19, line 33 and 37, which authorized the fifty thousand dollar cap for those injured by a rule, there will be a number of legal counsel employers in the state of Washington that will be more willing to go after these and pursue these. So, many attorneys might be thankful for the passage of this bill."

Senator Franklin: "Thank you."
Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Sutherland, you used the number of seven hundred and fifty thousand dollars--"
Senator Sutherland: "No, seven hundred and two thousand dollars."
Senator Deccio: "Seven hundred and two? Well, that's better yet for my argument. A biennium?"
Senator Sutherland: "That's in the 1995-97 biennium according to the official fiscal note."
Senator Deccio: "OFM has set a figure of one hundred thousand dollars per FTE per biennium, including benefits. That would be less than seven new FTEs. I don't think that is going to break the state or lead to full employment."
Senator Sutherland: "If you look at the details of the fiscal note, each of the different agencies have a different cost per FTE and so they would be scattered throughout. They are not all at one hundred thousand dollars, Senator."
Senator Deccio: "Well, Senator, in response, I guess I have to accept OFM's numbers and it still would be less than seven FTEs. That's not full employment in my book."
Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland and Skratek on page 20, after line 24, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242.

The motion by Senator Sutherland failed and the amendment to the striking amendment was not adopted.

There being no objection, the Senate resumed consideration of the amendment by Senator Snyder on page 17, after line 8, to the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder to Senate Bill No. 6242, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Senate Bill No. 6242 is a measure which sets forth various changes in rulemaking criteria, procedures and review of rules.

"The amendment by Senator Snyder on page 17, line 8, to the striking amendment would change the standards for certain landfill sites.

"The President, therefore, finds that the proposed amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Snyder on page 17, after line 8, to Senate Bill No. 6242 was ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder, as amended, to Senate Bill No. 6242.

The striking amendment by Senators Moore, Sheldon, Gaspard, Vognild and Snyder, as amended, to Senate Bill No. 6242 was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 2 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 34.05.370, 34.05.350, 34.05.330, 34.05.325, 34.05.355, 19.85.020, 34.05.320, 34.05.620, 34.05.630, 34.05.640, and 34.05.660; reenacting and amending RCW 19.85.030 and 19.85.040; adding a new section to chapter 44.04 RCW; adding new sections to chapter 34.05 RCW; adding new sections to chapter 19.85 RCW; adding a new section to chapter 43.31 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 19.85.010, 19.85.060, 19.85.080, 34.05.670, and 34.05.680; prescribing penalties; and providing an effective date."

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, West, Winsley and Wojahn - 37.

Voting nay: Senators Fraser, Skratek, Sutherland, Vognild and Williams - 5.

Excused: Senators Bluechel, Cantu, Hochstatter, McCaslin, Moyer, Niemi and Talmadge - 7.

ENGROSSED SENATE BILL NO. 6242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6339, by Senators Sheldon, Amondson, Moore, Morton, Snyder, Gaspard, Skratek, Loveland, Quigley, Fraser, Drew, Hargrove, McAuliffe, Franklin, Haugen, Williams, Spanel, M. Rasmussen, Pelz, A. Smith, Wojahn, Winsley and Ludwig

Facilitating growth management planning and decisions, integration with related environmental laws, and improving procedures for cleanup of hazardous waste sites.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6339 was substituted for Senate Bill No. 6339 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendment was adopted:

On page 5, line 36, after "mail" insert "or provide in person"

MOTIONS

On motion of Senator Fraser, the following amendment by Senators Haugen and Fraser was adopted:

On page 23, after line 10, insert the following:

"(4) The task force shall review the reports prepared by the Local Governance Study Commission, created by chapter 388, Laws of 1985, in conducting its investigation of the permit processing subjects required by this section."

Renumber subsections consecutively

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6339.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6339 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Bluechel, Cantu, Hochstatter, McCaslin, Moyer, Niemi and Talmadge - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 7:04 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Monday, February 14, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-FOURTH DAY, FEBRUARY 12, 1994

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

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 14, 1994

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bluechel, Cantu, Deccio, Erwin, Ludwig, McAuliffe, McCaslin, McDonald, Moyer, Niemi, Owen, Pelz, Prince, Rasmussen, Skratek, Linda Smith, Talmadge and West. On motion of Senator Oke, Senators Anderson, Bluechel, Cantu, Deccio, Erwin, McCaslin, McDonald, Moyer, Prince, Linda Smith and West were excused. On motion of Senator Loveland, Senators Niemi, Owen, Pelz and Skratek were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brenna Brandsma and Thomas Haggerty, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 11, 1994

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1940,
ENGROSSED HOUSE BILL NO. 2161,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2163,
SUBSTITUTE HOUSE BILL NO. 2164,
SUBSTITUTE HOUSE BILL NO. 2180,
SECOND SUBSTITUTE HOUSE BILL NO. 2210,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2256,
SECOND SUBSTITUTE HOUSE BILL NO. 2359,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2798,
SUBSTITUTE HOUSE BILL NO. 2813, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 12, 1994

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 2453,
SUBSTITUTE HOUSE BILL NO. 2582,
SUBSTITUTE HOUSE BILL NO. 2614,
SECOND SUBSTITUTE HOUSE BILL NO. 2616,
HOUSE BILL NO. 2619,
HOUSE BILL NO. 2743,
SUBSTITUTE HOUSE BILL NO. 2760,
HOUSE BILL NO. 2791,
HOUSE BILL NO. 2867, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1182 by House Committee on Education (originally sponsored by Representatives Brumsickle, Karahalios, Dorn, Chandler, Peery, G. Cole, Zellinsky, Chappell, Jacobsen, Basich, Carlson, Wood, B. Thomas, Brough, Cothorn, Van Luven, Johanson, Shin, Jones, Morton, Ballard, Padden, Fuhrman, Sheahan, Talcott, Schoesler, Long, Eide, Flemming, Wang, Horn, Mielke, Tate, Springer, Cooke, Dyer, Leonard, Foreman, Vance, Pruitt and Finkbeiner)

Allowing retired teachers to work in educational institutions for ninety days per school year without a reduction in benefits.

Referred to Committee on Education.

ESHB 1940 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives Orr, King, Springer and Morris)

Establishing fishing guide licenses for Oregon residents.

Referred to Committee on Natural Resources.

EHB 2161 by Representatives Conway, King, Veloria, Heavey, Campbell, Orr, Wineberry, J. Kohl, Chappell and Anderson

Prohibiting disciplining public employees because of labor disputes.

Referred to Committee on Labor and Commerce.

ESHB 2163 by House Committee on Human Services (originally sponsored by Representatives Ogden, Silver, Valle, Dunshee, Fuhrman, Carlson, H. Myers and Leonard) (by request of Legislative Budget Committee)

Providing for assessment of residential habilitation center residents.

Referred to Committee on Health and Human Services.

SHB 2164 by House Committee on Human Services (originally sponsored by Representatives Sommers, Ogden, H. Myers and Leonard) (by request of Legislative Budget Committee)

Repealing the permanent establishment of residential habilitation centers.

Referred to Committee on Ways and Means.

SHB 2180 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Ogden, Thibaudeau and J. Kohl)

Revising provisions relating to appointment of guardians ad litem.

Referred to Committee on Health and Human Services.

2SHB 2210 by House Committee on Appropriations (originally sponsored by Representatives Cothorn, L. Johnson, Sommers, J. Kohl, Jacobsen, Ogden, Rust, Ballasiotes, Long and Wang)

Creating a thirtieth community and technical college district.

Referred to Committee on Higher Education.

ESHB 2256 by House Committee on State Government (originally sponsored by Representatives Valle, Shin, Sheldon, Flemming, Springer, Johanson, Wineberry, Campbell, Veloria, Conway, J. Kohl and Morris)

Creating the office of Washington state trade representative.

Referred to Committee on Trade, Technology and Economic Development.

2SHB 2359 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Patterson, Mielke, Basich, Ballard, Linville, L. Thomas, Long, Horn, Sommers, Sehlin, Dorn, Brumsickle, Foreman, Wineberry, Brough, Talcott, Van Luven, Sheahan, Fuhrman, Edmondson, B. Thomas, Caver, Wood, Forner, Schoesler, Silver, Padden, Dyer, Dunshee, Backlund, Chandler, Quall, Jones, Shin, Eide, Tate and McMorris)

Creating a job placement program for public assistance recipients.

Referred to Committee on Health and Human Services.

EHB 2453 by Representatives Dunshee, Cooke, L. Johnson and Cothorn

Establishing a mental health service delivery systems pilot project.

Referred to Committee on Health and Human Services.

SHB 2582 by House Committee on Revenue (originally sponsored by Representatives Sheldon and Holm)

Affecting leasehold excise taxes.

Referred to Committee on Ways and Means.

SHB 2614 by House Committee on Commerce and Labor (originally sponsored by Representatives King, Lisk, G. Cole, Foreman, Chandler, Brough, Dyer, Silver and Van Luven)

Allowing self-insured employers to close disability claims after July 1990.

Referred to Committee on Labor and Commerce.

2SHB 2616 by House Committee on Capital Budget (originally sponsored by Representatives Linville, Horn, Rust, Foreman, Kremen, B. Thomas, Roland, Van Luven, Basich, Karahalios, Holm, Hansen, L. Johnson, Peery, J. Kohl, Bray, Flemming, Pruitt, Edmondson, Forner, Valle, Shin, R. Meyers, Ogden, Dunshee, Wolfe, Sheldon, Jones, Brough, Sheahan, Romero, Chappell, Dyer, Springer, King, Cothorn and Long)

Directing the department of health to test ground water in order to seek waivers under the safe drinking water act.

Referred to Committee on Ecology and Parks.

HB 2619 by Representatives Schmidt, Zellinsky, Wood, Kremen and J. Kohl

Encouraging alternative fuel in taxicabs.

Referred to Committee on Transportation.

ESHB 2660 by House Committee on Judiciary (originally sponsored by Representatives Anderson and Reams) (by request of Secretary of State)

Concerning corporations that may make assessments based on real property value.

Referred to Committee on Law and Justice.

ESHB 2676 by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Reams, Anderson, Patterson, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, G. Cole, Moak, Valle, H. Myers, Kremen, Silver, Kessler, Conway, Cothorn, Morris, Rayburn and J. Kohl) (by request of Governor Lowry)

Restructuring boards, committees, commissions, and councils.

Referred to Committee on Government Operations.

HB 2743 by Representatives Sommers, Silver, Dorn and King (by request of Superintendent of Public Instruction and Office of Financial Management)

Changing provisions relating to health services provided by school districts.

Referred to Committee on Ways and Means.

SHB 2760 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Zellinsky, Schmidt, Wood, Sheldon, R. Meyers, Jones, Sehlin and Kessler)

Authorizing sales tax equalization for transit systems.

Referred to Committee on Transportation.

HB 2791 by Representatives R. Johnson, Dyer, L. Thomas, B. Thomas, Foreman, Forner and Silver

Revising provisions relating to nursing home cost reports and audits.

Referred to Committee on Health and Human Services.

E2SHB 2798 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Thibaudeau, Cooke, Peery, Silver, Dorn, R. Meyers, Talcott, Valle, Carlson, Dunshee, Linville, Rust, Ballasiotes, Sehlin, Jacobsen, Foreman, Wolfe, Wineberry, Mastin, G. Fisher, Grant, Campbell, Brough, L. Thomas, B. Thomas, Lisk, McMorris, Chandler, Wood, Schoesler, Sheldon, Rayburn, Kremen, Brumsickle, Holm, Roland, Pruitt, Jones, Flemming, Horn, Kessler, Long, Shin, Moak, Finkbeiner, Quall, Conway, Springer, Tate, Mielke and Johanson)

Making major changes to the welfare system.

Referred to Committee on Health and Human Services.

SHB 2813 by House Committee on Commerce and Labor (originally sponsored by Representatives Romero, Veloria, Caver, Wolfe and Bray) (by request of Department of General Administration)

Revising provisions relating to public works contracts with the state.

Referred to Committee on Government Operations.

HB 2867 by Representatives Kessler, Chandler, Kremen, Finkbeiner, Long, Casada, Bray and Foreman

Exempting federally licensed dams from state regulation.

Referred to Committee on Energy and Utilities.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9329, Seth Dawson, as a member of the Sentencing Guidelines Commission, was confirmed.

CONFIRMATION OF SETH DAWSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 30; Nays, 0; Absent, 4; Excused, 15.

Voting yea: Senators Amondson, Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Moore, Morton, Nelson, Newhouse, Oke, Prentice, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 30.

Absent: Senators Ludwig, McAuliffe, Rasmussen, M. and Talmadge - 4.

Excused: Senators Anderson, Bluechel, Cantu, Deccio, Erwin, McCaslin, McDonald, Moyer, Niemi, Owen, Pelz, Prince, Skratek, Smith, L. and West - 15.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9310, Scott D. Oki, as a member of the Board of Regents for the University of Washington, was confirmed.

MOTION

On motion of Senator Drew, Senators Ludwig and Talmadge were excused.

CONFIRMATION OF SCOTT D. OKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, Moore, Morton, Nelson, Newhouse, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 36.

Excused: Senators Cantu, Erwin, Ludwig, McCaslin, McDonald, Moyer, Niemi, Owen, Prince, Skratek, Smith, L., Talmadge and West - 13.

MOTION

At 8:22 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:27 a.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate advanced to the eight order of business.

MOTION

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

SENATE RESOLUTION 1994-8666

By Senators Wojahn, Ludwig, McAuliffe, Haugen, Williams, Spanel and Sheldon

WHEREAS, The Senate finds and declares that the academic studies students undertake in school are the fundamental reason for the commitment of our government and people to education; and

WHEREAS, Knowledge of history is of basic importance to an informed citizenry within a nation whose societal, political and judicial processes operate with constant reference to the past; and

WHEREAS, Innovative and successful programs to interest students in history should be recognized and encouraged; and

WHEREAS, Students from the state of Washington participate each year in just such an innovative program, the annual National History Day competition; and

WHEREAS, Washington State students, guided by dedicated and enthusiastic teachers and aided by their parents or guardians, consistently have attained the highest ranks in the National History Day competition; and

WHEREAS, In 1993, a number of students won first and second places at the Washington State contest and went on to represent our state at the contest in Washington, D.C.:

- o Lee Witscher, Arlington Post Middle School;
- o Samar Al-Bulushi, Emily Brand, Hoku Gearheard, Caitlin Gerdts, Tracy Nishimura, Michael O'Connor, Kate Pettit, Erik Sperling, and Windy Wilkins, Commodore Middle School, Bainbridge Island;
- o Aaron Duke, Peter Forshall, Scott Furlan, Rick Hill, and Joshua Wessel, Olympic High School, Bremerton
- o Karlyn Bott, Aysha Cromeenes, Marcella Dokson, Jennifer Moehl, Lindsey Peterson, Jeri Regan, Ginger Stratton, Geoffrey Tamman, Michelle Taylor, Jody Tiffany, Scott Whipple and Robb Williamson, Burlington Schools;
- o Carly Althausser, Cassie Althausser, Brenda Belmont, Jama Braden and Katrina Smith, Centralia Middle School;
- o Jon Crimmins, Keith Dunnagan, Susan Mathis, Owen Stanwood, and Cody West Coupeville High School
- o Althea Cawley-Murphree, Ellensburg Home School;
- o Jennifer Drury and Jenny Laukala, Enumclaw High School
- o Jeff Whiting, Desert Hills Middle School, Kennewick;
- o Franky Huff, Timm Nelson, Brandon Stevens, Steve Van Selus, Centennial Elementary School, Mt. Vernon
- o Elizabeth Rivard and Karen Scorup, Othello High School
- o Leann White and Kyrsten Stoops, Lewis and Clark Elementary School, Richland
- o Jennifer Kiest, Shorecrest High School, Seattle
- o Carrie Terpstra, Shorewood High School, Seattle
- o Nathanael O'Hara, Sequim High School
- o Erin Wagner, Snohomish High School
- o Amy Johnson and Jessica Hunn, Spanaway Lake High School;
- o Cecilia Thompson, Enumclaw Jr. High School

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize the achievements of these students, their teachers, and parents, and extend heartfelt congratulations and appreciation on behalf of the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to these honored students and the administrators of their schools.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the National History Day winners who were seated in the gallery.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6373, by Senators A. Smith, Nelson, Oke and Haugen

Imposing liability for smoking in nonsmoking accommodations or lodgings.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6373.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6373 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Cantu and McCaslin - 2.

SENATE BILL NO. 6373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

2

SENATE BILL NO. 6046, by Senators A. Smith, Nelson, Quigley, Erwin, Winsley, Haugen, Pelz, Oke, McAuliffe and Roach

Making the third offense for driving or physical control of a vehicle while under the influence a felony.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6046 was substituted for Senate Bill No. 6046 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6046.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6046 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Cantu and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced and welcomed United States Congressman Al Swift who was seated on the rostrum. With permission of the Senate, business was suspended to permit Congressman Swift to address the Senate.

SECOND READING

SENATE BILL NO. 6047, by Senators A. Smith, Quigley and Oke

Revising provisions relating to crimes involving alcohol, drugs, or mental problems.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6047 was substituted for Senate Bill No. 6047 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6047.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6047 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 39.

Voting nay: Senators Moore, Morton, Newhouse, Niemi, Rinehart, Skratek, Vognild and Williams - 8.

Absent: Senator Deccio - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6255, by Senators Talmadge, Wojahn, Haugen, Winsley and McAuliffe (by request of Attorney General)

Changing provisions relating to children removed from the custody of parents.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Talmadge was adopted:

On page 14, line 11, after "court" strike "may" and insert "shall"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6303, by Senators Quigley, Haugen, Snyder, McAuliffe, Roach, Franklin, McDonald, Hargrove, Pelz, Bauer, Wojahn, Williams, Prentice, Sheldon, Loveland, Skratek, Owen, Ludwig, Sutherland, A. Smith, Winsley, Spanel, West, Moyer, Vognoild, M. Rasmussen, Oke, Anderson and Drew

Providing for the elimination of state boards and commissions.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6303 was substituted for Senate Bill No. 6303 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares there has been an excessive proliferation of boards and commissions within state government. These boards and commissions are often created without legislative review or input and without an assessment of whether there is a resulting duplication of purpose or process. Once created, they frequently duplicate the duties of existing governmental entities, create additional expense, and obscure responsibility. It has been difficult to control the growth of boards and commissions because of the many special interests involved. Accordingly, the legislature establishes the process in this chapter to eliminate redundant and obsolete boards and commissions and to restrict the establishment of new boards and commissions.

NEW SECTION. Sec. 2. (1) The governor shall conduct a review of all of the boards and commissions identified under section 4 of this act and, by January 1, 1995, submit to the legislature a report recommending which boards and commissions should be terminated or consolidated based upon the criteria set forth in subsection (3) of this section. The report must state which of the criteria were relied upon with respect to each recommendation. The governor shall submit an executive request bill by January 10, 1995, to implement the recommendations by expressly terminating the appropriate boards and commissions and by providing for the transfer of duties and obligations under this section. The governor shall accept and review with special attention recommendations made, not later than June 1, 1994, by the standing committees of the legislature.

(2) In addition to terminations and consolidations under subsection (1) of this section, the governor may recommend the transfer of duties and obligations from a board or commission to another existing state entity.

(3) In preparing his or her report and legislation, the governor shall make an evaluation based upon answers to the questions set forth in this subsection. The governor shall give these criteria priority in the order listed.

(a) Has the mission of the board or commission been completed or ceased to be critical to effective state government?

(b) Does the work of the board or commission directly affect public safety, welfare, or health?

(c) Can the work of the board or commission be effectively done by another state agency without adverse impact on public safety, welfare, or health?

(d) Will termination of the board or commission have a significant adverse impact on state revenue because of loss of federal funds?

(e) Will termination of the board or commission save revenues, be cost neutral, or result in greater expenditures?

(f) Is the work of the board or commission being done by another board, commission, or state agency?

(g) Could the work of the board or commission be effectively done by a nonpublic entity?

(h) Will termination of the board or commission result in a significant loss of expertise to state government?

(i) Will termination of the board or commission result in operational efficiencies that are other than fiscal in nature?

(j) Could the work of the board or commission be done by an ad hoc committee?

NEW SECTION. Sec. 3. The legislature shall consider and enact or not enact the legislation requested by the governor under section 2 of this act in accordance with the rules of each house, except that either house of the legislature may not add to or delete from the list of boards and commissions as requested by the governor unless done so by a unanimous vote of the members voting. The legislature may adopt such technical amendments as are necessary by a majority vote.

NEW SECTION. Sec. 4. The boards and commissions to be reviewed by the governor must be all entities that are required to be included in the list prepared by the office of financial management under RCW 43.88.505, other than entities established under: (1) Constitutional mandate; (2) court order or rule; (3) requirement of federal law; or (4) requirement as a condition of the state or a local government receiving federal financial assistance if, in the judgment of the governor, no other state agency, board, or commission would satisfy the requirement.

NEW SECTION. Sec. 5. A new section is added to chapter 43.88 RCW to read as follows:

(1) A new board or commission not established or required in statute that must be included in the report required by RCW 43.88.505 may not be established between the effective date of this section and December 31, 1997, without the express approval of the director of financial management. The director shall, before the first Monday of January each year, submit to the legislature a list of those boards and commissions that were requested for approval and those that were approved during the preceding calendar year.

(2) Effective July 1, 1995, the total number of boards and commissions approved by the director of financial management may not exceed the difference between the number of boards and commissions terminated under section 2 of this act and any boards and commissions created by the legislature.

NEW SECTION. Sec. 6. A new section is added to chapter 43.88 RCW to read as follows:

When acting on a request to establish a new board or commission under section 5 of this act, the director of the office of financial management shall consider the following criteria giving priority in the order listed:

(1) If approval is critical to public safety, health, or welfare or to the effectiveness of state government;

(2) If approval will not result in duplication of the work or responsibilities of another governmental agency;

(3) If approval will not have a significant impact on state revenues;

(4) If approval is for a limited duration or on an ad hoc basis;

(5) If the work of the board or commission could be effectively done by a nonpublic entity;

(6) If approval will result in significant enhancement of expertise in state government; and

(7) If approval will result in operational efficiencies other than fiscal savings.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 2 of this act;

(2) Section 3 of this act; and

(3) Section 4 of this act.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 1 of this act;

(2) Section 5 of this act; and

(3) Section 6 of this act.

NEW SECTION. Sec. 9. (1) Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 7 of this act shall take effect December 31, 1995.

(3) Section 8 of this act shall take effect January 1, 1997."

MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "commissions;" strike the remainder of the title and insert "adding new sections to chapter 43.88 RCW; creating new sections; providing effective dates; and declaring an emergency."

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 6303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Drew, Senator Ludwig was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6303.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6303 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Ludwig and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6309, by Senators Vognild and Sellar (by request of Washington State Patrol)

Modifying state patrol funding.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6309 was substituted for Senate Bill No. 6309 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 6309 was deferred.

SECOND READING

SENATE BILL NO. 6561, by Senators Skratek and Bluechel (by request of Department of Trade and Economic Development)

Expanding the marketplace program.

MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 6561 was substituted for Senate Bill No. 6561 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, the rules were suspended, Substitute Senate Bill No. 6561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6561.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6561 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6141, by Senators Talmadge, Moyer, Gaspard, Sellar, Wojahn and Winsley

Changing the start up date of the new composition for the public employees' benefits board.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6309, deferred earlier today.

MOTIONS

On motion of Senator Vognild, the following amendments were considered simultaneously and were adopted:

On page 1, line 14, following "vehicles," strike "vehicles using dealer plates."

On page 2, beginning on line 3, strike "vehicles using dealer plates."

On page 6, following line 4, insert the following:

"Sec. 5. RCW 46.70.061 and 1990 c 250 s 65 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Five hundred dollars;

(b) Vehicle dealers, each subagency: fifty dollars;

temporary subagency: twenty-five dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Two hundred fifty dollars;

(b) Vehicle dealers, each and every subagent: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for original vehicle dealer license plates shall be thirty-one dollars and thirty-five cents and manufacturer license plates shall be ((the amount required by law for vehicle license plates, exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees)) thirty-two dollars and eighty-five cents. The fee for renewal vehicle dealer license plates and manufacturer license plates shall be twenty-five dollars and eighty five cents.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW."

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Vognild, the following amendment was adopted:

On page 9, line 11 after "**Sec. 8.**" strike all material through line 15 and insert the following:

"In the event that any court enters a final order invalidating or remanding any section or sections of this act on the grounds that it does not comply with chapter 2, section 13, laws of 1994, it is the intent of the legislature that this measure be submitted to the people for their adoption, ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:
On page 1, line 2 of the title, after "46.68.035," insert "46.70.061"
On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 6309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTION

On motion of Senator Cantu, Senator Bluechel was excused.

POINT OF INQUIRY

Senator Deccio: "Senator Vognild, how many more troopers will this provide than are now being provided under the present system? Is this a round number?"
Senator Vognild: "Yes, it is my understanding that we should be hiring in the neighborhood of sixty to seventy troopers to maintain the ratio of troopers to cars, to drivers, etc, in the next biennium. That is a low number by the way. Without the bill, we not only wouldn't be hiring those, we would be losing thirty and possibly more troopers from the road."
Senator Deccio: "Thank you."
Further debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6309.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6309 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.
Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.
Voting nay: Senators Amondson, Cantu, McDonald and Smith, L. - 4.
Excused: Senators Bluechel and McCaslin - 2.
ENGROSSED SUBSTITUTE SENATE BILL NO. 6309, having received the constitutional majority, was declared passed.
There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Haugen, Senator Vognild was excused.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, by Committee on Law and Justice (originally sponsored by Senators Fraser, Winsley and A. Smith

Limiting residential time in parenting plans and visitation orders for abusive parents.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5061.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Bluechel, McCaslin and Vognild - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 6493, by Senators Sutherland, Amondson and Ludwig

Integrating the state energy strategy into statute.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:

On page 5, after line 2, strike everything through line 10 and insert the following:

"The office shall review the state energy strategy as developed under section 1, chapter 201, Laws of 1991, periodically with the guidance of an advisory committee. The advisory committee shall be established in accordance with the membership requirements and procedures set forth in RCW 43.21F.047(1). Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, a written report shall be conveyed by the office to the governor and the appropriate legislative committees."

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6493.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Anderson, Hochstatter, Newhouse, Oke, Roach, Schow, Smith, L. and West - 8.

Absent: Senator Rinehart - 1.

Excused: Senators McCaslin and Vognild - 2.

ENGROSSED SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Prince was excused.

SECOND READING

SENATE BILL NO. 6568, by Senators Bauer and Skratek

Creating the pension improvement account.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6568.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6568 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator McDonald - 1.

Excused: Senators McCaslin and Prince - 2.

SENATE BILL NO. 6568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6600, by Senators Owen, Skratek, Franklin, McAuliffe, M. Rasmussen, Haugen, Fraser, Sheldon, Moore, Gaspard, Snyder, Sutherland, Oke and Winsley

Relating to an analysis of property tax systems.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6600 was substituted for Senate Bill No. 6600 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6600.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, Newhouse, Roach, Schow, Smith, L. and West - 12.

Excused: Senators McCaslin and Prince - 2.

SUBSTITUTE SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGE FROM THE GOVERNOR

February 10, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard G. Thompson, Jr., appointed February 10, 1994, for a term ending July 1, 1994, as a member of the Transportation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:12 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9425, Barney A. Goltz, as a member of the State Board for Community and Technical Colleges, was confirmed.

Senators Spanel and Anderson spoke to the confirmation of Barney A. Goltz as a member of the State Board for Community and Technical Colleges.

CONFIRMATION OF BARNEY A. GOLTZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 8; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Morton, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 39.

Absent: Senators Hargrove, Hochstatter, Moore, Moyer, Niemi, Smith, L., West and Winsley - 8.

Excused: Senators McCaslin and Prince - 2.

MOTIONS

On motion of Senator Oke, Senators Hochstatter and Moyer were excused.

On motion of Senator Drew, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 6061, by Senators Vognild, Winsley, Haugen and Sellar

Revising provisions relating to special elections to validate excess levies or bond issues.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6061.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6061 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Drew, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 37.

Voting nay: Senators Bauer, Bluechel, Erwin, Franklin, Morton, Sheldon, Skratek and Wojahn - 8.

Excused: Senators Hochstatter, McCaslin, Moore and Moyer - 4.

SENATE BILL NO. 6061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6195, by Senators Prentice, Moore, McAuliffe, West, Franklin, Ludwig, Roach, Fraser, Bauer, Vognild and Pelz

Modifying enforcement authority of the public employment relations commission.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Nelson, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Anderson, Bluechel, Cantu, Deccio, McDonald, Morton, Newhouse, Oke, Prince and Smith, L. - 10.

Excused: Senators Hochstatter, McCaslin, Moore and Moyer - 4.

SUBSTITUTE SENATE BILL NO. 6195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6206, by Senators Owen, Oke, Hargrove, Erwin and Haugen

Creating the warm water game fish enhancement program.

MOTIONS

On motion of Senator Owen, Second Substitute Senate Bill No. 6206 was substituted for Senate Bill No. 6206 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Second Substitute Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Oke: "Senator Owen, is this money in a dedicated account? There is some concern about that."

Senator Owen: "Yes, as a matter of fact, to me that was one of the most important things that we did last year, and that we are doing with this bill, is that we are placing it into a dedicated account, so that it has to be used, specifically, for the purpose that we have outlined in this bill--and it remained even in the substitute--in a dedicated account."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6206.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Morton, Prince, Roach, Smith, L., Sutherland and Vognild - 10.

Excused: Senators Hochstatter and McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6009, by Senators Fraser and Franklin

Modifying waste tire recycling provisions.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on second reading and read the second time.

Senator Morton moved that the following amendment be adopted:

On page 6, line 25, after "exceed" strike "ten" and insert "eighteen"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 6, line 25, to Substitute Senate Bill No. 6009.

The motion by Senator Morton carried and the amendment was adopted.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Senator Fraser, I see in one part of the bill that it limits retail outlets to two thousand cubic feet of storage space. That is ten by ten by twenty. Some of the retail outlets go through that much space in literally a week or so. What does that require them to do?"

Senator Fraser: "The storage provisions in the bill were developed through a waste tire advisory committee and the whole bill is intended to operate to put pressure on all people in the tire system to be responsible for assuring that the tires they dispose of go to a proper disposal site, which would include selling to users. The person who sells tires and collects waste tires in the process needs to, under this bill, know that they are dealing with a proper disposal agent and that disposal agent needs to be responsible for assuring that they get to a proper site and we don't have these big tire piles growing again."

Senator Bluechel: "A second question, Senator. Is there a tire recycler in the state that actually uses the products from tires or do they have to ship them out of state?"

Senator Fraser: "There are some people in this state who will buy tires; there are some that go down to Oregon and some to other states. It has been a serious problem to develop--to find markets and to encourage markets for the use of waste tires. It has been one of the purposes of at least a little bit of the money from this fee--is to help encourage these markets."

Senator Bluechel: "I'm not sure I got the question answered. Is there a facility in the state that will recycle tires--make them into something else or do the tires have to be shipped out of state?"

Senator Fraser: "One of the big uses of tires is waste to energy, so there are some manufacturing firms in this state who will take these and use them for waste to energy. There are minor reuses of rubber for other rubber products. Marketing is a problem and this bill does encourage further development of markets--and it is a problem."

Senator Bluechel: "Thank you."

POINT OF INQUIRY

Senator Anderson: "Senator Fraser, my question, I guess, is along the lines of Senator Bluechel's. Of the money collected over the last five years, do you know how much money that was--and of that money, how much has actually gone to try to either site some recycling facility or deal with the instream--the final product--rather than just take the tires and shift them around to different places? I think that is the big concern that we are charging people and the money is there, but are we actually finding a different use for them as an end product, rather than shifting them to some other stock piling place?"

Senator Fraser: "I don't have the figures in front of me right now, but the majority of the money, as I understand it, has been used to either clean up the piles and dispose of the tires or to, for example, chipping them down to small sizes. Then, a small part of the money has gone to research market opportunities for this material."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6009.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6009 and the bill failed to pass the Senate by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Deccio, Franklin, Fraser, Gaspard, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Talmadge, Williams and Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Skratek, Smith, L., Sutherland, Vogt, West and Winsley - 28.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6009, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Amondson served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 6009 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 6411, by Senators Sutherland and Ludwig (by request of Utilities and Transportation Commission)

Changing provisions relating to regulation of securities issued by regulated utilities and transportation companies.

The bill was read the second time.

MOTIONS

On motion of Senator Hargrove, the following amendments were considered simultaneously and were adopted:

On page 2, line 28, after "~~unreasonable.~~)" insert "(1)"

On page 2, at the beginning of line 33, strike "(1)" and insert "(a)"

On page 2, at the beginning of line 37, strike "(2)" and insert "(b)"

On page 3, at the beginning of line 1, strike "(3)" and insert "(c)"

On page 3, after line 2, insert the following:

"(2) Any armored car service, as defined in RCW 81.80.010, that files the documents required in this section is exempt from any requirement to obtain any further authority under this title or Title 81 RCW solely for purposes of acting in the capacity of an armored car service.

Sec. 2. RCW 81.80.010 and 1989 c 60 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Person" means and includes an individual, firm, copartnership, corporation, company, or association or their lessees, trustees, or receivers.

(2) "Motor vehicle" means any truck, trailer, semitrailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load, or any self-propelled or motor-driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail, and express transported on the vehicles of auto transportation companies carrying passengers.

(3) "Public highway" means every street, road, or highway in this state.

(4) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies, and excluding armored car services.

(5) "Contract carrier" includes all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in paragraph (4) and paragraph (6), and further includes any person who under special and individual contracts or agreements transports property by motor vehicle for compensation, but excludes armored car services.

(6) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee, or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith.

(7) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as herein defined.

(8) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(9) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

(10) "Commercial zone" means an area encompassing one or more cities or towns and environs adjacent thereto established pursuant to RCW 81.80.400.

(11) "Terminal area" means an area including one or more cities or towns and environs adjacent thereto established pursuant to RCW 81.80.400.

(12) "Common carrier" and "contract carrier" include((s)) persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders, but do not include armored car services.

(13) "Armored car service" means a company operating primarily to transport currency, coins, negotiable instruments, or precious metals."

Remember the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 3 of the title, after "80.08.040," insert "81.80.010,"

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 6411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6411.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6411 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 6411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Linda Smith was excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5918, by Senate Committee on Transportation (originally sponsored by Senators Drew, Sellar, Vognild, Bluechel and Winsley)

Allowing ride-sharing incentives to include cars.

MOTIONS

On motion of Senator Vognild, Third Substitute Senate Bill No. 5918 was substituted for Substitute Senate Bill No. 5918 and the third substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Third Substitute Senate Bill No. 5918 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5918.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5918 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Smith, L. - 2.

THIRD SUBSTITUTE SENATE BILL NO. 5918, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6507, by Senators Vognild, Prince, Morton, Loveland, M. Rasmussen and Winsley

Eliminating a reference to public highways regarding railroad crossings.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6507 was substituted for Senate Bill No. 6507 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6507.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6507 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Haugen and Prentice - 2.

Absent: Senator Amondson - 1.

Excused: Senators McCaslin and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 6507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Cantu, Senator Amondson was excused.

SECOND READING

SENATE BILL NO. 6458, by Senators Williams, Prentice, Pelz, Vognild and Moore

Prohibiting credit history from being used in determining eligibility or rates for automobile insurance.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 6458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6458.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6458 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rinehart, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 25.

Voting nay: Senators Anderson, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, West and Winsley - 21.

Excused: Senators Amondson, McCaslin and Smith, L. - 3.

SENATE BILL NO. 6458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6532, by Senators Wojahn, Talmadge, Deccio, Moore, Moyer, Spanel, M. Rasmussen and Oke

Changing provisions relating to release of criminally insane persons.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 6532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6532.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6532 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, McCaslin and Smith, L. - 3.

SENATE BILL NO. 6532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8667

By Senators Rasmussen, Haugen, Drew, Anderson, Sellar, Sutherland, Pelz, Sheldon, McAuliffe, Loveland, Erwin, Quigley, Wojahn, Franklin, Skratek, Spanel, Fraser, Gaspard, Roach and Snyder

WHEREAS, Congress established the Cooperative Extension System at State Land Grant Universities in 1916; and
WHEREAS, 4-H Youth Development grew out of that system as an organization dedicated to promoting the education and civic involvement of this nation's young people; and

WHEREAS, 4-H Youth Development in conjunction with the Cooperative Extension System today has more than five million members in eighty-three countries around the world, all fifty states and all thirty-nine counties in Washington State; and

WHEREAS, 4-H Youth Development has expanded its focus in recent years to serve young people from urban areas as well as rural communities; and

WHEREAS, 4-H members can today choose projects in such varied fields as animal sciences, social sciences, mechanical sciences, natural resources, environmental stewardship, plant sciences, family living and the expressive arts; and

WHEREAS, Cooperative extension agents and program assistants from Washington State University, working together with community volunteers, have contributed to the education and personal development of thousands of young people and adults in Washington State; and

WHEREAS, More than one hundred-fifty 4-H members from around the state are currently visiting the state capitol as part of a state-wide education program titled "4-H Know Your Government";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby welcome those delegates, along with the extension agents, program assistants and adult volunteers involved in the "Citizenship Project," to Olympia; and

BE IT FURTHER RESOLVED, That the Senate recognizes the value of that project along with all the programs that Washington State University's Cooperative Extension 4-H Youth Development sponsored over the years to prepare young people and adults for the challenges and responsibilities of adult life.

Senators Rasmussen, Anderson and Gaspard spoke to Senate Resolution 1994-8667.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 4-H members who were seated in the gallery.

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

SECOND READING

SENATE BILL NO. 6371, by Senators Bauer, Prince, Sheldon, Winsley and Drew

Changing provisions relating to higher education degree-granting authority.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6371 was substituted for Senate Bill No. 6371 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6371.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Ludwig - 1.

Excused: Senators Amondson and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 2:41 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:52 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5154, by Senator Winsley

Concerning the maintenance in mobile home parks.

The bill was read the second time.

MOTIONS

On motion of Senator Winsley, the following amendment by Senators Winsley and Moore was adopted:

On page 2, after line 20, strike all of New Section. Sec. 2

Renumber remaining sections consecutively

On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 2, strike "creating a new section;"

MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5154.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Cantu, Morton and West - 3.

Absent: Senators McDonald and Roach - 2.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 6013, by Senators Haugen, Winsley, Skratek, Vognild, Snyder, Sheldon, McAuliffe and Ludwig

Changing provisions relating to fire protection services.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6013 was substituted for Senate Bill No. 6013 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.52.043 and 1993 c 337 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state under RCW 84.52.065 shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by the state under section 2 of this act shall not exceed two cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for state fire protection services; (c) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; ~~((e))~~ (d) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars

of assessed value; and ~~((d))~~ (e) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

NEW SECTION. Sec. 2. A new section is added to chapter 84.52 RCW to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for state fire protection responsibilities within the department of community, trade, and economic development a tax of two cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state, except classified or designated forest land under chapter 84.33 RCW, adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

NEW SECTION. Sec. 3. A new section is added to chapter 84.52 RCW to read as follows:

When a county assessor finds that the aggregate of all regular tax levies upon real and personal property by the state and all taxing districts other than a port or public utility district exceeds the limitation set forth in RCW 84.52.050, the assessor shall recompute and establish a consolidated levy as follows:

(1) If the limitation is exceeded only as a result of the levy authorized in section 2 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department, the certified property tax levy rates authorized under RCW 84.52.043(1)(e) and 52.16.140 shall be reduced on a pro rata basis until the limitation is not exceeded;

(2) If the limitation is exceeded as a result of both the levy authorized in section 2 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department and other tax levies, the pro rationing process provided in RCW 84.52.010 shall be followed until the limitation is exceeded only as a result of the levy authorized in section 2 of this act, and the consolidated levy shall then be further reduced in accordance with subsection (1) of this section.

NEW SECTION. Sec. 4. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 84.52.043; adding new sections to chapter 84.52 RCW; and providing for submission of this act to a vote of the people."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6013.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6013 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Cantu, Morton and Smith, L. - 3.

Excused: Senators McCaslin and McDonald - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Haugen served notice that she would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 6013 passed the Senate.

SECOND READING

SENATE BILL NO. 6305, by Senators Snyder, Skratek, Roach, Nelson, Loveland, West, Winsley and M. Rasmussen

Revising the process for obtaining a variance from the minor employment law.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6305 was substituted for Senate Bill No. 6305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 6305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and McDonald - 2.

SUBSTITUTE SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6264, by Senators Sutherland, Oke and Fraser

Authorizing a regional compact for restoring salmon runs.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6264 was substituted for Senate Bill No. 6264 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Sutherland, one of the questions I had about the original bill was Washington's ability to respond in Washington's unique manner. I was concerned about getting hooked into the regional plan and, therefore, the other states forcing Washington to do something. Is that corrected in the substitute?"

Senator Sutherland: "I believe so. This is all a voluntary issue on the state of Washington's part. Cooperatively, we will work with the others. I don't know the situation that you are referring to, Senator Anderson."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6264 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6053, by Senators Loveland, Snyder and Haugen

Modifying procedure for providing assistance to county assessors.

MOTIONS

On motion of Senator Drew, Second Substitute Senate Bill No. 6053 was substituted for Senate Bill No. 6053 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Second Substitute Senate Bill No. 6053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6053.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6053 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Hochstatter, McDonald, Morton, Nelson, Newhouse, Oke, Roach, Schow and Smith, L. - 13.

Excused: Senator McCaslin - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8031, by Senators Fraser, Deccio, Talmadge, Morton, McCaslin and Roach

Requesting the National Park Service to preserve Sunrise Lodge.

The joint memorial was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Joint Memorial No. 8031 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8031.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8031 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SENATE JOINT MEMORIAL NO. 8031, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6557, by Senator Hargrove

Revising provisions relating to correctional industries work programs.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6557 was substituted for Senate Bill No. 6557 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6557.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6557 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator McAuliffe - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5319, by Senators Fraser, Barr, Bluechel, Talmadge, Winsley, Moore, Prince and Deccio

Freeing the base for transfers of marine and nonhighway fuel taxes.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5319 was substituted for Senate Bill No. 5319 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Roach: "Senator Fraser, for further clarification, where does the unclaimed money go now?"

Senator Fraser: "At the current time, with regards to this--"

Senator Roach: "The money that could be reclaimed or received by the person who buys gasoline fuel for a boat for excursion or a snow mobile--that money that they don't claim--where is it going?"

Senator Fraser: "It goes into the highway fund."

Senator Roach: "So, that we would then be taking money from the highway fund and putting it into the recreational programs across the state?"

Senator Fraser: "The answer is 'yes.' The reason for the bill is that this is money that does not, under the Constitution, require being placed in the highway fund. Right now, if you buy gas for your boat at a gas station, you will pay twenty-three cents fuel tax. Eighteen cents of that will go to recreational purposes which will be used for water-front parks. The other five tenths would go to the highway fund for highway purposes. Prior to this cap being placed on it--if this cap were not on it--all twenty-three cents that you pay for filling your boat would go to waterfront park purposes. Under the Constitution, the fuel tax refund for non-highway purposes are not required to go to highway purposes."

Senator Roach: "Thank you, Senator Fraser."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Loveland - 1.

Excused: Senator McCaslin - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6542, by Senators A. Smith, Prentice, Franklin and Winsley

Making the assault of a nurse a crime.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6542.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6542 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6484, by Senators A. Smith and Nelson (by request of Governor Lowry)

Regulating confidentiality claims in court settlements involving public hazards.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6484 was substituted for Senate Bill No. 6484 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike "disclosure of information in civil court proceedings" and insert "public hazard claims"

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 6484 as advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6484.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6484 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Deccio, Hochstatter, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L. and West - 16.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6370, by Senators Prentice, Haugen, Erwin, Anderson, Nelson, Winsley, Fraser, Vognild, Owen, Sheldon, Bauer, Hochstatter, Prince, Loveland, Franklin and M. Rasmussen

Modifying taxation of massage services.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6370 was substituted for Senate Bill No. 6370 and the substitute bill was placed on second reading and read the second time.

Senator Prentice moved that the following amendment by Senators Prentice and Rinehart be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.108 RCW to read as follows:

For the purposes of this chapter, licensed massage practitioners shall be classified as "offices and clinics of health practitioners, not elsewhere classified" under section 8049 of the standard industrial classification manual published by the executive office of the president, office of management and budget.

NEW SECTION. Sec. 2. The department of revenue shall review the impact of section 1 of this act on massage practitioners and on revenue collection and report to the legislature by December 1, 1994, as to the effect of recategorizing massage practitioners as health practitioners and adjusting tax categories accordingly.

NEW SECTION. Sec. 3. This act shall take effect July 1, 1994."

POINT OF INQUIRY

Senator Anderson: "Senator Prentice, this just got passed out and the tax that went on massage services last year was so quick that we really didn't know what the effect of that would be. Over the interim, people worked the issues and this bill came to us and now at the last minute we are striking it again--not carrying through the provisions of the original bill--but rather just studying it. Has this been worked with the proponents of this bill?"

Senator Prentice: "Yes, we dealt with their representatives."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6370.

SECOND READING

SENATE BILL NO. 6316, by Senators Haugen, A. Smith, Oke, M. Rasmussen, Loveland, Winsley and Ludwig

Providing minimum qualifications for county sheriffs.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6316 was substituted for Senate Bill No. 6316 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 21, after "at least" strike "two" and insert "four"

On page 2, line 23, after "at least" strike "two" and insert "four"

On page 2, beginning on line 24, after "agency" strike all material through "experience" on line 25

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Haugen on page 2, lines 21, 23 and 24 to Substitute Senate Bill No. 6316.

The motion by Senator Haugen failed and the amendments were not adopted on a rising vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator West: "Senator Haugen, is this the bill that makes the sheriff's office nonpartisan?"

Senator Haugen: "No, it is not."

Senator West: "I wish that was in here."

Senator Haugen: "Well, it's in our committee. You can come and testify for it."

Senator West: "O.K., thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6316.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6316 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, West, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, McDonald, Moore, Morton, Roach, Smith, L., Sutherland and Williams - 8.

Absent: Senators Rinehart and Sellar - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6370 and the pending striking amendment by Senators Prentice and Rinehart, deferred earlier today.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice and Rinehart to Substitute Senate Bill No. 6370.

The motion by Senator Prentice carried and the striking amendment was adopted.

MOTION

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 18.108 RCW; creating a new section; and providing an effective date."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Drew, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6370.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6370 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Absent: Senators Sellar and Vognild - 2.

Excused: Senators McCaslin and Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senators Skratek and Vognild were excused.

SECOND READING

SENATE BILL NO. 6022, by Senators Haugen and Winsley

Revising requirements for publication of ordinances.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6022 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Pelz and West - 3.

Excused: Senators McCaslin, Rinehart, Skratek and Vognild - 4.

SENATE BILL NO. 6022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6185, by Senators A. Smith, Erwin, Nelson, Quigley, Oke, Bauer, M. Rasmussen, Winsley and Roach (by request of Washington Traffic Safety Commission)

Requiring license revocation for a person under twenty-one years of age who drives while having any alcohol in his or her system.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6185.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6185 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 42.

Voting nay: Senators Moore, Pelz, Vognild and Williams - 4.

Absent: Senator Niemi - 1.

Excused: Senators McCaslin and Skratek - 2.

SENATE BILL NO. 6185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 6404, by Senators Wojahn, McAuliffe and Moyer (by request of Department of Social and Health Services)

Excluding medical assistance administration reimbursement fees and schedules from the administrative procedure act.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:

On page 2, line 12, after "(4)" strike "Reimbursement" and insert "The rule making provisions of this chapter do not apply to reimbursement"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Niemi - 1.

Excused: Senators Bluechel, McCaslin and Skratek - 3.

ENGROSSED SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Niemi was excused.

SECOND READING

SENATE BILL NO. 6585, by Senators Bauer, Oke and Roach

Extending tuition exemptions for Vietnam and Persian Gulf veterans.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6585 was substituted for Senate Bill No. 6585 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the following amendments by Senators Rinehart, Oke and Bauer were considered simultaneously and were adopted:

On page 2, line 1, strike "~~and~~) who were" and insert "and who"

On page 2, beginning on line 2, after "1990" strike all material down to and including "1994"

On page 2, beginning on line 13, strike all material down to and including line 33.

MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, strike "and 28B.15.628"

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute Senate Bill No. 6585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6585.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6585 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Newhouse - 1.

Excused: Senators Bluechel, McCaslin, Niemi and Skratek - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6428, by Senators M. Rasmussen, Newhouse, Fraser, Gaspard and Winsley

Changing provisions relating to water systems.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 6428 was substituted for Senate Bill No. 6428 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 6428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6428.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6428 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Cantu - 1.

Absent: Senator Prince - 1.
Excused: Senators McCaslin and Niemi - 2.
SUBSTITUTE SENATE BILL NO. 6428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Erwin, Senator Prince was excused.

SECOND READING

SENATE BILL NO. 6016, by Senators Winsley, Haugen and L. Smith

Requiring disclosure of the total compensation of local government chief executive officers when that compensation exceeds one hundred thousand dollars.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6016 was substituted for Senate Bill No. 6016 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 6016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6016.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6016 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Bluechel, Loveland, McAuliffe, Moore, Pelz and Vognild - 6.

Excused: Senators McCaslin, Niemi and Prince - 3.

SUBSTITUTE SENATE BILL NO. 6016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:58 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 7:14 p.m. by President Pritchard.

MOTIONS

On motion of Senator Vognild, Senate Bill No. 6064, which was on the second reading calendar, was returned to the Committee on Rules.

On motion of Senator Vognild, Senate Bill No. 6296, which was on the second reading calendar, was returned to the Committee on Rules.

On motion of Senator Vognild, Senate Bill No. 6400, which was on the second reading calendar, was returned to the Committee on Rules.

MOTIONS

On motion of Senator Oke, Senator McDonald was excused.

On motion of Senator Drew, Senators Loveland and Moore were excused.

SECOND READING

SENATE BILL NO. 6153, by Senators Pelz and Loveland

Prohibiting the state board of education from adopting rules governing the qualifications of drivers other than school bus drivers who transport students.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6153 was substituted for Senate Bill No. 6153 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the following amendment by Senators Pelz and Talmadge was adopted:

On page 2, after line 5, insert:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

School district boards of directors are encouraged to adopt policies on qualifications for school district employees and volunteers transporting students other than their own children to or from school sponsored activities."

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title strike "and" and on line 2, after "28A.160.210" insert "; and adding a new section to chapter 28A.320 RCW"

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute Senate Bill No. 6153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6153.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6153 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 9; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West and Williams - 34.

Voting nay: Senators Fraser, Gaspard, Nelson, Prentice, Rinehart, Roach, Skratek, Winsley and Wojahn - 9.

Excused: Senators Loveland, McCaslin, McDonald, Moore, Niemi and Prince - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Erwin, Senator Amondson was excused.

SECOND READING

SENATE BILL NO. 6572, by Senators Wojahn, Gaspard, Franklin, Winsley and Oke

Making a capital appropriation to purchase and renovate the Sprague Building.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following amendments by Senators Rinehart, Wojahn and Gaspard were considered simultaneously and were adopted:

On page 2, beginning on line 16, strike "state building construction account" and insert "state general fund"

On page 2, line 17, strike "community development" and insert "social and health services"

On page 2, line 21, after "Washington." insert "The department of social and health services shall enter into negotiations with the United Way of Pierce County to secure state office space in the Sprague Building for the delivery of human services in Pierce County."

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 6572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6572.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6572 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Cantu, Erwin, Hochstatter, Morton, Nelson, Newhouse, Schow and Smith, L. - 8.

Excused: Senators Amondson, McCaslin, McDonald, Niemi and Prince - 5.

ENGROSSED SENATE BILL NO. 6572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8422, by Senators M. Rasmussen and Erwin (by request of Secretary of State)

Directing the secretary of state to coordinate and form an advisory committee for Klondike gold rush centennial events.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Concurrent Resolution No. 8422 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8422.

SENATE CONCURRENT RESOLUTION NO. 8422 was adopted by voice vote.

SECOND READING

SENATE BILL NO. 6121, by Senators Skratek, Bluechel, Sheldon, M. Rasmussen, Snyder, Loveland, Franklin, Winsley and Ludwig

Promoting economic development.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 6121 was substituted for Senate Bill No. 6121 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the following amendment was adopted:

On page 2, line 37, after "industrial modernization," insert "technology diffusion, sustainable development,"

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Hargrove, Loveland, Ludwig, McAuliffe, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Bauer, Deccio, Gaspard, Haugen, Hochstatter, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Pelz, Roach, Schow, Smith, L., Talmadge and Vognild - 19.

Excused: Senators McCaslin, McDonald, Niemi and Prince - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 7:45 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Tuesday, February 15, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 14, 1994

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

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 15, 1994

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Hargrove, McCaslin, Moore, Moyer, Niemi, Owen, Pelz, Prince and Talmadge. On motion of Senator Oke, Senators Deccio, McCaslin, Moyer and Prince were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ben Shore and Adam Magnoni, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 12, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1122,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2168,
ENGROSSED HOUSE BILL NO. 2190,
HOUSE BILL NO. 2205,
SUBSTITUTE HOUSE BILL NO. 2220,
HOUSE BILL NO. 2242,
SUBSTITUTE HOUSE BILL NO. 2414,
HOUSE BILL NO. 2599,
ENGROSSED HOUSE BILL NO. 2603,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688,
ENGROSSED HOUSE BILL NO. 2702,
ENGROSSED HOUSE BILL NO. 2776, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 12, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2434, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 12, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2294,
SUBSTITUTE HOUSE BILL NO. 2458,
SUBSTITUTE HOUSE BILL NO. 2464,
SUBSTITUTE HOUSE BILL NO. 2465,
SUBSTITUTE HOUSE BILL NO. 2526, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 14, 1994

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,
HOUSE BILL NO. 2147,
HOUSE BILL NO. 2150,
HOUSE BILL NO. 2160,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,
ENGROSSED HOUSE BILL NO. 2302,
HOUSE BILL NO. 2333,
SUBSTITUTE HOUSE BILL NO. 2433,
HOUSE BILL NO. 2694,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2815, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1122 by House Committee on Local Government (originally sponsored by Representatives Pruitt, Schmidt, Zellinsky, H. Myers, B. Thomas, Dunshee, Valle, R. Meyers, Basich, Brough and Quall)

Changing provisions relating to excess levies in park and recreation districts and service areas.

Referred to Committee on Ecology and Parks.

ESHB 1724 by House Committee on Education (originally sponsored by Representatives Kremen, Morris, Quall, Chandler, Rayburn, Springer, Edmondson, Mastin, Kessler, Finkbeiner, Grant, Dorn, Basich, Zellinsky, Ludwig, Campbell, Lemmon, Brough, Tate, Casada, Wood, Foreman, Holm, Roland, Fuhrman, Stevens, Sheahan, Schoesler, Long and Lisk)

Requiring the superintendent of public instruction to publicize and make available a listing of instructional materials on sexual abstinence.

Referred to Committee on Education.

HB 2147 by Representatives Carlson, Talcott, Wood, Chandler, Forner, Van Luven, Sehlin, Schoesler, B. Thomas and Cooke

Exempting institutions of higher education from certain expenditure requirements.

Referred to Committee on Higher Education.

HB 2150 by Representatives Campbell, Ballasiotes, Chappell, Mastin, Tate, Chandler, Roland, Brough and Lisk

Closing firearm training and practice facilities.

Referred to Committee on Law and Justice.

HB 2160 by Representatives Ogden, Wineberry and H. Myers

Concerning employees of public housing authorities.

Referred to Committee on Health and Human Services.

ESHB 2168 by House Committee on Local Government (originally sponsored by Representatives Ogden, Carlson, Springer, H. Myers, Morris and L. Johnson)

Authorizing certain counties to appoint a medical examiner to perform the duties of coroner.

Referred to Committee on Government Operations.

EHB 2190 by Representatives Ogden and H. Myers (by request of Department of Community Development)

Modifying limitations of housing-related capital bond proceeds.

Referred to Committee on Labor and Commerce.

ESHB 2198 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Campbell, Horn, Long, Wood, Appelwick, Ballard, Karahalios, Reams, Wineberry, Foreman, Kessler, Cooke, Dyer, Schoesler, Casada, B. Thomas, Carlson, Van Luven, Silver, Schmidt, Brumsickle, Brough, J. Kohl, King, Flemming, Roland, Kremen, Sheldon, Chandler, Eide, Johanson, Lisk, Sehlin and Springer)

Forbidding juvenile sex offenders from attending the same school as their victims.

Referred to Committee on Law and Justice.

HB 2205 by Representatives Cothorn, L. Johnson and H. Myers

Creating urban emergency medical service districts.

Referred to Committee on Government Operations.

SHB 2220 by House Committee on Local Government (originally sponsored by Representatives Wolfe, Brumsickle, Ogden and H. Myers)

Appointing commissioners for housing authorities.

Referred to Committee on Government Operations.

ESHB 2224 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Zellinsky, Forner and Cothorn) (by request of Department of Licensing)

Regulating licensing of motor vehicles and vessels.

Referred to Committee on Transportation.

HB 2242 by Representatives Leonard, Cooke, Wolfe, Morris, L. Johnson, J. Kohl, Roland, Karahalios and Springer (by request of Department of Corrections and Department of Social and Health Services)

Authorizing the department of corrections to transfer juveniles under age eighteen to juvenile correctional institutions.

Referred to Committee on Law and Justice.

SHB 2294 by House Committee on Education (originally sponsored by Representatives Patterson, G. Fisher, Dorn, Brough, Karahalios, Cothorn, Campbell, Shin, Basich, Springer, B. Thomas, Holm and J. Kohl)

Allowing two-year levies for transportation vehicle funds.

Referred to Committee on Education.

EHB 2302 by Representatives Rayburn, Foreman, Hansen and Bray

Modifying provisions relating to sale or lease of irrigation district real and personal property.

Referred to Committee on Agriculture.

HB 2333 by Representatives Eide, Johanson, H. Myers, Heavey, Wineberry, Karahalios, Brough and Kessler

Preventing custodial interference.

Referred to Committee on Law and Justice.

SHB 2414 by House Committee on Transportation (originally sponsored by Representatives Brown, R. Fisher, Appelwick, J. Kohl, King and Patterson) (by request of Washington Traffic Safety Commission)

Changing provisions relating to child passenger restraint systems.

Referred to Committee on Law and Justice.

SHB 2433 by House Committee on Revenue (originally sponsored by Representatives Peery, Ballard, G. Fisher, Foreman, Linville, Pruitt, Wineberry, Silver, Van Luven, L. Johnson, Cooke, Dunshee, Horn, Appelwick, Thibaudeau, Forner, Wang, H. Myers, Romero, Fuhrman, Wood, Valle, Brumsickle, Mastin, Finkbeiner, Ballasiotes, Chandler, Brough, Morris, Lemmon, Ogden, Springer, Quall, Wolfe, McMorris, Moak, Dorn, Sheahan, Carlson, R. Fisher, Karahalios, Johanson, Campbell, Edmondson, Cothorn, Kessler, Basich, J. Kohl, Conway, Jones, Shin, Sheldon, King, Orr, Patterson, Eide, Dellwo, Rayburn, Roland and Anderson)

Providing open government through unedited televised coverage of state government proceedings.

Referred to Committee on Ways and Means.

ESHB 2434 by House Committee on Commerce and Labor (originally sponsored by Representatives Riley and Basich)

Changing a time limit for public works bids.

Referred to Committee on Labor and Commerce.

SHB 2458 by House Committee on Energy and Utilities (originally sponsored by Representatives Heavey, Reams, Kremen, Schmidt and Shin)

Specifying the duty of publicly owned utilities to serve within their service areas.

Referred to Committee on Energy and Utilities.

SHB 2464 by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Jones, Brown, Springer, Wolfe, Shin, Kessler, Ogden, Leonard, Thibaudeau, Flemming, J. Kohl, Dunshee, Reams, R. Fisher, Romero, Wood, Morris, Sommers, Zellinsky, Orr, Mastin, Kremen, Appelwick, Wang, Peery, Cooke, Wineberry, Karahalios, Brough, Caver, King, Eide and L. Johnson)

Limiting zoning regulation of family day-care providers' home facilities.

Referred to Committee on Government Operations.

SHB 2465 by House Committee on State Government (originally sponsored by Representatives Anderson, Voloria, L. Thomas, Reams, Conway, Pruitt, Campbell, King, Brough, Fuhrman, Wood, Dyer, J. Kohl and Quall)

Copying public records.

Referred to Committee on Law and Justice.

SHB 2526 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Chandler, Anderson, Wineberry, Campbell, Casada, Chappell, Morris, Kessler, Dorn, King, Carlson, Conway, G. Cole, R. Meyers, Hansen, Pruitt, Bray, J. Kohl, Jones, Leonard, Holm, Moak, Eide, Roland, Scott, Grant, Quall, Kremen, Schoesler, Talcott and Springer)

Including chiropractic care in health services available under industrial insurance.

Referred to Committee on Labor and Commerce.

HB 2599 by Representatives H. Myers, Ogden, Quall, Jones, Flemming, Valle, Kremen, Roland, J. Kohl and L. Johnson

Authorizing sexual assault prevention and awareness services through the department of community, trade, and economic development in cooperation with the superintendent of public instruction.

Referred to Committee on Health and Human Services.

EHB 2603 by Representatives Brough and Sommers

Restricting the allowance on retirement for disability.

Referred to Committee on Ways and Means.

ESHB 2644 by House Committee on Appropriations (originally sponsored by Representatives Sommers and Silver) (by request of Department of Retirement Systems)

Making retirement contributions and payments.

Referred to Committee on Ways and Means.

ESHB 2688 by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole and King) (by request of Attorney General)

Modifying the duties and responsibilities of sellers of travel.

Referred to Committee on Labor and Commerce.

HB 2694 by Representatives G. Fisher and Dunshee

Expanding uses for investment earnings.

Referred to Committee on Labor and Commerce.

EHB 2702 by Representatives Brown, Orr and Padden

Concerning public improvement bonds' retainage level.

Referred to Committee on Labor and Commerce.

EHB 2776 by Representatives Sommers and Horn

Exempting certain apprentices from the retirement system.

Referred to Committee on Ways and Means.

ESHB 2815 by House Committee on State Government (originally sponsored by Representatives Anderson, Veloria, Caver, Wolfe, Romero, Reams, Bray, Ballard, Pruitt, Jones and Quall) (by request of Department of General Administration)

Reforming state procurement practices.

Referred to Committee on Government Operations.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9413, Robert J. Bavasi, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

CONFIRMATION OF ROBERT J. BAVASI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 6; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Nelson, Newhouse, Oke, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 39.

Absent: Senators Hargrove, Moore, Niemi, Owen, Pelz and Talmadge - 6.

Excused: Senators Deccio, McCaslin, Moyer and Prince - 4.

MOTION

On motion of Senator Drew, Senators Moore, Niemi, Owen and Pelz were excused.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9390, Murray Haskell, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

CONFIRMATION OF MURRAY HASKELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Nelson, Newhouse, Oke, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McCaslin, Moore, Moyer, Niemi, Owen, Pelz and Prince - 7.

MOTION

At 8:22 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 9:49 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6407, by Senators Talmadge, Oke and Pelz

Changing provisions relating to smoking and tobacco products.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 6407 was substituted for Senate Bill No. 6407 and the substitute bill was placed on second reading and read the second time.

Senator Cantu moved that the following amendment be adopted:

On page 1, after line 14, strike all materials through and including "inmates." on line 18.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 1, after line 14, to Substitute Senate Bill No. 6407.

The motion by Senator Cantu failed and the amendment was not adopted.

MOTIONS

On motion of Senator Oke, the following amendments by Senators Oke, Pelz and Talmadge were considered simultaneously and were adopted:

On page 2, line 24, after "products" insert ", by any manufacturer, wholesaler, retailer, or its employees,"

On page 2, line 26, after "products" insert ", by any manufacturer, wholesaler, retailer, or its employees,"

On page 2, line 28, after "(2)" insert "The prohibition in subsection (1) of this section only applies to cigarettes, tobacco products, and coupons for those products, when given away for free. It does not apply to any other gifts that are combined with a retail transaction for cigarettes or tobacco products.

(3)"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 6407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West and Winsley - 35.

Voting nay: Senators Anderson, Ludwig, McDonald, Newhouse, Roach, Schow, Sellar, Skratek, Vognild, Williams and Wojahn - 11.

Absent: Senators Amondson and Rinehart - 2.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6426, by Senators Sutherland, Ludwig, Talmadge, Quigley, Vognild, Williams, Owen, McCaslin, Amondson, Hochstatter, West, Erwin, Bauer, Pelz, A. Smith, Hargrove, Skratek and Oke

Providing public electronic access to government information.

MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 6426 was substituted for Senate Bill No. 6426 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the following amendment was adopted:

On page 1, beginning on line 15, strike all of sections (2) and (3) and renumber the remaining sections consecutively.

MOTIONS

On motion of Senator Sutherland, the following amendment was adopted:

On page 2, line 23, after "reports." insert "Implementation of the program is contingent on the availability of funds."

On motion of Senator Sutherland, the following amendment was adopted:

On page 2, after line 23, insert the following:

"Sec. 5. RCW 42.17.370 and 1986 c 155 s 11 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW;

(2) Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985.

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Renumber the remaining sections consecutively.

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2, after "information;" insert "amending RCW 42.17.370;"
On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTIONS

On motion of Senator Oke, Senator Amondson was excused.
On motion of Senator Drew, Senator Rinehart was excused.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6426.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6426 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Haugen, Loveland and Niemi - 3.

Absent: Senator Snyder - 1.

Excused: Senators Amondson, McCaslin and Rinehart - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5038, by Senators Haugen and Winsley

Creating a procedure for local government service agreements.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5038 was substituted for Senate Bill No. 5038 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5038.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Anderson and Roach - 2.

Excused: Senators McCaslin and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5579, by Senators Skratek, Erwin, Bluechel, Deccio, M. Rasmussen, Bauer, Jesernig, Sellar, Pelz and Winsley

Creating the office of science and technology.

MOTIONS

On motion of Senator Skratek, Second Substitute Senate Bill No. 5579 was substituted for Senate Bill No. 5579 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Second Substitute Senate Bill No. 5579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5579.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5579 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Rinehart - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5714, by Senators Fraser, Moore and Barr

Regulating vendor single interest insurance.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5714 was substituted for Senate Bill No. 5714 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5714.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6107, by Senators Skratek, Sheldon and M. Rasmussen

Allowing fees for services for the department of community, trade, and economic development.

MOTIONS

On motion of Senator Quigley, Second Substitute Senate Bill No. 6107 was substituted for Senate Bill No. 6107 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Second Substitute Senate Bill No. 6107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6107.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6107 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moyer, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West and Winsley - 35.

Voting nay: Senators Anderson, Cantu, McDonald, Moore, Morton, Roach, Schow, Smith, L., Williams and Wojahn - 10.

Absent: Senators Owen and Pelz - 2.

Excused: Senators McCaslin and Rinehart - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Pelz was excused.

SECOND READING

SENATE BILL NO. 6164, by Senators Sheldon, Bluechel, Skratek, Williams, Erwin and M. Rasmussen

Concerning economic development in rural areas.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6164 was substituted for Senate Bill No. 6164 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6164.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6164 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators McCaslin, Pelz and Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 6164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6215, by Senators Skratek and Vognild

Clarifying authority of the utilities and transportation commission over public service companies.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6215.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6215 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince,

Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Anderson, Bluechel and McDonald - 3.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6221, by Senators A. Smith and Quigley

Authorizing genetic testing to determine parentage.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6221 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6249, by Senator Vognild (by request of Utilities and Transportation Commission)

Concerning railroad crossing protective devices and their cost of maintenance.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6249.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6249 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Newhouse, Sellar and Smith, L. - 3.

Absent: Senator Deccio - 1.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

Senator Spanel moved that the Committee on Rules be relieved of Senate Bill No. 6146 and to place the bill on the second reading calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Spanel to relieve the Committee on Rules of Senate Bill No. 6146 and to place the bill on the second reading calendar.

The motion by Senator Spanel carried and Senate Bill No. 6146 was placed on the second reading calendar.

MOTIONS

On motion of Senator Spanel, the Committee on Natural Resources was relieved of further consideration of Substitute House Bill No. 2456.

On motion of Senator Spanel, Substitute House Bill No. 2456 was referred to the Committee on Ways and Means.

MOTIONS

On motion of Senator Spanel, the Committee on Natural Resources was relieved of further consideration of House Bill No. 2478.

On motion of Senator Spanel, House Bill No. 2478 was referred to the Committee on Ways and Means.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Haugen moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 6013 passed the Senate February 14, 1994.

The President declared the question before the Senate to be the motion by Senator Haugen to reconsider the vote by which Engrossed Substitute Senate Bill No. 6013 passed the Senate.

The motion by Senator Haugen carried and the Senate will reconsider the vote by which Engrossed Substitute Senate Bill No. 6013 passed the Senate.

MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute Senate Bill No. 6013, on reconsideration, was deferred.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Amondson moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 6009 failed to pass the Senate February 14, 1994.

The President declared the question before the Senate to be the motion by Senator Amondson to reconsider the vote by which Engrossed Substitute Senate Bill No. 6009 failed to pass the Senate.

The motion by Senator Amondson carried and the Senate will reconsider the vote by which Engrossed Substitute Senate Bill No. 6009 failed to pass the Senate.

MOTION

On motion of Senator Snyder, further consideration of Engrossed Substitute Senate Bill No. 6009, on reconsideration, was deferred.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator West moved to reconsider the vote by which Substitute Senate Bill No. 6414 failed to pass the Senate February 12, 1994.

The President declared the question before the Senate to be the motion by Senator West to reconsider the vote by which Substitute Senate Bill No. 6414 failed to pass the Senate.

The motion by Senator West carried and the Senate will reconsider the vote by which Substitute Senate Bill No. 6414 failed to pass the Senate.

MOTION

On motion of Senator Spanel, further consideration of Substitute Senate Bill No. 6414, on reconsideration, was deferred.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6377, by Senator Moore

Compensating insurance brokers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 6377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6377.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6377 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogtild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Smith, A. - 1.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Spanel, the Senate advanced to the seventh order of business.

On motion of Senator Spanel, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 6013, on reconsideration.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6013 was returned to second reading and read the second time.

Senator Haugen moved that the Senate reconsider the vote by which the striking amendment by Senators Haugen and Winsley was adopted February 14, 1994.

The President declared the question before the Senate to be the motion by Senator Haugen to reconsider the vote by which the striking amendment by Senators Haugen and Winsley to Engrossed Substitute Senate Bill No. 6013 was adopted.

The motion by Senator Haugen carried and the Senate will resume consideration of the striking amendment to Engrossed Substitute Senate Bill No. 6013, on reconsideration.

MOTION

On motion of Senator Haugen, and there being no objection, the striking amendment, on reconsideration, to Engrossed Substitute Senate Bill No. 6013, on reconsideration, was withdrawn.

MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

On page 13, line 19, strike all of section 16 and insert the following:

"Sec. 16. RCW 84.52.043 and 1993 c 337 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state under RCW 84.52.065 shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by the state under section 17 of this act shall not exceed two cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for state fire protection services; (c) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; ~~((e))~~ (d) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and ~~((d))~~ (e) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

NEW SECTION. Sec. 17. A new section is added to chapter 84.52 RCW to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for state fire protection responsibilities within the department of community, trade, and economic development a tax of two cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state, except classified or designated forest land under chapter 84.33 RCW, adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

NEW SECTION. Sec. 18. A new section is added to chapter 84.52 RCW to read as follows:

When a county assessor finds that the aggregate of all regular tax levies upon real and personal property by the state and all taxing districts other than a port or public utility district exceeds the limitation set forth in RCW 84.52.050, the assessor shall recompute and establish a consolidated levy as follows:

(1) If the limitation is exceeded only as a result of the levy authorized in section 17 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department, the certified property tax levy rates authorized under RCW 84.52.043(1)(e) and 52.16.140 shall be reduced on a pro rata basis until the limitation is not exceeded;

(2) If the limitation is exceeded as a result of both the levy authorized in section 17 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department and other tax levies, the pro rationing process provided in RCW 84.52.010 shall be followed until the limitation is exceeded only as a result of the levy authorized in section 17 of this act, and the consolidated levy shall then be further reduced in accordance with subsection (1) of this section.

NEW SECTION. Sec. 19. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "48.48.080," strike "and 52.12.031" and insert "52.12.031, and 84.52.043"

On page 1, line 4 of the title, after "43.10 RCW;" insert "adding new sections to chapter 84.52 RCW;"

On page 1, beginning on line 4 of the title, after "48.48.120;" strike "and providing an effective date" and insert "and providing for submission of this act to a vote of the people"

MOTION

On motion of Senator Haugen, the rules were suspended, Reengrossed Substitute Senate Bill No. 6013, on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 6013, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 6013, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Smith, A. - 1.

Excused: Senator McCaslin - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 6013, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 6009, on reconsideration.

MOTIONS

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6009 was returned to second reading and read the second time.

Senator Snyder moved that the following amendments by Senators Snyder, Fraser, Morton, Bluechel and Sellar be considered simultaneously and be adopted:

On page 4, line 34, after "(2)" insert ""Recycling" has the same meaning as in RCW 70.95.030(16) and includes any process in which waste tires are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(3)"

On page 5, line 1, after "(((2)))" strike "(3)" and insert "(4)"

On page 5, line 5, after "(((3)))" strike "(4)" and insert "(5)"

On page 7, after line 3, insert the following:

"**NEW SECTION. Sec. 11.** A new section is added to chapter 70.95 RCW to read as follows:

The department shall follow these priorities, in descending order, when developing and implementing policies related to waste tires:

- (1) Recycling; and
 - (2) Energy recovery, incineration, or landfill."
- Renumber the remaining section consecutively.
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Snyder, Fraser, Morton, Bluechel and Sellar on page 4, after line 34; page 5, lines 1 and 5; and page 7, after line 3; to Engrossed Substitute Senate Bill No. 6009, on reconsideration.

The motion by Senator Snyder carried and the amendments were adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted;
On page 1, line 3 of the title, after "adding" strike "a new section" and insert "new sections"
On motion of Senator Fraser, the rules were suspended, Reengrossed Substitute Senate Bill No. 6009, on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTION

On motion of Senator Vognild, the following remarks by Senator Hargrove were to be spread upon the Journal:

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. I spoke against this bill the last time, because I thought that we were not going to be able to use tires for tomato plants and et cetera and et cetera. I found out that the definition of waste tire means that they literally have no use, so if you are keeping tires to reuse on your dock, or reuse in agriculture or to reuse to help get your Caterpillar tractor across the road, those do not count as a waste tire, so that has removed my concern with this and I am supporting the bill."

MOTION

Senator Amondson, citing Rule 22 and a possible conflict of interest, requested to be excused from voting on Reengrossed Substitute Senate Bill No. 6009, on reconsideration.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 6009, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 6009, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Sutherland - 1.

Excused: Senators Amondson and McCaslin - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 6009, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6375, by Senators Hargrove, Winsley, M. Rasmussen and Oke

Waiving the one hundred six percent limit for veterans' assistance county levys.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6375 was substituted for Senate Bill No. 6375 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6375.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6375 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Smith, A., Snyder, Spanel, Talmadge, West, Williams and Winsley - 30.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, McDonald, Nelson, Quigley, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Sutherland, Vognild and Wojahn - 18.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6380, by Senators Vognild and McAuliffe

Concerning skate center liability.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 6380 was substituted for Senate Bill No. 6380 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6380.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6380 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Pelz - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6487, by Senators Moore, Winsley and McAuliffe

Exempting espresso machines from boiler regulations.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6487 was substituted for Senate Bill No. 6487 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 6487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6487.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6487 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Ludwig and Pelz - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6505, by Senators M. Rasmussen, Prince, Vognild, Sellar, Winsley and Drew

Providing for public facility transit security.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6505 was substituted for Senate Bill No. 6505 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6505.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6505 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6556, by Senators Hargrove and Snyder

Allowing a nonprofit television reception improvement district to rent space from the department of natural resources for less than the fair market value of the property.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6556 was substituted for Senate Bill No. 6556 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6556 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6564, by Senator Vognild

Authorizing Snohomish county to levy a hotel and motel tax for public stadium, convention, performing arts, and/or visual arts facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following amendments by Senators Nelson and Vognild were considered simultaneously and were adopted on a rising vote:

On page 1, line 17, after "same." insert "Prior to authorizing a tax pursuant to this section, the county legislative body shall convene a public meeting to consult with the mayor of every city and town located within the boundaries of the county regarding the proposed use of tax revenues."

On page 2, line 10, after "county." insert "On at least an annual basis, the county legislative authority shall consult with the mayor of every city and town located within the boundaries of the county regarding the use of taxes collected pursuant to this section."

Senator Sellar moved that the following amendment be adopted:

On page 2, after line 12, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any city with a population of at least two thousand five hundred but less than four thousand located in a county east of the crest of the Cascade mountains with a population of at least fifty thousand but less than sixty thousand is authorized to levy and collect a special excise tax not to exceed three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county. Such taxes shall only be used for tourism promotion.

Sec. 3. RCW 67.28.200 and 1991 c 331 s 2 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized (~~by RCW 67.28.180, 67.28.182, and 67.28.230 through 67.28.250, and 67.28.260~~) under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city."

POINT OF ORDER

Senator Vognild: "I rise to raise the question of scope and object. As much as I am sympathetic to the amendment, if I don't raise scope and object on it, this bill is a run-away. Mr. President, the original bill was very closely drawn; it referred to counties only. It referred to a county north of the King County border. The amendment expands greatly the scope of the bill by going into cities and changing the figures in it from four hundred thousand to two hundred and fifty thousand. I would say it greatly expands the scope of the bill. The original bill was quite tight and I would point out to the President that the amendment in itself requires a title amendment."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 6564 was deferred.

MOTION

At 11:59 a.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:18 p.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senator Schow was excused.

SECOND READING

SENATE BILL NO. 6266, by Senators Haugen and Winsley

Authorizing sewer district commissioners of a merged district to fulfill their terms of office.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6266.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6266 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Roach - 1.

Absent: Senator Hargrove - 1.

Excused: Senators McCaslin and Schow - 2.

SENATE BILL NO. 6266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6467, by Senators Fraser, Hochstatter, Morton and M. Rasmussen

Modifying water right permit provisions for water used for municipal purposes.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 6467 was substituted for Senate Bill No. 6467 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the following amendment by Senators Fraser and Sutherland was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest for water rights held by public water systems to be managed and regulated in a manner that:

(1) Allows such systems to prolong and maximize the use of water rights applied to municipal purposes consistent with the population demand projections established in state-approved water system plans and adopted growth management plans;

(2) Promotes water conservation, with enhanced efforts occurring in water critical areas, promotes water system efficiencies, and eliminates disincentives for investments in water efficient technologies; and

(3) Delays, and where possible, avoids the need for new water sources to be developed.

The department of ecology is therefore directed to administer water rights laws consistent with the provisions of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

For the purposes of this chapter "municipal purpose" and "municipal water supply purposes" mean water distributed by a public water system purveyor as defined by chapter 70.116 RCW, and includes domestic, commercial, and industrial water uses provided as an integral element of the public water system. This definition does not include commercial, industrial, irrigation, or other water systems that are not designated as a public water system for potable water use recognized by a state-approved public water system plan or withdrawals of public ground waters excepted under RCW 90.44.050.

Sec. 3. RCW 90.03.320 and 1987 c 109 s 67 are each amended to read as follows:

Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the department, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the department. The department, in fixing the time for the commencement of the work, or for the completion thereof and the application of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public interests affected: and, for good cause shown, it shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected. In fixing public water system construction schedules and the time, or extension of time, for application of water to beneficial use for municipal use, the department shall also take into consideration the term and amount of financing required to complete the project, delays that may result from planned and existing conservation and water use efficiency measures installed by the public water system, and the supply needs of the public water system's service area, consistent with an approved comprehensive plan under chapter 36.70A RCW, or in the absence of such a plan, a county-approved comprehensive plan under 36.70 RCW or a plan approved under chapter 35.63 RCW, and related demand projections prepared by public water systems in accordance with state law. If the terms of the permit or extension thereof, are not complied with the department shall give notice by registered mail that such permit will be canceled unless the holders thereof shall show cause within sixty days why the same should not be so canceled. If cause be not shown, said permit shall be canceled.

Sec. 4. RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows:

(1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by ~~(him)~~ the director, and such certificate shall thereupon be recorded with the department.

(2) For those public water supplies designed to accommodate future growth as defined by a state-approved water system plan, the amount of instantaneous diversion considered to be applied to beneficial use at the time of perfection of the certificate shall be based upon the capacity of the diversion structure or structures installed at such time. Further, the amount of annual appropriation considered to be applied to beneficial use at the time of perfection shall be based on the growth projection contained in the most current state-approved water system plan, provided, the department may not issue a certificate for quantities of water in excess of those contained in a permit if a permit has been issued. This subsection shall apply to the administration of water rights existing on the effective date of this act and prospectively issued water rights, but shall not apply to water rights subject to the terms of final adjudication decrees entered in accordance with this chapter.

(3) Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be by the department transmitted to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof."

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 1 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 90.03.320 and 90.03.330; adding a new section to chapter 90.03 RCW; and creating a new section."

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 6467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6467.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6467 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 47.

Voting nay: Senator Williams - 1.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6384, by Senators Drew and Roach

Increasing the number of county hospital trustees from thirteen to seventeen.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6384 was substituted for Senate Bill No. 6384 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Drew, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6384.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6384 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Deccio, Drew, Fraser, Gaspard, Hargrove, Loveland, McAuliffe, McDonald, Moore, Moyer, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West and Winsley - 27.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Erwin, Franklin, Haugen, Hochstatter, Ludwig, Morton, Nelson, Newhouse, Niemi, Oke, Rasmussen, M., Skratek, Vognild, Williams and Wojahn - 19.

Absent: Senator Sellar - 1.
Excused: Senators McCaslin and Owen - 2.
SUBSTITUTE SENATE BILL NO. 6384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6480, by Senators Moore, Vognild, Prentice, Sheldon, Pelz, Nelson, Sutherland and McAuliffe

Regulating unemployment insurance compensation.

The bill was read the second time.

MOTION

Senator Vognild moved that the following Committee on Labor and Commerce amendments be considered simultaneously and not be adopted:

On page 7, beginning on line 24, strike all of sections 5 and 6

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 15, beginning on line 11, strike all of section 9

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild to not adopt the Committee on Labor and Commerce amendments on page 7, beginning on line 24, and page 15, beginning on line 11, to Senate Bill No. 6480. The motion by Senator Vognild carried and the committee amendments were not adopted.

MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild and Newhouse was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 50.20 RCW to read as follows:

The employment security department shall report to the standing committees of the legislature no later than July 1, 1995, regarding any updating of the department's computer technology that is necessary to or could address eliminating or reducing the need to make conditional payments.

Sec. 2. RCW 50.16.094 and 1993 c 226 s 6 are each amended to read as follows:

An individual may be eligible for applicable employment security benefits while participating in work force training. Eligibility is at the discretion of the commissioner of employment security after submitting a commissioner-approved training waiver and developing a detailed individualized training plan.

~~((Benefits paid under this section may not be charged to the experience rating accounts of individual employers.))~~

The commissioner shall adopt rules as necessary to implement this section.

Sec. 3. RCW 50.22.090 and 1993 c 316 s 10 are each amended to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after July 1, 1991, and for the forest products industry beginning with the third week after the first Sunday after July 1, 1991. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 1, 1995, but for claims established on or before July 1, 1995, weeks of unemployment occurring after July 1, 1995, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be one hundred four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than two years beyond the end of the benefit year of the regular claim for an individual whose benefit year ends on or after July 27, 1991, and shall not be payable for weeks ending on or after two years after March 26, 1992, for individuals who become eligible as a result of chapter 47, Laws of 1992.

(c) Notwithstanding the provisions of (b) of this subsection, individuals will be entitled to up to five additional weeks of benefits following the completion or termination of training.

(d) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(e) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits ~~((and shall not be charged to the experience rating account of individual employers))~~. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(f) The amendments in chapter 316, Laws of 1993 affecting subsection (3) (b) and (c) of this section shall apply in the case of all individuals determined to be monetarily eligible under this section without regard to the date eligibility was determined.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing

and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b)(i) Has received notice of termination or layoff; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i)(A) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after July 1, 1991, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(B) Is unemployed as the result of a plant closure that occurs after November 1, 1992, in a county identified under subsection (2) of this section, did not comply with the requirements of (c)(i)(A) of this subsection due to good cause as demonstrated to the department, such as ambiguity over possible sale of the plant, develops a training program that is submitted to the commissioner for approval not later than sixty days from a date determined by the department to accommodate the good cause, and enters the approved training program not later than ninety days after the revised date established by the department, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

(7) For the purpose of this section, an individual who has a benefit year beginning after January 1, 1989, and ending before July 27, 1991, shall be treated as if his or her benefit year ended on July 27, 1991.

Sec. 4. RCW 50.29.020 and 1993 c 483 s 19 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

~~(b) Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.~~

~~(c))~~ Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

~~(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or~~

~~(ii) The individual files under RCW 50.06.020(2).~~

~~((d))~~ (c) Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

~~((e))~~ (d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

~~((f))~~ (e) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

~~((g) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 may not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.)~~

(3)(a) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, work site, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 5. RCW 50.29.062 and 1989 c 380 s 81 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer, ~~((his or her))~~ its contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on ~~((his or her))~~ its experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) If the successor is not an employer at the time of the transfer, ~~((he or she))~~ it shall pay contributions at the ~~((rate class assigned to the predecessor employer at the time of the transfer for the remainder for that rate year and continuing until such time as he or she qualifies for a different rate in his or her own right))~~ lowest rate as determined by either of the following manners:

(a) At the rate class assigned to the predecessor employer at the time of the transfer for the remainder for that rate year. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor; or

(b) At the contribution rate equal to the average industry rate as determined by the commissioner. However, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code.

(3) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, ~~((his or her))~~ its rate from the date the transfer occurred until the end of that rate year and until ~~((he or she))~~ it qualifies in ~~((his or her))~~ its own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition.

(4) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(5) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on ~~((his or her))~~ its experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until ~~((he or she))~~ it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010."

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "amending RCW 50.16.094, 50.22.090, 50.29.020, and 50.29.062; and adding a new section to chapter 50.20 RCW."

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 6480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6480.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6480 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Owen - 2.

ENGROSSED SENATE BILL NO. 6480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5057, by Senators A. Smith, Quigley, McCaslin and Erwin (by request of Law Revision Commission)

Correcting a double amendment related to exceptions to the right of privacy.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5057 was substituted for Senate Bill No. 5057 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5057.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5057 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke,

Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Owen - 2.

SUBSTITUTE SENATE BILL NO. 5057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6463, by Senator M. Rasmussen (by request of Department of Agriculture)

Revising department of agriculture administrative duties.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6463 was substituted for Senate Bill No. 6463 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6463.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6463 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Prentice, Rasmussen, M., Roach, Schow, Sellar, Smith, A., Snyder, Spanel, Sutherland, Talmadge and Vognild - 28.

Voting nay: Senators Amondson, Anderson, Cantu, Drew, Erwin, Franklin, Gaspard, Moyer, Pelz, Prince, Quigley, Rinehart, Sheldon, Skratek, Smith, L., West, Williams, Winsley and Wojahn - 19.

Excused: Senators McCaslin and Owen - 2.

SUBSTITUTE SENATE BILL NO. 6463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5071, by Senator Haugen (by request of Law Revision Commission)

Correcting unconstitutional provisions regarding the construction, sale, and conditions of revenue bonds for pollution control facilities.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5071.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Cantu - 1.

Absent: Senator Smith, L. - 1.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6000, by Senators Fraser, Talmadge, Winsley and Oke (by request of Parks and Recreation Commission)

Authorizing public agencies to secure abandoned vessels at public facilities.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6000 was substituted for Senate Bill No. 6000 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Linda Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6000.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6000 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 6000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Schow was excused.

On motion of Senator Loveland, Senator Drew was excused.

SECOND READING

SENATE BILL NO. 6060, by Senator Owen (by request of Law Revision Commission)

Correcting a double amendment related to commercial salmon fishing licenses and delivery licenses.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6060.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6060 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Drew, McCaslin, Schow and Smith, L. - 4.

SENATE BILL NO. 6060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6564 and the pending amendment by Senator Sellar on page 2, after line 12, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Vognild, the President finds that Senate Bill No. 6564 is a measure which allows one unit of local government to levy an additional excise tax on the furnishing of lodging, to credit the tax to a special fund in the county treasury, and to use the tax for statutorily authorized purposes, including tourism.

"The amendment by Senator Sellar on page 2, after line 12, would allow another unit of local government to levy an excise tax on the furnishing of lodging, to credit the tax to a special fund in the county treasury, and to use the tax for tourism.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Sellar on page 2, after line 12, to Senate Bill No. 6060 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sellar on page 1, after line 12, to Senate Bill No. 6564.

Debate ensued.

Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Sellar on page 2, after line 12, to Senate Bill No. 6564.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Fraser, Hochstatter, McDonald, Moore, Morton, Moyer, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Talmadge, West, Williams, Winsley and Wojahn - 22.

Voting nay: Senators Bauer, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Nelson, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland and Vognild - 25.

Excused: Senators McCaslin and Schow - 2.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 6564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6564.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6564 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, West, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Anderson, Cantu, Hochstatter, Morton, Roach, Sellar, Smith, L., Sutherland and Williams - 10.

Absent: Senator Owen - 1.

Excused: Senators McCaslin and Schow - 2.

ENGROSSED SENATE BILL NO. 6564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6209, by Senators Moore, Prince, Prentice, Amondson and McAuliffe (by request of Insurance Commissioner)

Applying the insurer holding company act to all insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6209 was substituted for Senate Bill No. 6209 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6209.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6209 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Schow - 2.

SUBSTITUTE SENATE BILL NO. 6209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6230, by Senators M. Rasmussen, Nelson and Haugen (by request of Secretary of State)

Changing charitable organizations and business licensing provisions.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6230 was substituted for Senate Bill No. 6230 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 6230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6230.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6230 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Cantu, Erwin, Hargrove, McDonald, Morton, Roach and Williams - 8.

Excused: Senators McCaslin and Schow - 2.

SUBSTITUTE SENATE BILL NO. 6230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6297, by Senators Moore, Prentice and Newhouse (by request of Liquor Control Board)

Eliminating the requirement for revenue stamps on beer packages and containers.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 6297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6297.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6297 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Schow - 2.

SENATE BILL NO. 6297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6146, by Senators Skratek, Bluechel, Sheldon, Erwin, M. Rasmussen, Drew, McAuliffe, Roach and Snyder

Diversifying the economy by locating a film and video production facility within the state.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6146.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6146 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6461, by Senators Fraser and Bluechel

Concerning claims for oil spill liability damages.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6461 was substituted for Senate Bill No. 6461 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the following amendment by Senators Spanel and Fraser was adopted:

On page 1, after line 3, insert the following:

***Sec. 1.** RCW 88.16.190 and 1975 1st ex.s. c 125 s 3 are each amended to read as follows:

(1) Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.

(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty-five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:

(a) Shaft horsepower in the ratio of one horsepower to each two and one-half deadweight tons; and

(b) Twin screws; and

(c) Double bottoms, underneath all oil and liquid cargo compartments; and

(d) Two radars in working order and operating, one of which must be collision avoidance radar; and

(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:

PROVIDED, That, if such forty to one hundred and twenty-five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.05 RCW: PROVIDED FURTHER, That a tanker assigned a deadweight of less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW 88.16.170 through 88.16.190."

Renumber the remaining sections consecutively and correct internal references accordingly.

MOTIONS

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 2 of the title, after "amending RCW" insert "88.16.190 and"

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6461.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6461 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5509, by Senators Hargrove, Owen, Hochstatter, L. Smith, Snyder, Oke, Amondson, Sellar, Jesernig, Nelson, Newhouse, Bauer, Erwin, Roach and McDonald

Prohibiting mandatory child support for postsecondary education of adult children.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, Ludwig, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Snyder, Vognild, West and Winsley - 30.

Voting nay: Senators Drew, Franklin, Fraser, Gaspard, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rinehart, Sheldon, Spanel, Sutherland, Talmadge, Williams and Wojahn - 18.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5920, by Senator Vognild

Changing limits for unemployment compensation deductions.

MOTION

Senator Vognild moved that Senate Bill No. 5920 not be substituted.

The President declared the question before the Senate to be them motion by Senator Vognild that Senate Bill No. 5920 be not substituted.

The motion by Senator Vognild carried and Senate Bill No. 5920 was not substituted.

Senate Bill No. 5920 was read the second time.

MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild and Newhouse was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The employment security department shall undertake a pilot project to encourage workers drawing unemployment insurance benefits to seek employment opportunities by allowing a control group in one job service center to keep a greater portion of their weekly benefits when engaged in part-time or temporary employment. It is the intent of this project to return unemployment insurance beneficiaries to full-time employment in the job marketplace in order to positively impact the unemployment insurance trust fund.

NEW SECTION. Sec. 2. For the purposes of section 1 of this act, the employment security department shall designate:

- (1) The job service center in which the pilot project is to be undertaken; and
- (2) The number of participants and the criteria for participation in the project.

NEW SECTION. Sec. 3. For the purposes of the pilot project created under section 1 of this act, the following requirements for defining "unemployment" and level of unemployment insurance benefit deductions is as follows:

(1)(a) An individual shall be deemed to be "unemployed" in any week during which the individual performs no services and with respect to which no remuneration is payable to the individual, or in any week of less than full time work, if the remuneration payable to the individual with respect to such week is less than one and one-half times the individual's weekly benefit amount plus fifteen dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary.

(b) An individual shall be deemed not to be "unemployed" during any week which falls totally within a period during which the individual, pursuant to a collective bargaining agreement or individual employment contract, is employed full time in accordance with a definition of full time contained in the agreement or contract, and for which compensation for full time work is payable. This subsection may not be applied retroactively to an individual who had no guarantee of work at the start of such period and subsequently is provided additional work by the employer; and

(2) If an eligible individual is available for work for less than a full week, he or she shall be paid his or her weekly benefit amount reduced by one-seventh of such amount for each day that he or she is unavailable for work. However, if he or she is unavailable for work for three days or more of a week, he or she shall be considered unavailable for the entire week.

Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his or her weekly benefit amount less sixty-six and two-thirds percent of that part of the remuneration, if any, payable to him or her with respect to such week which is in excess of fifteen dollars. Such benefit, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

NEW SECTION. Sec. 4. The employment security department shall report to the legislature on the impact of the pilot project created under section 1 of this act by December 31, 1996. The department shall report on:

- (1) The impact of the project on the unemployment insurance trust fund; and
- (2) Individuals participating in the project.

NEW SECTION. Sec. 5. The sum of two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the unemployment insurance funds provided under RCW 50.24.014 designated for use by the joint task force on unemployment insurance created under section 22, chapter 483, Laws of 1993, to the employment security department for the purposes of this act.

NEW SECTION. Sec. 6. This act applies to weeks of unemployment beginning after January 1, 1995.

NEW SECTION. Sec. 7. This act shall expire July 1, 1997.

NEW SECTION. Sec. 8. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "deductions;" strike the remainder of the title and insert "creating new sections; making an appropriation; and providing an expiration date."

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5920.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5920 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Amondson, Cantu, Oke and Smith, L. - 4.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 5920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6298, by Senators Moore, Prentice and Newhouse (by request of Liquor Control Board)

Improving the licensing and enforcement sections of the Washington State Liquor Act.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6298 was substituted for Senate Bill No. 6298 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 6298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6298.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6298 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5468, by Senators Fraser, Skratek, Pelz and Prentice

Imposing requirements for businesses that receive public assistance.

MOTIONS

On motion of Senator Skratek, Second Substitute Senate Bill No. 5468 was substituted for Senate Bill No. 5468 and the second substitute bill was placed on second reading and read the second time.

Senator Sellar moved that the following amendments by Senators Sellar and Amondson be considered simultaneously and be adopted:

On page 1, line 12, after "chapter to" insert "establish a pilot project to"

On page 1, line 18, after "shall" strike all material through "production." on page 3, line 20 and insert "establish a pilot project to known as the private business assistance project. It is the intent of the legislature to direct the departments to measure the effect of current assistance programs on job creation, company growth, the introduction of new products, the diversification of the state's economy, growth in investments, the movement of firms or the consolidation of firms' operation into the state, and such other factors as the departments select through:

(a) Requiring all businesses receiving: (i) A loan of one hundred thousand dollars or more from the development loan fund; (ii) fifty thousand dollars or more in tax credits under chapter 82.62 RCW; or (iii) a deferral of one hundred thousand dollars or more in taxes under chapter 82.60 or 82.61 RCW, to participate in the program; and

(b) Developing nonfinancial and financial incentives and providing expertise to assist participants in: (i) Developing a long-range commitment to continuous improvement of products and services and cost reductions for such products and services; (ii) decentralizing decision making, worker participation at all levels, and greater reliance on front-line workers; (iii) developing a worker-management relationship based on consideration of mutual interest and concerns; (iv) adopting an organizational structure which includes flexible, cross-functional teams responsible for training, customer service, operational problem solving, and product design and development; (v) cultivating an environment which permits a manager to assume motivational and leadership functions, including, but not limited to, long-range planning, coaching, and facilitation, rather than limiting the role of the manager to that of an enforcer; (vi) committing to ongoing training of all workers, including front-line staff; (vii) implementing a flexible benefits program and innovative compensation schemes, including, but not limited to, profit sharing, gain sharing, skill-based pay, and pay-for-performance systems; (viii) committing to a safe and healthful workplace; (ix) soliciting suggestions from customers and suppliers for designing and developing products and services; and (x) demonstrating a commitment to delivering a greater variety of high quality products at lower cost through manufacturing innovations such as concurrent engineering, flexible manufacturing, and just-in-time production.

(2) The private business assistance project is created as a two-year pilot program in which the participants shall be provided with assistance to become more competitive work organizations.

(3) The pilot counties shall be determined by the departments based on the highest concentration of current assistance."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 21, after "Businesses" strike "applying for one of the benefits specified in subsection (1) of this section" and insert "participating in the private business assistance project"

On page 4, beginning on line 4, strike "September 1, 1995" and insert "July 1, 1996"

On page 4, beginning on line 8, after "on the" strike all material through "continue" on line 10 and insert "private business assistance project to determine whether or not to continue or expand the program state-wide"

On page 4, after line 10, insert the following:

"NEW SECTION. Sec. 3. The governor and the departments shall seek federal funding to the extent possible and exemptions from regulations necessary to implement the program under this chapter at the earliest possible date."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 11, after "Sections 1" strike "and 2" and insert "through 3"

On page 4, beginning on line 13, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. This act shall take effect July 1, 1994."

Debate ensued.

Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Sellar and Amondson on page 1, lines 12 and 18; page 3, line 21; page 4, lines 4, 8, 10, 11 and 13, to Second Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild, Williams and Wojahn - 28.

Excused: Senator McCaslin - 1.

MOTION

Senator Bluechel moved that the following amendments by Senators Bluechel and Amondson be considered simultaneously and be adopted:

On page 1, line 17, after "**Sec. 2.**" strike "(1)"

On page 2, beginning on line 12, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 13, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. This act shall take effect July 1, 1994."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Bluechel and Amondson on page 1, line 17; page 2, beginning on line 12; and page 4, beginning on line 13; to Second Substitute Senate Bill No. 5468.

The motion by Senator Bluechel failed and the amendments were not adopted.

MOTION

Senator Moyer moved that the following amendments be considered simultaneously and be adopted:

On page 1, beginning on line 18, after "development shall" strike all material through "benefits" on page 2, line 13, and insert "study businesses currently receiving loans, tax credits, or tax deferrals and the effects of the programs on job creation, company growth, the introduction of new products, the diversification of the state's economy, growth in investments, the movement of firms or the consolidation of firms' operation into the state, and such other factors as the departments select and report to the governor and the legislature by January 1, 1995, how many businesses receiving state assistance"

On page 3, beginning on line 21, strike all material through "continue." on page 4, line 10

On page 4, beginning on line 11, strike all of sections 3 and 4 and insert the following:

"NEW SECTION. Sec. 3. This act shall take effect July 1, 1994."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Moyer on page 1, beginning on line 18; page 3, beginning on line 21; and page 4, beginning on line 12; to Second Substitute Senate Bill No. 5468.

The motion by Senator Moyer failed and the amendments were not adopted on a rising vote.

MOTION

Senator Anderson moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 1, after "businesses" insert "with more than twenty-five employees"

On page 2, line 12, after "businesses" insert "with more than twenty-five employees"

On page 3, line 21, after "Businesses" insert "with more than twenty-five employees"

On page 3, line 24, after "business" insert "with more than twenty-five employees"

On page 3, line 35, after "businesses" insert "with more than twenty-five employees"

On page 4, line 1, after "business" insert "with more than twenty-five employees"

On page 4, beginning on line 13, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. This act shall take effect July 1, 1994."

Debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Anderson on page 2, lines 1 and 12; page 3, lines 21, 24, 35; page 4, line 1, and beginning on line 13; to Second Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senator McCaslin - 1.

MOTION

Senator Anderson moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 1, after "businesses" insert "with more than one hundred employees"
On page 2, line 12, after "businesses" insert "with more than one hundred employees"
On page 3, line 21, after "Businesses" insert "with more than one hundred employees"
On page 3, line 24, after "business" insert "with more than one hundred employees"
On page 3, line 35, after "businesses" insert "with more than one hundred employees"
On page 4, line 1, after "business" insert "with more than one hundred employees"
Debate ensued.

POINT OF ORDER

Senator Skratek: "A point of order, Mr. President. My point of order, simply, is that he was going to read us the bill and I don't think that is appropriate for us to sit here and be asked to listen to a reading of the bill by Senator McDonald. I think he understood my objection and I appreciate that and I do hope that we do not see a continuance of simply trying to read us the bill."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Anderson on page 2, lines 1 and 12; page 3, lines 21, 24 and 35; and page 4, line 1; to Second Substitute Senate Bill No. 5468.

The motion by Senator Anderson failed and the amendments were not adopted on a rising vote.

MOTION

Senator Anderson moved that the following amendments by Senator McCaslin be considered simultaneously and be adopted:

On page 2, line 1, after "businesses" insert "and cities with populations of more than two hundred fifty thousand residents"
On page 2, line 12, after "businesses" insert "and cities with populations of more than two hundred fifty thousand residents"
On page 3, after line 20, insert the following:

"(3) The departments shall also measure whether the cities receiving the benefits have: (a) Complied with federal and state requirements for affirmative action in hiring and promotion of their employees; (b) provided an average wage that is above the average wage paid by firms located in the same counties that share the same two-digit standard industrial code; (c) provided basic health coverage at a level at least equivalent to basic health coverage under chapter 70.47 RCW; (d) complied with all applicable federal and state environmental laws and regulations."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 21, after "Businesses" insert "and cities with populations of more than two hundred fifty thousand residents"
On page 3, line 24, after "business" insert "and cities with populations of more than two hundred fifty thousand residents"
On page 3, line 35, after "businesses" insert "and cities with populations of more than two hundred fifty thousand residents"
On page 4, line 1, after "business" insert "and cities with populations of more than two hundred fifty thousand residents"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McCaslin on page 2, lines 1 and 12; page 3, after line 20, and lines 21, 24 and 35; and page 4, line 1; to Second Substitute Senate Bill No. 5468.

The motion by Senator Anderson failed and the amendments by Senator McCaslin were not adopted.

MOTIONS

On motion of Senator Roach, the following amendments by Senators Roach and Sheldon were considered simultaneously and were adopted:

On page 2, line 1, after "businesses" insert "other than businesses certified as minority or women-owned and controlled businesses pursuant to chapter 39.19 RCW"

On page 3, line 21, after "businesses" insert "other than businesses certified or eligible to be certified as minority or women-owned and controlled businesses pursuant to chapter 39.19 RCW"

On page 3, line 35, after "businesses" insert ", not including businesses certified or eligible to be certified as minority or women-owned and controlled businesses pursuant to chapter 39.19 RCW,"

On page 4, after line 10, insert the following:

"(7) This section does not apply to any business certified or eligible to be certified as a minority or women-owned and controlled business pursuant to chapter 39.19 RCW."

Senator West moved that the following amendment by Senators West and Amondson be adopted:

On page 2, line 6, after "82.61 RCW." insert "This chapter does not apply to businesses receiving assistance under RCW 43.72.240 or 43.72.870."

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators West and Amondson on page 2, line 6, to Second Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Morton, Moyer, Nelson, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senator Newhouse - 1.

Excused: Senator McCaslin - 1.

MOTION

On motion of Senator Drew, Senator Haugen was excused.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, line 6, after "RCW." insert "However, the provisions in (2), (3) and (4) of this section shall not apply a business receiving a loan, tax credit or tax deferral that is less than the annual amount paid by the business in business and occupation tax."

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Skratek, there is some confusion on how we are reading this bill. We have been looking at the language on page 3, starting on line 21, that talks about businesses applying for the benefits. Are the provisions of this also a study or does this part of the bill kick in right away? Can you clarify that for us?"

Senator Skratek: "Yes, Senator Anderson, I can. Subsection 3, beginning on line 21, is currently being done. This is not new language."

Senator Anderson: "Senator Skratek, I don't understand that, because this is talked about in a new section. It says, 'The Department of Revenue shall gather information on those things,' so this is not a new provision? This is a study provision?"

Senator Skratek: "This is a current process that is in place where we are asking for Employment Impact Statements. The piece that is not currently being done is the assessment as to whether or not they have accomplished what they said they were going to do. That is what this is all about--return on investment. If we are going to be subsidizing businesses in the state of Washington, and they are already required to provide us with an Employment Impact Statement, we are asking for an assessment as to whether or not they have accomplished what they said they would do."

Senator Bluechel requested that Senator Skratek yield to a question, but Senator Skratek would not yield.

Further debate ensued.

Senator Erwin demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hochstatter on page 2, line 6, to Second Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senators Haugen and McCaslin - 2.

SPECIAL ORDER OF BUSINESS

On motion of Senator Spanel, further consideration of Second Substitute Senate Bill No. 5468 was deferred and made a special order of business for 4:55 p.m. today.

SECOND READING

SENATE BILL NO. 6311, by Senators Prentice and Pelz (by request of Department of Labor and Industries)

Adjusting permanent partial disability payments using the state average wage.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 6311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6311.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6311 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Haugen and McCaslin - 2.

SENATE BILL NO. 6311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 6295.

SECOND READING

SENATE BILL NO. 6295, by Senators Sheldon, Morton, Drew and Fraser

Establishing an additional weighting factor to be used in purchasing products containing recycled material.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6295 was substituted for Senate Bill No. 6295 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Fraser, in reading this bill, I like the trend that we are going to here. The concern that I had and I wanted to ask if it was discussed in committee, was that by using the weighting factor based upon savings and disposal costs--and then the department is looking at quantifying the cost savings, is that going to, however, create a higher product cost up front? While we are looking at cost savings through recycling and disposal costs, are we then going to weigh that against--if the product costs more up front?"

Senator Fraser: "To respond to the question, this is an optional method for bidders to use in bidding on state goods. It wouldn't be mandatory at all. If they do use Washington waste products in a product, then they could provide that information. The department would provide some uniform way of providing that information."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6295 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 6509.

SECOND READING

SENATE BILL NO. 6509, by Senators Moore, Amondson and Prentice (by request of Insurance Commissioner)

Acting in the case of impaired insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 6509 was substituted for Senate Bill No. 6509 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 6509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6509.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6509 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 6073.

SECOND READING

SENATE BILL NO. 6073, by Senators Prentice, Newhouse and Vognild (by request of Employment Security Department)

Correcting unemployment compensation statutes for base year compensation and defining employment.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6073 was substituted for Senate Bill No. 6073 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6073.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Erwin - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 5871.

SECOND READING

SENATE BILL NO. 5871, by Senators Roach, A. Smith, Hochstatter, Owen, McDonald, Pelz, Erwin, M. Rasmussen, Snyder, Loveland, Drew, Sellar, von Reichbauer, McCaslin and Oke

Modifying the definition of aggravated first degree murder.

MOTION

Senator Adam Smith moved that Senate Bill No. 5871 not be substituted.

The President declared the question before the Senate to be the motion by Senator Adam Smith that Senate Bill No. 5871 not be substituted.

The motion by Senator Adam Smith carried and Senate Bill No. 5871 was not substituted.

Senate Bill No. 5871 was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5871 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Spanel: "Mr. President, I rise to a point of order. We have reached the time of 4:55 p.m. for the Special Order of Business on Second Substitute Senate Bill No. 5468."

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5468, deferred earlier today.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 2, beginning on line 16, after "share the same" strike "two-digit" and insert "four-digit"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bluechel on page 2, beginning on line 16, to Second Substitute Senate Bill No. 5468.

The motion by Senator Bluechel failed and the amendment was not adopted on a rising vote.

MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 1, after "businesses" insert ", other than high-technology businesses eligible to receive a tax credit or deferral pursuant to chapter ..., Laws of 1994 (2SSB 6347),"

On page 3, line 21, after "businesses" insert ", other than high-technology businesses eligible to receive a tax credit or deferral pursuant to chapter ..., Laws of 1994 (2SSB 6347),"

On page 3, line 35, after "businesses" insert ", not including high-technology businesses eligible to receive a tax credit or deferral pursuant to chapter ..., Laws of 1994 (2SSB 6347),"

On page 4, after line 10, insert the following:

"(7) This section does not apply to any high-technology business eligible to receive a tax credit or deferral pursuant to chapter ..., Laws of 1994 (2SSB 6347)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McDonald on page 2, line 1; page 3, lines 21 and 35; and page 4, after line 10, to Second Substitute Senate Bill No. 5468.

The motion by Senator McDonald failed and the amendments were not adopted.

MOTION

Senator Anderson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The competitive strategies task force is established for the purposes of developing strategies for: Reducing the cost of government services or other public sector activities; improving the quality of services, without increasing costs, that citizens require; and minimizing the role of government where market competition is able to achieve the social good without significant government interference.

(2) The task force shall be composed of the following members: The executive director of the commission for efficiency and accountability in government or his or her designee, who shall serve as chair; the governor or the governor's designee; the director of the department of general

administration or his or her designee; a representative from each caucus of the house of representatives to be appointed by the speaker of the house of representatives; a representative from each caucus of the senate to be appointed by the president of the senate; a representative from a major state-wide public employee union; two representatives from major state-wide private sector unions; three representatives from a major state-wide business organization that represents a cross section of private sector industry; and two representatives from the general public.

(3) The task force shall:

(a) Perform a thorough review and inventory of all state services and other activities of state government;

(b) Identify various arrangements that the state government might implement as alternative methods to the purchase or delivery of necessary services including but not limited to: The transfer of facility operation to a private sector management company; cooperative public-private finance and development plans, joint public-private operation of existing facilities, infrastructure, and services; sale or lease of government-owned real estate assets; transfer of selected services to the private sector; sale or recapitalization of government-owned companies; enhancement of cash management and debt restructuring; restructuring government organizations and management; use of leases and lease purchase arrangements for facilities and infrastructure; voucher-based programs; and intergovernmental agreements;

(c) Consider incentives to encourage the active use of the arrangements identified under (b) of this subsection by state agencies, departments, and institutions;

(d) Develop comprehensive guidelines or procedures for the implementation of arrangements identified under (b) of this subsection that ensure satisfactory accountability measures and protection of the public interest;

(e) Investigate efforts made by other states and nations to arrange for the use of competitive strategies; and

(f) Report its final findings and recommendations to the legislature no later than December 15, 1994, including any legislation the task force finds necessary for the implementation of the findings and recommendations.

(4) The office of financial management shall provide the necessary staff support for the purposes of the task force.

NEW SECTION. Sec. 2. It is the intent of the legislature that:

(1) All agencies, departments, offices of elective or appointed state officers, state institutions, colleges, universities, community colleges, technical colleges, college districts, public school districts, the supreme court, the court of appeals, and any other entities receiving appropriations from the legislature deliver high-quality services to the people of the state of Washington in the most efficient and cost-effective manner possible;

(2) The director of general administration, through the state purchasing and material control director established in RCW 43.19.180, be provided the highest level of flexibility in the purchase of all materials, supplies, services, and equipment necessary for the efficient support, maintenance, repair, and use of all agencies and departments under RCW 43.19.190; and

(3) Primary deliberation regarding the purchase or delivery of services by state agencies, departments, and institutions focus upon strategies that foster cost controls and increased quality or service levels through the use of free market enterprise competition.

Sec. 3. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any department)) An agency, as defined in RCW 41.06.020, ((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979-PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract)) may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with RCW 43.19.1906.~~

Sec. 4. RCW 41.06.382 and 1979 ex.s. c 46 s 1 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any)) An institution of higher education, as defined in RCW 28B.10.016, or related board ((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract at such institution prior to April 23, 1979- PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract)) may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with RCW 43.19.1906.~~

NEW SECTION. Sec. 5. A new section is added to chapter 28A.400 RCW to read as follows:

Nothing in this chapter may be construed as prohibiting the procurement or provision of nonacademic services. Directors of school districts may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with RCW 43.19.1906.

NEW SECTION. Sec. 6. This act shall take effect July 1, 1994."

Debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Anderson to Second Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogndild, Williams and Wojahn - 28.

Excused: Senator McCaslin - 1.

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5468 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 22.

Excused: Senator McCaslin - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Spanel, the Senate advanced to the seventh order of business.

On motion of Senator Spanel, the Senate resumed consideration of Senate Bill No. 5871, deferred on third reading before the Senate took up the special order of business.

Debate on Senate Bill No. 5871 ensued.

MOTION

On motion of Senator Drew, Senator Niemi was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5871.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5871 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 43.

Voting nay: Senators Pelz, Prentice, Rinehart and Williams - 4.

Excused: Senators McCaslin and Niemi - 2.

SENATE BILL NO. 5871, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

REPORT OF STANDING COMMITTEE

February 1, 1994

HB 1295 Prime Sponsor, Representative Orr: Recodifying RCW 41.26.281. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That it be referred to Committee on Ways and Means without recommendation. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Sellar, Sutherland and Vognild.

Referred to Committee on Ways and Means.

MOTION

At 5:30 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Wednesday, February 16, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 15, 1994

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

THIRTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 16, 1994
The Senate was called to order at 12:00 noon President Pritchard. No roll call was taken.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 14, 1994

Marty Brown
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Secretary Brown:

Enclosed is our Report to the Legislature from the Division of Developmental Disabilities regarding Efforts to Obtain Federal Approval to Include Converted Living Units at Fircrest School Under Home and Community-Based Services Waivers. If you have any questions regarding the report, please contact me.

Sincerely,
JEAN SOLIZ, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 14, 1994

Marty Brown
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Secretary Brown:

Enclosed is our Report to the Legislature from the Office of Child Care Policy regarding Block Granting Non-Entitlement Child Care Subsidies.

If you have any questions regarding the report, please contact me.

Sincerely,
JEAN SOLIZ, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 14, 1994

Marty Brown
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Secretary Brown:

Enclosed is our Report to the Legislature from the Division of Developmental Disabilities regarding Plans to Expand Medicaid Home and Community-Based Services Waivers.

If you have any questions regarding the report, please contact me.

Sincerely,
JEAN SOLIZ, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

February 14, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment subject to your confirmation:

Lee D. Lannoye, appointed February 14, 1994, for a term ending June 30, 1997, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

MESSAGES FROM THE HOUSE

February 14, 1994

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1242,
ENGROSSED HOUSE BILL NO. 2339,
ENGROSSED HOUSE BILL NO. 2376,
ENGROSSED HOUSE BILL NO. 2390,
ENGROSSED HOUSE BILL NO. 2416,
HOUSE BILL NO. 2481,
ENGROSSED HOUSE BILL NO. 2555,
SUBSTITUTE HOUSE BILL NO. 2570,
SUBSTITUTE HOUSE BILL NO. 2571,
HOUSE BILL NO. 2592,
HOUSE BILL NO. 2601,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2605,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2607,
ENGROSSED HOUSE BILL NO. 2657, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 14, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2521, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 14, 1994

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1243,
SECOND SUBSTITUTE HOUSE BILL NO. 2228,

HOUSE BILL NO. 2300,

HOUSE BILL NO. 2338,

HOUSE BILL NO. 2382,

HOUSE BILL NO. 2392,

HOUSE BILL NO. 2445,

SUBSTITUTE HOUSE BILL NO. 2452,

ENGROSSED HOUSE BILL NO. 2712,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2741,

SECOND SUBSTITUTE HOUSE BILL NO. 2761, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 15, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4431, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 15, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2510, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 15, 1994

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1275,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652,

HOUSE BILL NO. 1869,

HOUSE BILL NO. 1975,

SUBSTITUTE HOUSE BILL NO. 2153,

SUBSTITUTE HOUSE BILL NO. 2167,

HOUSE BILL NO. 2281,

HOUSE BILL NO. 2484,

SUBSTITUTE HOUSE BILL NO. 2488,

HOUSE BILL NO. 2577,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,

HOUSE BILL NO. 2641,

ENGROSSED HOUSE BILL NO. 2670,

ENGROSSED HOUSE BILL NO. 2679,

SUBSTITUTE HOUSE BILL NO. 2718,

SUBSTITUTE HOUSE BILL NO. 2727,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2737,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2872,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4026,

ENGROSSED HOUSE JOINT MEMORIAL NO. 4031, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 15, 1994

MR. PRESIDENT:

The House has passed:
SECOND SUBSTITUTE HOUSE BILL NO. 1457,
SUBSTITUTE HOUSE BILL NO. 2424,
HOUSE BILL NO. 2485,
SUBSTITUTE HOUSE BILL NO. 2610,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2901, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6604 by Senator Rinehart (by request of Department of Social and Health Services)

AN ACT Relating to certain public assistance recipients who are incapacitated persons; amending RCW 11.92.180; and adding a new section to chapter 43.20B RCW.

Referred to Committee on Ways and Means.

SB 6605 by Senator Rinehart

AN ACT Relating to health insurance for retired and disabled state and school district employees; amending RCW 41.05.022, 41.05.075, 41.05.080, 41.05.120, and 28A.400.400; reenacting and amending RCW 41.05.011, 41.05.050, 41.05.065, and 41.05.140; adding a new section to chapter 41.05 RCW; creating new sections; repealing RCW 41.05.250, 41.05.260, 41.05.270, and 28A.400.400; and providing effective dates.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1242 by Representatives King, Heavey, G. Cole, Jones, Springer and Veloria

Allowing compensation for injured workers during industrial insurance appeals.

Referred to Committee on Labor and Commerce.

SHB 1243 by House Committee on Commerce and Labor (originally sponsored by Representatives King, Heavey, G. Cole, Jones and Veloria)

Making technical changes to the statute governing reconsideration of industrial insurance orders.

Referred to Committee on Labor and Commerce.

SHB 1275 by House Committee on Environmental Affairs (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Shin and Horn) (by request of Department of Transportation)

Exempting site exploration from shorelines management regulation.

Referred to Committee on Ecology and Parks.

ESHB 1409 by House Committee on Health Care (originally sponsored by Representatives Flemming, Mielke, Leonard, Dyer, R. Johnson, Thibaudeau, Cooke, King, H. Myers, Ballasiotes, Wineberry, Jones, Roland, Romero, Campbell, Rayburn, Orr and J. Kohl)

Concerning health treatment for individuals with developmental disabilities.

Referred to Committee on Health and Human Services.

2SHB 1457 by House Committee on Education (originally sponsored by Representatives Peery, Dorn, Brough, Brumsickle, Chappell, Leonard, Jones, Pruitt, Ogden, Basich, Rayburn, Karahalios, G. Cole, Springer, Locke, Eide, Mastin, Cothorn, G. Fisher, Morris and H. Myers)

Raising the minimum dollar amount requiring competitive bidding by school districts.

Referred to Committee on Education.

ESHB 1652 by House Committee on Judiciary (originally sponsored by Representatives Romero, G. Cole, Valle, Orr, Cothorn, Brown, Veloria, Holm, Zellinsky, Scott, Brough, Jones, R. Meyers, Dorn, Quall, Van Luven, Roland, L. Johnson, Long, Johanson and Anderson)

Revising provisions relating to animal cruelty.

Referred to Committee on Law and Justice.

HB 1869 by Representative R. Meyers

Failing to return leased or rented machinery, equipment, or motor vehicles.

Referred to Committee on Law and Justice.

HB 1975 by Representatives Dunshee and Locke (by request of Department of Social and Health Services)

Modifying provisions relating to nursing home reimbursement overpayments.

Referred to Committee on Health and Human Services.

SHB 2153 by House Committee on Education (originally sponsored by Representatives J. Kohl, Foreman, Thibaudeau, Ballasiotes, L. Johnson, Cooke, Valle, R. Johnson, Ogden, H. Myers, Heavey, Cothorn, Appelwick, Anderson, Roland, Forner, Campbell, Kremen, Pruitt, Johanson, Kessler, Holm, King, Wineberry, Basich, Romero, Springer and Leonard)

Requiring the superintendent of public instruction to develop sexual harassment policy criteria for school districts.

Referred to Committee on Education.

SHB 2167 by House Committee on Revenue (originally sponsored by Representatives Heavey, G. Fisher, Lemmon, Forner, Veloria, Roland, Eide, Campbell, Jones, Dorn, Zellinsky, Rayburn, Springer, Leonard and Patterson)

Regulating race tracks.

Referred to Committee on Trade, Technology and Economic Development.

2SHB 2228 by House Committee on Revenue (originally sponsored by Representatives Heavey, Lisk, Springer, Schmidt, Van Luven and Roland)

Clarifying the state's public policy on gambling.

Referred to Committee on Labor and Commerce.

HB 2281 by Representatives Holm, Sheldon, Moak, Foreman, Wolfe, J. Kohl, Carlson, Ogden, Karahalios, Kessler, Kremen and Anderson

Providing a sales and use tax exemption for used books sold by nonprofit organizations for the support of libraries.

Referred to Committee on Ways and Means.

HB 2300 by Representatives Morris, Padden, Long, King and Brough (by request of Department of Corrections and Employment Security Department)

Revising provisions relating to offender eligibility for unemployment compensation benefits.

Referred to Committee on Labor and Commerce.

HB 2338 by Representatives Bray and Long (by request of Utilities and Transportation Commission)

Authorizing late fees and interest for delinquent payment of fees to the Utilities and Transportation Commission.

Referred to Committee on Energy and Utilities.

EHB 2339 by Representatives King, Foreman and Orr (by request of Department of Fisheries and Department of Wildlife)

Revising fees and procedures for recreational fish and hunting licenses.

Referred to Committee on Natural Resources.

EHB 2376 by Representatives Morris and Jones (by request of Sentencing Guidelines Commission)

Revising the powers and duties of the sentencing guidelines commission.

Referred to Committee on Law and Justice.

HB 2382 by Representatives Veloria, Lisk, Heavey, Horn, Anderson, Schmidt, King, Chandler, Conway and Springer

Changing gambling provisions.

Referred to Committee on Labor and Commerce.

EHB 2390 by Representatives Finkbeiner, Heavey, Lisk, Chandler, Long, Forner, Conway, Johanson, Jones, Eide and Roland (by request of Department of Labor and Industries)

Clarifying statutes to reflect the organizational structure of the department of labor and industries.

Referred to Committee on Labor and Commerce.

HB 2392 by Representatives Mastin, Ballasiotes, Appelwick, Grant, Kessler, Dorn, Schoesler, Roland, Sheahan, R. Meyers, Wineberry, Long, Talcott, Van Luven, Johanson, Campbell, Fuhrman, Brumsickle, Wood, Silver, Kremen, Dyer, J. Kohl, Conway, Jones, Springer and McMorris

Including residential burglary in crimes of violence.

Referred to Committee on Law and Justice.

EHB 2416 by Representatives Sommers, Dorn, Dunshee, Silver, Appelwick, Wineberry, Riley, Dyer and J. Kohl (by request of Administrator for the Courts)

Concerning the judicial information system.

Referred to Committee on Ways and Means.

SHB 2424 by House Committee on Revenue (originally sponsored by Representatives Anderson, J. Kohl, Ballard, Dellwo, King, Dyer, Grant, Brough, Dorn, Lemmon, Quall, B. Thomas, Campbell, Sehlin, Wolfe, Morris, Roland, Wood, Carlson, Silver, Orr, Sheahan, Dunshee, Cothorn, Veloria, Mastin, Heavey, Long, Edmondson, Cooke, Schoesler, Kessler, Romero, Thibaudeau, Conway, Jones, Tate, Mielke, Springer and McMorris)

Removing "massage services" from the definition of retail sale.

Referred to Committee on Ways and Means.

HB 2445 by Representatives Springer, Chandler and G. Cole (by request of Department of Labor and Industries)

Regulating industrial insurance actions against third persons.

Referred to Committee on Labor and Commerce.

SHB 2452 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Lisk, Mastin, Chandler, Lemmon, Grant, Finkbeiner, Wineberry, Bray, Cothorn and Dyer)

Modifying provisions regarding shipping wine.

Referred to Committee on Labor and Commerce.

HB 2481 by Representatives Holm, G. Fisher, Foreman and Kremen (by request of Department of Revenue)

Modifying use tax on tangible personal property used in this state by a person engaged in business outside this state.

Referred to Committee on Ways and Means.

HB 2484 by Representatives Heavey, Horn, H. Myers, Reams, Forner, Finkbeiner, Brough, B. Thomas, Dyer, Ballard, Roland, Morris, Kremen, Long, Mielke, Springer, Cooke and Wood

Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval.

Referred to Committee on Government Operations.

HB 2485 by Representatives Jones, Heavey, R. Meyers, King, Springer, Conway, G. Cole, Veloria, J. Kohl and Kessler

Limiting premium liability of workers for industrial insurance.

Referred to Committee on Labor and Commerce.

SHB 2488 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Forner and Karahalios) (by request of Department of Social and Health Services)

Providing for child support enforcement operations.

Referred to Committee on Law and Justice.

E2SHB 2510 by House Committee on Appropriations (originally sponsored by Representatives R. Meyers, Reams, Brough, Dorn, Dunshee, Johanson, Pruitt, Shin, Zellinsky, Carlson, R. Johnson, J. Kohl, Karahalios, Basich, Jones, Bray, R. Fisher, Holm, Moak, Sheldon, Valle, Chappell, Eide, Wolfe, B. Thomas, Dyer, King, G. Fisher, L. Johnson, Dellwo, Ogden, Roland, Grant, Jacobsen, Quall, Rayburn, Morris, Romero, Rust, Kremen, Conway, Linville, Patterson, Forner, Long, Mielke, Springer, Cothorn, Kessler, H. Myers, Tate, Backlund, Cooke, Wood and Mastin) (by request of Governor Lowry)

Implementing regulatory reform.

Referred to Committee on Labor and Commerce.

ESHB 2521 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Dunshee, Pruitt, J. Kohl, Valle, Wolfe, L. Johnson, Ogden, Romero, Rust, Linville and Patterson)

Regulating metals mining and milling operations.

Referred to Committee on Natural Resources.

EHB 2555 by Representative Heavey (by request of Department of Health)

Modifying licensing and inspection of transient accommodations.

Referred to Committee on Health and Human Services.

SHB 2570 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, L. Thomas, R. Meyers and Dorn) (by request of Insurance Commissioner)

Changing insurance licensing requirements.

Referred to Committee on Labor and Commerce.

SHB 2571 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Schmidt, R. Meyers and Dorn) (by request of Insurance Commissioner)

Requiring certain capital and surplus for insurers.

Referred to Committee on Labor and Commerce.

HB 2577 by Representatives L. Thomas, Anderson, Reams, Horn and Dyer

Extending late campaign contribution limitations to all state-wide elections.

Referred to Committee on Law and Justice.

HB 2592 by Representatives R. Fisher, Schmidt, Wood and Springer (by request of Department of Transportation)

Harmonizing oversize vehicle permit laws.

Referred to Committee on Transportation.

HB 2601 by Representatives Finkbeiner, Brumsickle, Bray, Wang and Scott

Implementing the cellular communications tax study recommendations regarding 911 emergency communication system funding.

Referred to Committee on Energy and Utilities.

E2SHB 2605 by House Committee on Appropriations (originally sponsored by Representatives Jacobsen, Brumsickle, Dorn, Bray, Ogden, Dunshee, Pruitt and J. Kohl)

Changing higher education statutory relationships.

Referred to Committee on Higher Education.

ESHB 2607 by House Committee on Capital Budget (originally sponsored by Representatives Wang, Ogden and Sehlin)

Establishing alternative procurement procedures for certain state agencies and municipalities.

Referred to Committee on Government Operations.

SHB 2610 by House Committee on Health Care (originally sponsored by Representatives L. Johnson, Talcott, Valle, Brown, Dellwo, Cooke, Cothorn, Van Luven, Linville, Jacobsen, G. Cole, Shin, Pruitt, Patterson, Campbell and Brough)

Prohibiting tobacco products on all school grounds.

Referred to Committee on Health and Human Services.

ESHB 2626 by House Committee on Commerce and Labor (originally sponsored by Representatives Mastin and Grant)

Providing for the enforcement of plumbing certificate of competency requirements.

Referred to Committee on Labor and Commerce.

HB 2641 by Representatives Thibaudeau, Chandler, Conway, Anderson, Heavey and Campbell

Revising provisions relating to collective bargaining for employees of the Washington state bar association.

Referred to Committee on Labor and Commerce.

EHB 2657 by Representatives G. Fisher, Tate, King, Conway, Orr, Forner, Campbell, Brough, Mielke, Van Luven and Talcott

Changing the definition of "uniformed personnel" for public employees' collective bargaining.

Referred to Committee on Labor and Commerce.

EHB 2670 by Representatives G. Fisher, Foreman, Roland, Kessler, Shin, Campbell, Lemmon, Bray, R. Meyers, Basich, Johanson, Pruitt, Holm, Ogden, Sheldon, Caver, Quall, Jacobsen, Scott, Jones, Finkbeiner, Dellwo, H. Myers, Kremen, Conway, King, Rayburn, J. Kohl, L. Johnson and Anderson

Increasing senior citizen property tax relief.

Referred to Committee on Ways and Means.

EHB 2679 by Representatives Morris, Long, Springer, Chappell, Campbell, Johanson, Brough, Moak, Fuhrman, Padden, Mielke, Cooke and Van Luven

Limiting stays of judgment pending appeal for serious violent and sex offenders.

Referred to Committee on Law and Justice.

EHB 2712 by Representatives Ballasiotes, Campbell, Edmondson, Long, Chappell, Johanson, Padden, Eide, Appelwick, Tate and Brumsickle

Requiring the department of corrections to notify communities and hold public meetings concerning the possible siting of an adult work release facility in that area.

Referred to Committee on Law and Justice.

SHB 2718 by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Fuhrman, Foreman, Brown, Bray and Kremen)

Excepting utility-related real estate tax affidavits from certain verification requirements.

Referred to Committee on Ways and Means.

SHB 2727 by House Committee on Natural Resources and Parks (originally sponsored by Representatives King, Pruitt and Rust)

Authorizing uses of bond proceeds in the local improvements revolving account--water supply facilities.

Referred to Committee on Ecology and Parks.

ESHB 2737 by House Committee on Capital Budget (originally sponsored by Representatives Wineberry, Sheldon, Schoesler, Shin and Springer) (by request of Department of Trade and Economic Development)

Modifying provisions regarding the Washington economic development finance authority.

Referred to Committee on Trade, Technology and Economic Development.

ESHB 2741 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Linville, Pruitt, King, Rust, Valle, R. Johnson, Roland, Rayburn, R. Meyers, J. Kohl, Kremen, L. Johnson and Karahalios)

Coordinating watershed-based natural resource planning.

Referred to Committee on Natural Resources.

2SHB 2761 by House Committee on Appropriations (originally sponsored by Representatives G. Fisher, Patterson, J. Kohl, Brown, Horn, Foreman, Edmondson, Cooke and Long)

Modifying nursing home contractor cost provisions.

Referred to Committee on Health and Human Services.

ESHB 2816 by House Committee on Local Government (originally sponsored by Representatives H. Myers and Reams)

Creating a procedure for local government service agreements.

Referred to Committee on Government Operations.

ESHB 2850 by House Committee on Education (originally sponsored by Representatives Dorn, Brough, Cothorn and Karahalios)

Changing education provisions.

Referred to Committee on Education.

ESHB 2863 by House Committee on Transportation (originally sponsored by Representatives Zellinsky, R. Meyers and Schmidt)

Facilitating acquisition of a propulsion system for new jumbo ferries.

Referred to Committee on Transportation.

ESHB 2872 by House Committee on Commerce and Labor (originally sponsored by Representatives Veloria, Lisk, Caver, Springer and Leonard)

Making it a gross misdemeanor to use false identification to obtain liquor.

Referred to Committee on Labor and Commerce.

ESHB 2901 by House Committee on Energy and Utilities (originally sponsored by Representatives Bray, Kessler and Long)

Concerning the authority of public utilities to enter into agreements with private developers.

Referred to Committee on Energy and Utilities.

SHJM 4026 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Shin, Wineberry, Valle, Linville, Hansen, Quall, Basich, Grant, Former, Patterson, Johanson, Sheldon, Leonard, Schoesler, Campbell, Lisk, Chandler, Foreman, Kremen, Springer and J. Kohl)

Requesting that federal law be amended to allow foreign-flagged cruise ships between U.S. ports.

Referred to Committee on Trade, Technology and Economic Development.

EHJM 4031 by Representatives Brough, Heavey, Van Luven, Moak, Silver, Reams, Jones, Fuhrman, Linville, Campbell, Horn, Wineberry, Conway and Anderson

Petitioning for a legal suit on behalf of American Prisoners of War and personnel that are missing in action.

Referred to Committee on Government Operations.

HCR 4431 by Representatives Peery and Ballard

Amending the joint rules.

HOLD.

MOTION

On motion of Senator Spanel, House Concurrent Resolution No. 4431 was held on the desk.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Thursday, February 17, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 16, 1994

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

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 17, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Ludwig, McCaslin, Moore, Niemi, Pelz, Prince, Rinehart and Wojahn. On motion of Senator Oke, Senators Erwin, McCaslin and Prince were excused. On motion of Senator Drew, Senator Rinehart was excused.

The Sergeant at Arms Color Guard, consisting of Pages Shawn Padden and Jeff Swanson, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 16, 1994

SHB 1339 Prime Sponsor, House Committee on Judiciary: Appointing court commissioners in municipal court. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1994

REHB 1925 Prime Sponsor, Representative Orr: Requiring registration of persons carrying passengers for hire on whitewater river sections. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Amondson, Franklin, Haugen, Oke, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2157 Prime Sponsor, Representative King: Repealing the termination dates for provisions relating to migratory waterfowl. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Amondson, Franklin, Haugen, Oke, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 16, 1994

SHB 2212 Prime Sponsor, House Committee on Judiciary: Determining the number of district court judges. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2213 Prime Sponsor, Representative Eide: Changing the Washington state magistrates' association. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2240 Prime Sponsor, Representative Appelwick: Correcting a double amendment related to records of registered voters. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2241 Prime Sponsor, Representative Appelwick: Correcting a double amendment related to freedom from discrimination. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2377 Prime Sponsor, Representative Appelwick: Including optical imaging reproductions as business record copies admissible as evidence. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 16, 1994

GA 9342 ROBERT QUIODBACH, reappointed January 9, 1993, for a term ending January 1, 1997, as a member of the Forest Practices Appeals Board. Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Amondson, Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules.

February 16, 1994

GA 9366 DENNIS KARRAS, appointed June 14, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Personnel. Reported by Committee on Government Operations

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Loveland, Oke and Winsley.

Passed to Committee on Rules.

February 16, 1994

GA 9367 BUSSE NUTLEY, appointed May 18, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.
Reported by Committee on Government Operations

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Loveland, Oke and Winsley.

Passed to Committee on Rules.

February 16, 1994

GA 9392 EUGENE MATT, appointed October 13, 1993, for a term ending January 4, 1995, as a member of the Personnel Board.
Reported by Committee on Government Operations

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Loveland, Oke and Winsley.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
FAMILY POLICY INITIATIVE
14th and Jefferson
P. O. Box 45015
Olympia, Washington 98504-5015

January 16, 1994

Marty Brown
Secretary of the Senate
306 Legislative Building
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Brown:

Enclosed is the Family Policy council Co-location of Staff Report requested of the Council in a proviso in the 1993-95 budget. The proviso directed the Family Policy Council to "establish procedures for location of appropriate counseling staff of participating agencies in public schools".

The issues surrounding co-location of those staff resources in public schools are numerous and reflect the complexity of the health, human service, and education systems which have developed in the state and nation over the past thirty years. The issues have their roots in the nature of various categorical program structures and funding streams as well as professional education certification and labor practices, administrative procedures, etc. In effect, they are no less complicated than the combined state and local systems which have evolved in human services.

For those reasons, the most effective procedures to re-locate existing staff are not always easily isolated from the larger task of changing the culture of the system which we continue to do within the broader context of the Family Policy Initiative. The restructuring of family services, as proposed in the Governor's Youth Agenda will do much to facilitate co-location.

Included in this report are a number of findings which can serve as guidance to local communities interested in pursuing co-location, as well as two specific recommendations to the Legislature. At the conclusion of the current legislative session, a specific action plan will be assembled and implemented to further our co-location efforts.

Sincerely,
JEAN T. SOLIZ, Chairperson

The Select Committee Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6606 by Senators Rinehart, Gaspard, Quigley, Ludwig, A. Smith, Sutherland, Skratek, Haugen, McAuliffe, Sheldon, Bauer, Snyder, Spanel, Owen, Williams, Wojahn, Prentice, Fraser, Drew, L. Smith, Amondson, Bluechel, Schow, Morton, Cantu, Sellar, Newhouse, Anderson, Oke, McDonald, Nelson, Hochstatter, Roach, West, Moyer, Deccio, Erwin and Winsley

AN ACT Relating to repealing the general business and occupation surtax under RCW 82.04.2201; repealing RCW 82.04.2201; and providing an effective date.

Referred to Committee on Ways and Means.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Apple Blossom Queen Heather Hopkins, Princess Alyson Brinton and Princess Stacie Turner who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Queen Heather, Princess Alyson and Princess Stacie to address the Senate.

Senator Sellar gave a special welcome to the Apple Blossom royalty.

SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9359, Edward Y. Mayeda, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF EDWARD Y. MAYEDA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 40.

Absent: Senators Ludwig, Moore, Niemi, Pelz and Wojahn - 5.

Excused: Senators Erwin, McCaslin, Prince and Rinehart - 4.

MOTION

On motion of Senator Drew, Senators Moore, Niemi, Pelz and Wojahn were excused.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9358, Veltry Johnson, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF VELTRY JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Winsley - 41.

Absent: Senator Vognild - 1.

Excused: Senators Erwin, McCaslin, Moore, Niemi, Pelz, Prince and Wojahn - 7.

MOTION

At 10:30 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:55 a.m. by President Pritchard.

MOTION

At 11:55 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 18, 1994.

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 17, 1994

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

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 18, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Deccio, McCaslin, Niemi and Schow. On motion of Senator Oke, Senators Anderson, Deccio, McCaslin and Schow were excused.

The Sergeant at Arms Color Guard, consisting of Pages Malynda Boggs and Jacqueline Whitfield, presented the Colors. Senator Dean Sutherland offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 17, 1994

SB 6084 Prime Sponsor, Vognild: Making supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6084 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Morton, Nelson, Oke, Prentice, Rasmussen, Schow, Sheldon and Winsley.

HOLD.

February 17, 1994

SB 6243 Prime Sponsor, Rinehart: Relating to the capital budget. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge and Wojahn.

HOLD.

February 17, 1994

SB 6244 Prime Sponsor, Rinehart: Making appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Ludwig, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge and Wojahn.

HOLD.

February 16, 1994

2SHB 1009 Prime Sponsor, House Committee on Judiciary: Prescribing liabilities for lis pendens filings. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 17, 1994

ESHB 1018 Prime Sponsor, House Committee on Local Government: Making the office of sheriff nonpartisan. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Oke, Owen and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

February 17, 1994

HB 1020 Prime Sponsor, Representative Springer: Clarifying the authority of towns to manage property. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 1133 Prime Sponsor, Representative Kremen: Allowing the assignment of claims for unlawful conversion of goods and unlawful leaving without paying. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 1929 Prime Sponsor, Representative R. Fisher: Adjusting requirements for regional transportation planning organizations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

SHB 1955 Prime Sponsor, State Committee on Local Government: Concerning hearings related to improvement districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2169 Prime Sponsor, Representative R. Fisher: Establishing board membership criteria for regional transit authorities. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Oke, Prentice, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

HB 2187 Prime Sponsor, Representative Dunshee: Concerning the merger of fire protection districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2282 Prime Sponsor, Representative Holm: Providing that a district court judges salary is not reduced when a pro tempore judge serves due to an affidavit of prejudice. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1994

SHB 2430 Prime Sponsor, House Committee on Financial Institutions and Insurance: Correcting an error concerning midwifery and birth center malpractice insurance. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1994

SHB 2438 Prime Sponsor, House Committee on Financial Institutions and Insurance: Making technical corrections for the department of financial institutions. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2494 Prime Sponsor, Representative Jones: Requiring moving companies to use a Washington utilities and transportation commission permit number for advertisements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Oke, Prentice, Rasmussen, Schow, Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6084 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6243 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6244 was advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 16, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Patrick Fahey, appointed February 16, 1994, for a term ending March 26, 1997, as a member of the Higher Education Facilities Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

SECOND READING
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9387, Betty Eager, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF BETTY EAGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Niemi - 1.

Excused: Senators Anderson, Deccio, McCaslin and Schow - 4.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9382, Ronald C. Claudon, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

Senators Rasmussen and Roach spoke to the confirmation of Ronald C. Claudon as a member of the Board of Trustees for Green River Community College District No. 10.

APPOINTMENT OF RONALD C. CLAUDON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 45.

Absent: Senators Niemi and West - 2.

Excused: Senators McCaslin and Schow - 2.

MOTION

At 10:22 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pritchard.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9388, Myrna J. Emerick, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF MYRNA J. EMERICK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 45.

Absent: Senators Sellar and West - 2.

Excused: Senators McCaslin and Schow - 2.

MOTION

On motion of Senator Anderson, Senator West was excused.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9304, Ruthann Kurose, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF RUTHANN KUROSE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and West - 2.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9400, Grace T. Yuan, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF GRACE T. YUAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

MOTION

On motion of Senator Gaspard, the Senate commenced consideration of Senate Bill No. 6243.

SECOND READING

SENATE BILL NO. 6243, by Senators Rinehart and Quigley (by request of Office of Financial Management)

Relating to the capital budget.

MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6243 was substituted for Senate Bill No. 6243 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6243.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6243 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Anderson and Oke - 2.

Excused: Senator McCaslin - 1.
SUBSTITUTE SENATE BILL NO. 6243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 6084.

SECOND READING

SENATE BILL NO. 6084, by Senator Vognild (by request of Office of Financial Management)

Making supplemental transportation appropriations.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6084 was substituted for Senate Bill No. 6084 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendments be considered simultaneously and be adopted:

On page 16, line 11, strike "\$22,900,000" and insert "\$27,900,000"

On page 18, line 28, strike "((5,020,000)) 10,020,000" and insert "5,020,000"

On page 19, after line 2, strike all material through "commission." on line 5

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Vognild, there is a fund that has been set aside that is available for the building of a new track and I understand that this would be in addition to that fund that already exists?"

Senator Vognild: "Senator, the fund that is being referred to is as a set aside is just a little more than eight million dollars. That is money which belongs to the Horse Racing Society. It is a set aside from the--I forget what they call it--but from the betting receipts, the money that comes from the betting receipts. It is a set aside that has been put into a fund to build the facility.

"This money has nothing to do with building a facility. This is not a grant to any private organization. This money says that when they site that facility, those portions of the highway infrastructure which the state is responsible for, we are willing to step up and say we will do."

Senator Deccio: "Another question, you know there is a lot of pressure on the commission to go to another site. Would this money, then, build that pressure on the commission to look at some other sites?"

Senator Vognild: "Senator, not in my opinion, it would not. Any of the sites that I know of that are being considered all require rather extensive highway infrastructure surrounding them beyond what they have to pay for in the impact fees."

Senator Deccio: "Thank you, Senator Vognild."

Further debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Vognild, in this Section 20, this additional money is coming from the sale of bonds and the specific language that has been entered in this section is providing five million dollars from this source--the bonds--to support the development of a horse racing facility approved by the Horse Racing Commission. Keeping in mind that many of those who have spoken thus far, probably have in mind a track at Auburn or at Fife or Yakima or some place or Monroe, but is it not true, Senator Vognild, that if a track were approved by the Horse Racing Commission that would be located on the Muckleshoot Indian Grounds or at Tulalip and it was first in line, this section would, in fact, provide those moneys for building the infrastructure on those tribal grounds?"

Senator Vognild: "I would say, 'yes.' The language is intentionally written so that any facility which is approved by the commission and then needs state funded infrastructure, this would apply."

POINT OF INQUIRY

Senator West: "Senator Vognild, do you have any information that would lead you to believe that any of this money would be expended in this biennium?"

Senator Vognild: "Senator, if it is not spent in the biennium, it will be returned to the transportation fund. I certainly hope that does not happen. I hope the facility is sited. I have no inside knowledge one way or the other."

Senator West: "In the meantime, the five million dollars that is set aside--if that weren't set aside, could that be expended for transportation projects in each of our districts or somewhere else in the state?"

Senator Vognild: "As far as construction work is concerned, the answer to that is 'no, it would not be.' As far as some advanced planning and engineering, possibly; I do not know."

Senator West: "Thank you."

Further debate ensued.

REQUEST TO BE EXCUSED

Senator Talmadge cited Senate Rule No. 22 and requested to be excused from voting on the amendments by Senator Haugen to Substitute Senate Bill No. 6084, because of a possible conflict of interest.

EDITOR'S NOTE: Senate Rule No. 22 states: 'A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.'

The President declared the question before the Senate to be the adoption of the amendments by Senator Haugen on page 16, line 11; page 18, line 28; and page 19, after line 2; to Substitute Senate Bill No. 6084. The motion by Senator Haugen failed and the amendments were not adopted.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Vognild be adopted:

On page 30, after line 2, insert the following:

"NEW SECTION. Sec. 38. This supplemental transportation budget assumes a \$95 million appropriation to the transportation fund from the general fund to be specified in the supplemental operating budget. The \$95 million appropriation is for the purposes provided for in section 17 of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Vognild on page 30, after line 2, to Substitute Senate Bill No. 6084.

The motion by Senator Nelson carried and the amendment was adopted.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 6084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6084.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6084 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Haugen and Talmadge - 2.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6244, by Senators Rinehart and Quigley (by request of Office of Financial Management)

Making appropriations.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 21, increase the General Fund Appropriation by \$40,000 and adjust the total appropriation accordingly

On page 4, after line 4, insert the following:

"(6) \$40,000 of the general fund appropriation is provided solely for the legislative budget committee to provide an evaluation of the department of health's immunization program and report back to the legislature by October 31, 1994. The program performance audit shall include: Analysis of the distribution and utilization of vaccines by local health departments and private physicians; identification of destroyed and unused amounts of vaccine; and evaluation of the department's program to increase the rate of vaccination of children two years old and under."

On page 61, line 15, decrease the General Fund--State Appropriation by \$40,000 and adjust the total appropriation accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator West on page 2, line 21; page 4, after line 4; and page 61, line 15; to Substitute Senate Bill No. 6244.

The motion by Senator West failed and the amendments were not adopted.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

MOTION

Senator Cantu moved that the following amendments by Senators Cantu and Moyer be considered simultaneously and be adopted:

On page 10, line 6, increase the General Fund--State appropriation by \$1,781,000 and adjust the total appropriation accordingly.

On page 10, line 18, strike "(((4)))" and insert "(1)"

On page 10, after line 23, insert the following:

"(2) \$1,781,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 5992 (performance audits of state agencies)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Cantu and Moyer on page 10, lines 6, 18 and 23, to Substitute Senate Bill No. 6244.

The motion by Senator Cantu failed and the amendments were not adopted.

MOTIONS

On motion of Senator Loveland, the following amendments by Senators Loveland, Snyder, Hochstatter, Rasmussen, Moore, Rinehart, Erwin, Morton, Owen, Bauer, Ludwig, Prince, Moyer, Haugen, Drew, Hargrove, Sheldon, Oke, Roach and Schow were considered simultaneously and were adopted:

On page 70, line 29, decrease the Water Quality Account appropriation by \$250,000 and adjust the total appropriation accordingly.

On page 74, line 17, strike "2,000,000" and insert "1,750,000"

On page 77, line 14, increase the Water Quality Account appropriation by \$250,000 and adjust the total appropriation accordingly.

On page 77, line 26, after "appropriation" strike "is" and insert "((is)) and \$250,000 of the water quality account appropriation are"

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 109, line 7, strike "672,558,000" and insert "680,560,000"

On page 109, line 14, strike "719,093,000" and insert "727,095,000"

On page 110, beginning on line 15, after "staff," strike all material down to and including "year" on line 21, and insert the following:

"(b) \$1,750,000 of the general fund--state appropriation is provided solely for incremental salary increases for faculty; and

(c) \$1,950,000 of the general fund--state appropriation is provided solely for incremental salary increases for classified employees.

(d) It is the intent of the legislature that the increases under (b) and (c) of this subsection shall be funded by savings achieved in state general fund expenditures for the 1993-1995 fiscal biennium. To achieve the savings necessary to fund this appropriation, the office of financial management shall immediately make across-the-board reductions in state general fund allotments to all state agencies and institutions for furnishings, equipment, software, travel, goods and services, and other support costs"

On page 128, after line 36, insert the following:

"NEW SECTION. Sec. 713. A new section is added to 1993 sp.s. c 24 to read as follows:

The sum of \$71,832,000, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for allocation to school districts for the biennium ending June 30, 1995, to provide an average salary increase of three percent for all state-supported certificated instructional staff, state-supported certificated administrative staff, and state-supported classified staff, effective September 1, 1994. For the 1994-95 school year, the superintendent of public instruction shall modify the state-wide salary allocation schedule in section 503, chapter 24, Laws of 1993 sp. sess. (uncodified) and LEAP Document 12B to reflect the average three percent salary increase.

The appropriation in this section shall be allocated by the superintendent of public instruction according to the number of staff formula units generated in the following programs: General apportionment, pupil transportation, handicapped education, educational service districts, institutional education, the highly capable program, transitional bilingual program, and the learning assistance program.

It is the intent of the legislature that this appropriation shall be funded by savings achieved in state general fund expenditures for the 1993-1995 fiscal biennium. To achieve the savings necessary to fund this appropriation, the office of financial management shall immediately make across-the-board reductions in state general fund allotments to all state agencies and institutions for furnishings, equipment, software, travel, goods and services, and other support costs.

Sec. 714. RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;
(5) Training and career development;
(6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. However, beginning July 1, 1993, through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars, except for increases authorized under sections 713 and 601(6), chapter . . . , Laws of 1994 (uncodified) (S-5216.4/94);

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables."

On page 137, after line 32, insert the following:

"Sec. 903. 1993 sp.s. c 24 s 915 (uncodified) is amended to read as follows:

(1) Beginning July 1, 1993, and until June 30, 1995, no state agency may grant a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750, except exempt employees whose salaries are determined by an elected state official or the judicial branch and increases permitted under sections 713 and 601(6), chapter . . . , Laws of 1994 (uncodified) (S-5216.4/94).

(2) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide, from appropriations in this act, a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750, except increases permitted under sections 713 and 601(6), chapter . . . , Laws of 1994 (uncodified) (S-5216.4/94).

(3) It is the intent of the legislature to freeze salaries for all employees whose annual salary is greater than \$45,000. In order to maintain equity and fairness across all employee groups, the legislature encourages state-wide elected officials and the judicial branch not to grant salary increases to employees who earn more than \$45,000 a year."

Renumber the sections consecutively and correct any internal references accordingly.
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McDonald on page 109, lines 7 and 14; page 110, beginning on line 15; page 128, after line 36; and page 137, after line 32; to Substitute Senate Bill No. 6244.

The motion by Senator McDonald failed and the amendments were not adopted.

MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 109, line 7, strike "672,558,000" and insert "680,560,000"

On page 109, line 14, strike "719,093,000" and insert "727,095,000"

On page 110, beginning on line 15, after "staff;" strike all material down to and including "year" on line 21, and insert the following:
"(b) \$1,750,000 of the general fund--state appropriation is provided solely for incremental salary increases for faculty; and

(c) \$1,950,000 of the general fund--state appropriation is provided solely for incremental salary increases for classified employees"

On page 128, after line 36, insert the following:

"NEW SECTION. Sec. 713. A new section is added to 1993 sp.s. c 24 to read as follows:

The sum of \$71,832,000, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for allocation to school districts for the biennium ending June 30, 1995, to provide an average salary increase of three percent for all state-supported certificated instructional staff, state-supported certificated administrative staff, and state-supported classified staff, effective September 1, 1994. For the 1994-95 school year, the superintendent of public instruction shall modify the state-wide salary allocation schedule in section 503, chapter 24, Laws of 1993 sp. sess. (uncodified) and LEAP Document 12B to reflect the average three percent salary increase.

The appropriation in this section shall be allocated by the superintendent of public instruction according to the number of staff formula units generated in the following programs: General apportionment, pupil transportation, handicapped education, educational service districts, institutional education, the highly capable program, transitional bilingual program, and the learning assistance program.

Sec. 714. RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money

equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. However, beginning July 1, 1993, through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars, except for increases authorized under sections 713 and 601(6), chapter . . . , Laws of 1994 (uncodified) (S-5216.4/94);

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables."

On page 137, after line 32, insert the following:

"**Sec. 903.** 1993 sp.s. c 24 s 915 (uncodified) is amended to read as follows:

(1) Beginning July 1, 1993, and until June 30, 1995, no state agency may grant a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750, except exempt employees whose salaries are determined by an elected state official or the judicial branch and increases permitted under sections 713 and 601(6), chapter . . . , Laws of 1994 (uncodified) (S-5216.4/94).

(2) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide, from appropriations in this act, a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750, except increases permitted under sections 713 and 601(6), chapter . . . , Laws of 1994 (uncodified) (S-5216.4/94).

(3) It is the intent of the legislature to freeze salaries for all employees whose annual salary is greater than \$45,000. In order to maintain equity and fairness across all employee groups, the legislature encourages state-wide elected officials and the judicial branch not to grant salary increases to employees who earn more than \$45,000 a year."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator McDonald on page 109, lines 7 and 14; page 110, beginning on line 15; page 128, after line 36; and page 137, after line 32; to Substitute Senate Bill No. 6244.

ROLL CALL

The Secretary called the roll and the amendments by Senator McDonald were not adopted by the following vote: Yeas, 16; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bluechel, Deccio, Erwin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, West and Winsley - 16.

Voting nay: Senators Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 31.

Excused: Senators Amondson and McCaslin - 2.

MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 108, after line 4, insert the following:

"NEW SECTION. Sec. 518. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--1994-95 SCHOOL YEAR EMPLOYEE SALARY BONUS

General Fund Appropriation \$ 71,832,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall allocate the funds to provide a three percent salary bonus for the 1994-95 school year for all state-supported certificated instructional staff, state-supported certificated administrative staff, and state-supported classified staff, effective September 1, 1994."

On page 109, line 7, strike "~~672,558,000~~" and insert "680,560,000"

On page 109, line 14, strike "~~719,093,000~~" and insert "727,095,000"

On page 110, beginning on line 15, after "staff:" strike all material down to and including "year" on line 21, and insert the following:

"(b) \$1,750,000 of the general fund--state appropriation is provided solely for incremental salary increases for faculty; and

(c) \$1,950,000 of the general fund--state appropriation is provided solely for incremental salary increases for classified employees"

On page 128, after line 36, insert the following:

"Sec. 713. RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. However, beginning July 1, 1993, through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars, except for increases authorized under sections 518 and 601(6), chapter . . . Laws of 1994 (uncodified) (S-5216.4/94);

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables."

On page 137, after line 32, insert the following:

"**Sec. 904.** 1993 sp.s. c 24 s 915 (uncodified) is amended to read as follows:

(1) Beginning July 1, 1993, and until June 30, 1995, no state agency may grant a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750, except exempt employees whose salaries are determined by an elected state official or the judicial branch and increases permitted under sections 518 and 601(6), chapter . . . Laws of 1994 (uncodified) (S-5216.4/94).

(2) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide, from appropriations in this act, a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750, except increases permitted under sections 518 and 601(6), chapter . . . Laws of 1994 (uncodified) (S-5216.4/94).

(3) It is the intent of the legislature to freeze salaries for all employees whose annual salary is greater than \$45,000. In order to maintain equity and fairness across all employee groups, the legislature encourages state-wide elected officials and the judicial branch not to grant salary increases to employees who earn more than \$45,000 a year."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator McDonald on page 108, after line 4; page 109, lines 7 and 14; page 110, beginning on line 15; page 128, after line 36; and page 137, after line 32; to Substitute Senate Bill No. 6244.

ROLL CALL

The Secretary called the roll and the amendments by Senator McDonald were not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, Ludwig, McDonald, Morton, Moyer, Nelson, Oke, Prince, Roach, Schow, Sellar, West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senator Newhouse - 1.

Excused: Senator McCaslin - 1.

MOTION

Senator West moved that the following amendment be adopted:

On page 117, line 38, strike "802,000" and insert "917,000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 117, line 38, to Substitute Senate Bill No. 6244.

The motion by Senator West failed and the amendment was not adopted.

MOTION

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Vognild was adopted:

On page 135, beginning on line 27, strike all material down to page 137, line 32

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 137, after line 32, insert the following new section:

"Sec. 904. RCW 71A.10.020 and 1988 c 176 s 102 are each amended to read as follows:

As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Department" means the department of social and health services.

(2) "Developmental disability" means a ~~((disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual. By January 1, 1989, the department shall promulgate rules which define neurological or other conditions in a way that is not limited to intelligence quotient scores as the sole determinate [determinant] of these conditions, and notify the legislature of this action))~~ severe, chronic disability of a person that:

(a) Is attributable to a mental or physical impairment or combination of mental and physical impairments, other than the sole diagnosis of mental illness;

(b) Is manifested before the person attains age twenty-two;

(c) Is likely to continue indefinitely;

(d) Results in substantial functional limitations in three or more of the following areas of major life activity: (i) Self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

(e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; except that the term, when applied to infants and young children means individuals from birth to age five, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

(3) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

(4) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(5) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

(6) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

(7) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Service" or "services" means services provided by state or local government to carry out this title."

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I raise the question of scope and object on this amendment. This amendment would amend statutory law. It was a bill this session, so I would urge turning it down."

At 1:46 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 1:47 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6244 and the pending amendment by Senator Erwin on page 137, after line 32, under consideration when the Senate went at ease.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute Senate Bill No. 6244 is a measure which makes appropriations for the supplemental operating budget for the remainder of the biennium.

"The amendment proposed by Senator Erwin would change the statutory definition of 'developmental disability' in Chapter 71A RCW.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Erwin on page 137, after line 32, to Substitute Senate Bill No. 6244 was ruled out of order.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, strike ", 22.09.830, and 88.44.020" and insert "and 22.09.830"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6244.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6244 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Anderson, McDonald, Morton, Nelson, Newhouse, Oke, Smith, L. and West - 9.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Spanel, the Committee on Ecology and Parks was relieved of further consideration of Substitute House Bill No. 2662.

On motion of Senator Spanel, Substitute House Bill No. 2662 was referred to the Committee on Ways and Means.

MOTIONS

On motion of Senator Spanel, Gubernatorial Appointment No. 9347, Warren D. Starr, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was referred to the Committee on Rules.

On motion of Senator Spanel, the following listed bills, which were on the second and third reading calendars, were referred to the Committee on Rules:

SECOND READING

SB 6169 Energy building code

SB 6488 f Thoroughbred racing fund

SB 6290 Agricultrl products defamatn

SB 6323 f Photography studio licenses

SSB 6225 Agency lobbyists

SSB 6399 \$f Child care facilities
SB 6430 Rule-making process particip
SJM 8026 Taiwan diplomatic relations
SJR 8226 Constitution article ratific
SB 6424 f Impact fees
SB 6015 Local office vacancies
SB 6536 f Water rights authority
SSB 5405 School district compet bids
SB 6470 Boundary review boards
SB 6151 Discharge offenders provisns
SB 6322 f WA products development
SB 6338 Lien document delivery
SB 6353 Personal finance information
SB 6236 f UTC late fees and interest
SB 6395 Econ devel finance authority
SB 5058 Motor vehicle violations
SB 5072 Printing/duplicating center
SB 6142 Public records disclos exmpt
SB 6168 Enhanced 911 infor confidentl
SB 6286 f Financial institutions dept.
SB 6363 f Transportation imprvmnt fund
SB 6405 f Transient accommodations

THIRD READING

SB 5645 Property divisions
SSB 6414 State treasurer campaign fin

MOTION

At 1:55 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Monday, February 21, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 18, 1994

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

FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 21, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 18, 1994
SHB 1090 Prime Sponsor, House Committee on Judiciary: Protecting communications in law enforcement officers peer support groups. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1994
HB 1220 Prime Sponsor, Representative Chappell: Revoking drivers' licenses for certain felonies. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 16, 1994
SHB 1267 Prime Sponsor, House Committee on Financial Institutions and Insurance: Requiring liability insurance for motorcycles. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1994
HB 1466 Prime Sponsor, Representative Jacobsen: Regulating motorized wheelchair warranties. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1994

SHB 1728 Prime Sponsor, House Committee on Judiciary: Correcting unconstitutional provisions relating to resident employees on public works. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1994

HB 1804 Prime Sponsor, Representative Campbell: Clarifying procedures for temporary remedies from agency action. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

SHB 1959 Prime Sponsor, House Committee on Commerce and Labor: Modifying the issuance of citations under the Washington industrial safety and health act. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 17, 1994

HB 2138 Prime Sponsor, Representative Rayburn: Eliminating Washington State University's rodent control responsibilities. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 17, 1994

SHB 2151 Prime Sponsor, House Committee on Health Care: Requiring that victims of felony sex offenses be given notice of HIV test results, whether the results are positive or negative. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McDonald, Moyer, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1994

SHB 2191 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Regulating bidding procedures concerning minority and women-owned businesses. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

SHB 2214 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Authorizing a trade association representing manufactured housing dealers to use a manufactured home as an office. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1994

HB 2244 Prime Sponsor, Representative Dunshee: Changing provisions relating to classification of cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1994

HB 2271 Prime Sponsor, Representative Springer: Providing for funeral director and embalmer disciplinary procedures. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1994

HB 2340 Prime Sponsor, Representative Long: Clarifying sex offender registration provisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1994

HB 2369 Prime Sponsor, Representative Foreman: Revising provisions for elections in cities with a commission plan of government. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

SHB 2370 Prime Sponsor, House Committee on Financial Institutions and Insurance: Extending reinsurance and surplus line insurance statutes to incorporated entities. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Sutherland, Vogniild and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1994

EHB 2376 Prime Sponsor, Representative Morris: Revising the powers and duties of the sentencing guidelines commission. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 17, 1994

HB 2492 Prime Sponsor, Representative Dellwo: Modifying federal requirements regarding medical assistance. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McDonald, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1994

HB 2508 Prime Sponsor, Representative Dellwo: Modifying the health professional temporary resource pool. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Fraser, McAuliffe, Moyer, Niemi and Prentice.

Passed to Committee on Rules for second reading.

February 17, 1994

HB 2509 Prime Sponsor, Representative Dellwo: Modifying credentialing of health professionals. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Deccio, Franklin, Fraser, Hargrove, McDonald, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

HB 2511 Prime Sponsor, Representative Leonard: Petitioning for involuntary treatment. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McDonald, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

EHB 2561 Prime Sponsor, Representative Rayburn: Modifying regulations for controlled atmosphere storage of fruit. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 18, 1994

SHB 2566 Prime Sponsor, House Committee on Judiciary: Providing limited immunity from liability for organizations distributing donated items to children. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1994

SHB 2754 Prime Sponsor, House Committee on Judiciary: Authorizing use of closed circuit television in court procedural hearings. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1994

HB 2814 Prime Sponsor, Representative Anderson: Allowing public benefit nonprofit corporations to participate in state contracts for purchases. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1994

ESHB 2863 Prime Sponsor, House Committee on Transportation: Facilitating acquisition of a propulsion system for new jumbo ferries. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Oke, Prentice, Rasmussen, Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Morton, Nelson and Schow.

Passed to Committee on Rules for second reading.

February 18, 1994

HB 2893 Prime Sponsor, Representative Heavey: Correcting double amendments relating to job service programs and activities. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Newhouse, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 12:01 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, February 22, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 21, 1994

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FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 22, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 1994
EHB 1756 Prime Sponsor, Representative Veloria: Requiring the use of licensed or certified electricians for certain purposes.
Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, Pelz, Prince, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1994
HB 2159 Prime Sponsor, Representative Sheldon: Changing provisions relating to criminal jurisdiction on Skokomish tribal lands.
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1994
SHB 2178 Prime Sponsor, House Committee on Local Government: Clarifying employee transfer rights for fire fighters. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Newhouse, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1994
SHB 2182 Prime Sponsor, House Committee on Local Government: Providing transfer rights to certain port district fire fighters. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1994
HB 2205 Prime Sponsor, Representative Cothorn: Creating urban emergency medical service districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

SHB 2220 Prime Sponsor, House Committee on Local Government: Appointing commissioners for housing authorities. Reported by Committee on Government Operations February 21, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

SHB 2334 Prime Sponsor, House Committee on State Government: Printing publications of historical societies. Reported by Committee on Government Operations February 21, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

EHB 2347 Prime Sponsor, Representative Morris: Changing the energy building code for glazing, doors, and skylights. Reported by Committee on Energy and Utilities February 21, 1994

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen, Roach and Williams.

Passed to Committee on Rules for second reading.

ESHB 2388 Prime Sponsor, House Committee on Commerce and Labor: Providing penalties for multiple failures by a contractor or subcontractor to pay the prevailing rate of wage. Reported by Committee on Labor and Commerce February 18, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2516 Prime Sponsor, House Committee on Agriculture and Rural Development: Limiting the liability for damage resulting from wildlife-induced fence destruction. Reported by Committee on Agriculture February 21, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

HB 2601 Prime Sponsor, Representative Finkbeiner: Implementing the cellular communications tax study recommendations regarding 911 emergency communication system funding. Reported by Committee on Energy and Utilities February 21, 1994

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen and Williams.

Passed to Committee on Rules for second reading.

SHB 2608 Prime Sponsor, House Committee on Local Government: Allowing a port commission to sell property valued at under ten thousand dollars. Reported by Committee on Government Operations February 21, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1994

SHB 2627 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Creating a housing finance program. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2645 Prime Sponsor, Representative Rayburn: Giving the apple advertising commission authority to accept gifts, grants, and other donations. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 21, 1994

SHB 2655 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Revising provisions relating to ownership of manufactured homes. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2750 Prime Sponsor, Representative Long: Changing provisions relating to joint operating agencies. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen, Roach and Williams.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2812 Prime Sponsor, Representative Bray: Revising provisions insuring energy conservation in design of public buildings. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, Owen, Roach and Williams.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2843 Prime Sponsor, Representative G. Cole: Creating pilot projects to reduce long-term disability within workers' compensation. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1994

HCR 4429 Prime Sponsor, Representative King: Establishing a joint select committee on Indian Affairs. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1994

GA 9418 LISA PELLY, appointed January 4, 1994, for a term ending December 31, 1998, as a member of the Fish and Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Erwin, Franklin, Oke, Sellar and Snyder.

Passed to Committee on Rules.

February 21, 1994

GA 9419 SALLY J. van NIEL, appointed January 4, 1994, for a term ending December 31, 1994, as a member of the Fish and Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Erwin, Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 21, 1994

MR. PRESIDENT:
The House has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, and the same are herewith transmitted.
MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2319 by House Committee on Appropriations (originally sponsored by Representatives Appelwick, Leonard, Johanson, Valle, Wang, Wineberry, Scott, Karahalios, Caver, Kessler, Basich, Wolfe, J. Kohl, Veloria, Quall, Holm, Jones, Shin, King, Patterson, Eide, Dellwo, L. Johnson, Springer, Pruitt, Ogden, H. Myers and Anderson)
(by request of Governor Lowry)

Enacting programs to reduce violence.

Referred to Committee on Health and Human Services.

ESHB 2906 by House Committee on Appropriations (originally sponsored by Representatives Appelwick, Ballasiotes, J. Kohl, Long, L. Johnson, Cooke, Thibaudeau, Lemmon, Morris, Caver, Jones and Dunshee)

Enacting programs to prevent violence.

Referred to Committee on Law and Justice.

MOTION

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

SENATE RESOLUTION 1994-8672

By Senator Nelson

WHEREAS, Police Chief Dan Prinz has effectively, competently, and faithfully served the people of the city of Edmonds for the past twenty-five years since his appointment as a patrol officer by then Police Chief Rube Grimstad in 1968; and
WHEREAS, Chief Prinz rose rapidly through the ranks and was appointed Edmonds Police Chief in 1984; and
WHEREAS, Chief Prinz graduated from the Basic Law Enforcement Academy in 1969 and the FBI National Academy in 1977, and received the Executive Certificate from the Washington State Criminal Justice Commission in 1989; and
WHEREAS, Chief Prinz has instituted many innovative programs in the city of Edmonds, including: The DARE program, a Joint Police Agency SWAT Team in 1985, and a multijurisdictional narcotics team; and
WHEREAS, Chief Prinz has served as chair of the organized crime committee of the Washington Association of Sheriffs and Police Chiefs; and

WHEREAS, Chief Prinz has been active in the community, serving as past president of the Edmonds Rotary Club and on the board of directors of Teen Hope; and

WHEREAS, Chief Prinz will retire at the end of February to devote more time to his family: Wife Patti, daughter Jennifer, and sons Jeff and Jon; and

WHEREAS, Chief Prinz's retirement will afford him more time for the family vacation cabin and for his hobbies of golf, fishing, and woodworking;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington congratulate and honor Edmonds Police Chief Dan Prinz for the dedicated service that characterizes his life's work in both his public and private activities, and for the outstanding example of excellence he has set for others; and

BE IT FURTHER RESOLVED, That the Senate wish that Chief Prinz's future endeavors will bring him the same amount of satisfaction and success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Police Chief Dan Prinz of the Edmonds Police Department, and the Mayor of the city of Edmonds.

MOTION

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

SENATE RESOLUTION 1994-8681

By Senators Fraser, Bauer and Prince

WHEREAS, Washington is the only state named for a President; and

WHEREAS, The people of the state of Washington take pride in being named for the Father of their Country; and

WHEREAS, Relatively few citizens and school children are able to visit the home of George and Martha Washington at Mount Vernon, Virginia; and

WHEREAS, Washington State is represented on the Board of Regents caring for and interpreting Mount Vernon, the nation's oldest historic preservation project; and

WHEREAS, Individual states often make special cultural and educational gifts to Mount Vernon; and

WHEREAS, Individuals, artists, and artisans in the state of Washington have organized to create a scale replica of Mount Vernon in Miniature; and

WHEREAS, The scale model of George and Martha Washington's home will be exhibited in the state of Washington along with the story of the naming of Washington State for the benefit of citizens and school children; and

WHEREAS, Mount Vernon in Miniature, with the story of Washington statehood, will eventually be presented as a gift from the people of the state of Washington to Mount Vernon, Virginia, to be in continuous use in educational programming for all visitors to Mount Vernon for generations to come; and

WHEREAS, The official process for Washington to become a state began on Washington's Birthday, February 22, 1889;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington salute our heroic namesake on this, his birthday, and commend and encourage the work of the people of Washington involved in the creation of Mount Vernon in Miniature as a lasting legacy for the heritage of our nation and our state.

MOTION

At 12:10 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Wednesday, February 23, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 22, 1994

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

FORTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 23, 1994
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 1994
SB 6271 Prime Sponsor, Senator Sutherland: Protecting residents against unfair construction services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6271 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge and West.

Passed to Committee on Rules for second reading.

February 22, 1994
SB 6605 Prime Sponsor, Senator Rinehart: Increasing access to health insurance for retired and disabled state and school district employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, Owen, Pelz, Snyder, Spanel, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1994
SHB 1122 Prime Sponsor, House Committee on Local Government: Changing provisions relating to excess levies in park and recreation districts. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 21, 1994
HB 1124 Prime Sponsor, Representative Heavey: Prohibiting crowding in ferry vehicle lines. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 1159 Prime Sponsor, House Committee on Local Government: Disclosing improper governmental action. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

2SHB 1235 Prime Sponsor, House Committee on Judiciary: Creating partnerships. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 1443 Prime Sponsor, House Committee on State Government: Expanding the jurisdiction of the human rights commission. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Niemi, Quigley and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 1447 Prime Sponsor, Representative Appelwick: Authorizing the filing of foreign judgments in district court. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

ESHB 1630 Prime Sponsor, House Committee on Judiciary: Creating the crime of carjacking. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 1743 Prime Sponsor, House Committee on Environmental Affairs: Establishing a pilot multimedia program for pollution prevention. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Deccio, Moore, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 1867 Prime Sponsor, Representative Anderson: Designating the Washington park arboretum as an official state arboretum. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 1869 Prime Sponsor, Representative R. Meyers: Failing to return leased or rented machinery, equipment, or motor vehicles. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 1928 Prime Sponsor, House Committee on Transportation: Providing for more comprehensive regional transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2147 Prime Sponsor, Representative Carlson: Exempting institutions of higher education from certain expenditure requirements. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Referred to Committee on Ways and Means.

February 22, 1994

HB 2216 Prime Sponsor, Representative Appelwick: Concerning social security benefits. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

ESHB 2224 Prime Sponsor, House Committee on Transportation: Regulating licensing of motor vehicles and vessels. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1994

SHB 2239 Prime Sponsor, House Committee on Capital Budget: Providing procedures for innovative prison construction. Reported by Committee on Ways and Means

MAJORITY Recommendation: That it be referred to Committee on Government Operations without recommendation. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Pelz, Spanel, Sutherland, West and Williams.

Referred to Committee on Government Operations.

February 22, 1994

EHB 2292 Prime Sponsor, Representative Conway: Providing free hunting licenses to veterans who are confined to wheelchairs. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

EHB 2302 Prime Sponsor, Representative Rayburn: Modifying provisions relating to sale or lease of irrigation district real and personal property. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 21, 1994

ESHB 2326 Prime Sponsor, House Committee on Transportation: Eliminating gasohol tax exemption. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Morton, Prentice, Prince, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

EHB 2327 Prime Sponsor, Representative Jacobsen: Requiring appropriate services for disabled students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2392 Prime Sponsor, Representative Mastin: Including residential burglary in crimes of violence. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 21, 1994

SHB 2412 Prime Sponsor, House Committee on Transportation: Revising provisions relating to registration of rental cars.

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Haugen, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2414 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to child passenger restraint systems. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Niemi, Quigley and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2424 Prime Sponsor, House Committee on Revenue: Removing "massage services" from the definition of retail sale. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Spanel and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1994

ESHB 2434 Prime Sponsor, House Committee on Commerce and Labor: Changing a time limit for public works bids. Reported by House Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, Pelz, Sellar, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 18, 1994

SHB 2443 Prime Sponsor, House Committee on Health Care: Modifying employer-sponsored health benefits coverage for seasonal workers. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2458 Prime Sponsor, House Committee on Energy and Utilities: Specifying the duty of publicly owned utilities to serve within their service areas. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Hochstatter, McCaslin, Roach, A. Smith, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2486 Prime Sponsor, Representative Ogden: Delaying or repealing specified sunset provisions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2488 Prime Sponsor, House Committee on Judiciary: Providing for child support enforcement operations. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 21, 1994

EHB 2523 Prime Sponsor, Representative Rayburn: Regulating custom slaughtering and custom meat facility licenses. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2557 Prime Sponsor, House Committee on Financial Institutions and Insurance: Deregulating debt adjusters. Reported by House Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, Pelz, Sellar, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2558 Prime Sponsor, Representative Zellinsky: Changing provisions relating to regulation of securities issued by regulated utilities and transportation companies. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2560 Prime Sponsor, House Committee on Higher Education: Changing state work study provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2562 Prime Sponsor, Representative Rayburn: Foreclosing liens on delinquent assessments. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2570 Prime Sponsor, House Committee on Financial Institutions and Insurance: Changing insurance licensing requirements. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2571 Prime Sponsor, House Committee on Financial Institutions and Insurance: Requiring certain capital and surplus for insurers. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, Pelz, Sellar, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2583 Prime Sponsor, Representative Veloria: Concerning documents that are exempt from public inspection. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2590 Prime Sponsor, Representative King: Eliminating obsolete references to the department of fisheries and the department of wildlife. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2593 Prime Sponsor, Representative R. Fisher: Funding highway improvements. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2599 Prime Sponsor, Representative H. Myers: Authorizing sexual assault prevention and awareness services through the department of community, trade, and economic development in cooperation with the superintendent of public instruction. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended and the bill be referred to the Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2606 Prime Sponsor, Representative R. Fisher: Modifying apportionment of motor vehicle excise taxes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1994

SHB 2618 Prime Sponsor, House Committee on Transportation: Adding ferry water routes to the state highway system. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1994

SHB 2629 Prime Sponsor, House Committee on Transportation: Revising the definition of junk vehicle. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2693 Prime Sponsor, House Committee on Higher Education: Changing provisions relating to higher education degree-granting authority. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules for second reading.

February 22, 1994

SHB 2707 Prime Sponsor, House Committee on Transportation: Revising transportation improvement funding procedures. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1994

HB 2749 Prime Sponsor, Representative Springer: Revising provisions relating to cities and towns annexed by fire protection districts. Reported by Committee on Ways and Means

MAJORITY Recommendation: Be referred to Committee on Government Operations without recommendation. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Pelz, Spanel, Sutherland, West and Williams.

Referred to Committee on Government Operations.

February 22, 1994

SHB 2771 Prime Sponsor, House Committee on Local Government: Allowing permits for instruction in methods of fire fighting. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2841 Prime Sponsor, Representative Peery: Authorizing colleges to transfer exceptional faculty award funds to local endowment funds. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Referred to Committee on Ways and Means.

February 22, 1994

HB 2867 Prime Sponsor, Representative Kessler: Exempting federally licensed dams from state regulation. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Roach, Vognild, West and Williams.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2909 Prime Sponsor, Representative R. Fisher: Authorizing bonds for public-private transportation initiatives. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 22, 1994

GA 9148 LUCILLE CARLSON, reappointed January 29, 1993, for a term ending March 1, 1997, as a member of the Tax Appeals Board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules.

February 22, 1994

GA 9306 LEN McCOMB, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Revenue. Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules.

February 21, 1994

GA 9402 HENRY CHILES, JR., appointed November 9, 1993, for a term ending June 15, 1997, as Chair of the Marine Employees' Commission.
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chair; Skratek, Vice Chair; Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules.

February 22, 1994

GA 9417 PAT McMULLEN, appointed January 4, 1994, for a term ending December 31, 1996, as a member of the Fish and Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, Linda Smith, Snyder and Spanel.

Passed to Committee on Rules.

MOTION

At 12:03 p.m., on motion of Senator Gaspard, the Senate adjourned until 10:00 a.m., Thursday, February 24, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 23, 1994

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

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 24, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Deccio, Haugen, McAuliffe, McDonald, Moore, Pelz, Rinehart and Linda Smith. On motion of Senator Drew, Senators Haugen and Rinehart were excused. On motion of Senator Oke, Senators Cantu, Deccio, McDonald and Linda Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michael Burns and Sara Van Meter, presented the Colors. Reverend Peter Mans, pastor of the Olympia Christian Reformed Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 6606 Prime Sponsor, Senator Rinehart: Repealing the general business and occupation surtax. Reported by Committee on Ways and Means February 23, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Roach, L. Smith, Snyder, Spanel, Sutherland, West, Williams and Wojahn.

HOLD.

2SHB 1298 Prime Sponsor, House Committee on Education: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Education February 23, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

EHB 2190 Prime Sponsor, Representative Ogden: Modifying limitations of housing-related capital bond proceeds. Reported by Committee on Labor and Commerce February 23, 1994

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Pelz, Prince, Sellar, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2246 Prime Sponsor, House Committee on Education: Changing provisions relating to substitute school employees. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, McDonald, Moyer, Nelson, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2300 Prime Sponsor, Representative Morris: Revising provisions relating to offender eligibility for unemployment compensation benefits. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2320 Prime Sponsor, Representative Holm: Reviewing sewerage or disposal systems. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2338 Prime Sponsor, Representative Bray: Authorizing late fees and interest for delinquent payment of fees to the Utilities and Transportation Commission. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Roach, A. Smith and Williams.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2389 Prime Sponsor, Representative Springer: Clarifying deadlines for certificates of competency for electricians. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

ESHB 2401 Prime Sponsor, House Committee on Environmental Affairs: Disposing of residential sharps waste. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2419 Prime Sponsor, Representative Riley: Honoring law enforcement officers who die in the line of duty. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2428 Prime Sponsor, House Committee on Education: Allowing spouses of officers of school districts to be under contract as a certificated or classified employee. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek and A. Smith.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2436 Prime Sponsor, House Committee on Energy and Utilities: Revising provisions relating to radon training. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Roach, A. Smith and Williams.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2504 Prime Sponsor, House Committee on Commerce and Labor: Changing the name of the profession from shorthand reporting to court reporting, and changing some of the licensing requirements. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2526 Prime Sponsor, House Committee on Commerce and Labor: Including chiropractic care in health services available under industrial insurance. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2614 Prime Sponsor, House Committee on Commerce and Labor: Allowing self-insured employers to close disability claims after July 1990. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Pelz, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

EHB 2679 Prime Sponsor, Representative Morris: Limiting stays of judgment pending appeal for serious violent and sex offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 23, 1994

SHJR 4214 Prime Sponsor, House Committee on Education: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6606 was advanced to second reading and placed on the second reading calendar.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9316, Wilfred Woods, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF WILFRED WOODS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McCaslin, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogtnild, West, Williams, Winsley and Wojahn - 40.

Absent: Senators McAuliffe, Moore and Pelz - 3.

Excused: Senators Cantu, Deccio, Haugen, McDonald, Rinehart and Smith, L. - 6.

MOTION

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

SENATE RESOLUTION 1994-8680

By Senator Amondson

WHEREAS, In the Spring of 1993, thirty year old head coach Randy Elam piloted his Centralia High School Tigers to the Washington State "AA" Baseball Championship; and

WHEREAS, Because several members of the 1993 baseball team played on Centralia's sixth place state basketball team, the championship season started slowly; and

WHEREAS, After dropping four of five nonleague games, the players pulled together as a team, and, taking one game at a time, reeled off thirteen unanswered league victories; and

WHEREAS, Because every player dug down and played to his potential, no fewer than ten Tigers received All Black Hills League honors; and

WHEREAS, By late season the team members gained unfaltering belief in each other, and collective confidence in their destiny as champions. At tournament time, they believed, states Coach Elam, "that they could have stepped onto the field against the Toronto Blue Jays"; and

WHEREAS, Centralia captured the state championship in Pullman by shutting out Shorecrest 4 to 0 in the finale; and

WHEREAS, The Tigers brought the state title back home to Centralia for the first time since 1982;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington congratulate the 1993 Centralia Tigers baseball team, Coach Randy Elam, and his assistant coaches; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to players Nate Witt, Scott Krause, Andy Erb, Pete McCullough, Danny Etter, Reggie Stafford, Jeremy Martin, Jeff Herriford, Joey Mano, Jon Barrett, Mike Sutton, Jason Cornell, Matt Mohny, Lyle Overbay, Ty Fragner, and John Hewitt; Head Coach Randy Elam, and assistant coaches Rex Ashmore, Ben McCullough, and John Catlett.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 1993 Washington State AA Baseball Champions and their coaches, the Centralia High School Tigers, who were seated in the gallery.

MOTION

At 10:20 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:08 a.m. by President Pritchard.

MOTION

On motion of Senator Gaspard, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6347, by Senators Skratek, Sellar, Gaspard, Owen, Bluechel, Pelz, Winsley, McAuliffe, Quigley, Ludwig, A. Smith, Deccio, Moyer and M. Rasmussen (by request of Governor Lowry)

Providing tax credits and deferrals for high-technology businesses.

MOTIONS

On motion of Senator Skratek, Second Substitute Senate Bill No. 6347 was substituted for Senate Bill No. 6347 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Second Substitute Senate Bill No. 6347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6347.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6347 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Winsley and Wojahn - 38.

Voting nay: Senators Anderson, Deccio, Hochstatter, Morton, Newhouse, Oke, Prince, Smith, L., West and Williams - 10.

Excused: Senator Amondson - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Gaspard, the Senate commenced consideration of Senate Bill No. 6606.

SECOND READING

SENATE BILL NO. 6606, by Senators Rinehart, Gaspard, Quigley, Ludwig, A. Smith, Sutherland, Skratek, Haugen, McAuliffe, Sheldon, Bauer, Snyder, Spanel, Owen, Williams, Wojahn, Prentice, Fraser, Drew, L. Smith, Amondson, Bluechel, Schow, Morton, Cantu, Sellar, Newhouse, Anderson, Oke, McDonald, Nelson, Hochstatter, Roach, West, Moyer, Deccio, Erwin and Winsley

Repealing the general business and occupation surtax.

The bill was read the second time.

MOTION

Senator Schow moved that the following amendment be adopted:

On page 1, after line 4, insert the following:

***Sec. 1.** RCW 82.04.290 and 1993 sp.s. c 25 s 203 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2-5))~~ 1.5 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((1-70))~~ 1.5 percent.

(3) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1) and (2) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2-0))~~ 1.5 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section."

Renumber the remaining sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Rinehart: "The effect of this amendment would be to reduce by three hundred million dollars--the amount available for state programs and services. A simple way to put that is, you could abolish all of the budget for Washington State University and still need to make additional cuts in order to live within this amendment. Further, Mr. President, I raise the question of scope and object of this amendment. The bill has a very narrow title, repealing a very specific section, and clearly this amendment is outside the scope and object of the bill."

Further debate ensued.

There being no objection, further consideration of Senate Bill No. 6606 was deferred.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 6523, by Senator Vognild

Enacting the Traffic Safety Act of 1994.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6523 was substituted for Senate Bill No. 6523 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the following amendments were considered simultaneously and were adopted:

On page 4, line 10, strike "commission" and insert "committee"

On page 4, after line 14, insert the following:

"The chief of the state patrol shall be responsible for convening the committee and shall serve as secretary."

On page 5, at the beginning of line 14, insert: "The governor's traffic safety program as provided in section 8 of this act shall be located in the office of the chief."

On page 5, line 14, after "governor's" strike "highway" and insert "traffic"

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 6523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6523.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6523 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Anderson, Erwin, Hochstatter, McCaslin, Nelson, Oke, Prince, Roach, Schow, Smith, L. and West - 11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Vognild, Engrossed Substitute Senate Bill No. 6523 was ordered immediately transmitted to the House of Representatives.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9417, Pat McMullen, as a member of the Fish and Wildlife Commission, was confirmed.

Senators Spanel, Oke, and Owen spoke to the confirmation of Pat McMullen as a member of the Fish and Wildlife Commission.

APPOINTMENT OF PAT McMULLEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

President Pritchard assumed the chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 6606 and the pending amendment by Senator Schow on page 1, after line 4, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Rinehart, the President finds that Senate Bill No. 6606 is a measure which repeals the surtax added to business and occupation taxes.

"The amendment proposed by Senator Schow would further reduce the business and occupation taxes.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Schow on page 1, after line 4, to Senate Bill No. 6606 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schow on page 1, after line 4, to Senate Bill No. 6606.

Debate ensued.

Senator West demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Schow on page 1, after line 4, to Senate Bill No. 6606.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West, Williams and Winsley - 21.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild and Wojahn - 28.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6606.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6606 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Niemi and Talmadge - 2.

SENATE BILL NO. 6606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:52 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:16 p.m. by President Pritchard.

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

REPORTS OF STANDING COMMITTEES

SB 6291 Prime Sponsor, M. Rasmussen: Affecting the processing of water rights. Reported by Committee on Ways and Means February 23, 1994

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6291 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, Moyer, Owen, Pelz, Roach, Snyder, Spanel and Sutherland.

Passed to Committee on Rules for second reading.

SHB 2170 Prime Sponsor, House Committee on Education: Extending the duration of special services demonstration projects. Reported by Committee on Education February 23, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, McDonald, Moyer, Nelson, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

HB 2173 Prime Sponsor, Representative Heavey: Providing for the registration of engineers-in-training. Reported by Committee on Labor and Commerce February 23, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

HB 2266 Prime Sponsor, Representative Moak: Authorizing public works board project loans. Reported by Committee on Ways and Means February 23, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2277 Prime Sponsor, House Committee on Education: Changing teacher evaluation provisions. Reported by Committee on Education February 23, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, Rasmussen, Rinehart, Skratek and A. Smith.

Passed to Committee on Rules for second reading.

SHB 2280 Prime Sponsor, House Committee on Revenue: Increasing the minimum lot size for property tax relief for senior citizens and disabled persons. Reported by Committee on Ways and Means February 23, 1994

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2294 Prime Sponsor, House Committee on Education: Allowing two-year levies for transportation vehicle funds. Reported by Committee on Education February 23, 1994

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek and A. Smith.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2447 Prime Sponsor, Representative Roland: Modifying the early childhood education and assistance program. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, Moyer, Nelson, Rasmussen, Rinehart, Skratek and A. Smith.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2479 Prime Sponsor, House Committee on Revenue: Making technical corrections of excise and property tax statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2480 Prime Sponsor, Representative G. Fisher: Relating to the taxation of manufacturers of fish products. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2541 Prime Sponsor, House Committee on Revenue: Clarifying the business and occupation tax on newspapers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2582 Prime Sponsor, House Committee on Revenue: Affecting leasehold excise taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2592 Prime Sponsor, Representative R. Fisher: Harmonizing oversize vehicle permit laws. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1994

ESHB 2647 Prime Sponsor, House Committee on Transportation: Granting special parking privileges to cabulances. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2694 Prime Sponsor, Representative G. Fisher: Expanding uses for investment earnings. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2891 Prime Sponsor, Representative Dorn: Providing medical aid benefits coverage for school district-sponsored, nonpaid, work-based learning experiences. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek and A. Smith.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 6, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lonna K. Malone-Purtle, appointed January 6, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MOTION

At 12:18 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Friday, February 25, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 24, 1994

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

FORTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 25, 1994

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 1994

SB 6604 Prime Sponsor, Senator Rinehart: Changing provisions regarding incapacitated persons who are medicaid recipients. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Ludwig, McDonald, Owen, Roach, Snyder, Spanel, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 23, 1994

ESHB 1182 Prime Sponsor, House Committee on Education: Allowing retired teachers to work in educational institutions for ninety days per school year without a reduction in benefits. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, McDonald, Moyer, Nelson, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 1561 Prime Sponsor, House Committee on Human Services: Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

ESHB 1652 Prime Sponsor, House Committee on Judiciary: Revising provisions relating to animal cruelty. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Hargrove, Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 1945 Prime Sponsor, House Committee on Judiciary: Authorizing courts to order parenting seminars in family court actions.
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 1947 Prime Sponsor, House Committee on Judiciary: Releasing certain persons from liability for children's sports injuries.
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2180 Prime Sponsor, House Committee on Judiciary: Revising provisions relating to appointment of guardians ad litem.
Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 2197 Prime Sponsor, House Committee on Corrections: Providing notice of inmate release. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 24, 1994

ESHB 2198 Prime Sponsor, House Committee on Corrections: Forbidding juvenile sex offenders from attending the same school as their victims. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 24, 1994

EHB 2236 Prime Sponsor, Representative R. Johnson: Stalking or harassing. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Passed to Committee on Rules for second reading.

February 22, 1994

HB 2258 Prime Sponsor, Representative Valle: Authorizing guardians to obtain background checks of babysitters and caretakers.
Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 2270 Prime Sponsor, House Committee on Judiciary: Revising provisions about probate and trust matters. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 24, 1994

ESHB 2396 Prime Sponsor, House Committee on Corrections: Requiring prisoners to make a one dollar payment for each medical visit. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 2425 Prime Sponsor, House Committee on Revenue: Modifying procedures for residential property tax exemption. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Gaspard, Hochstatter, Ludwig, McDonald, Owen, Roach, Snyder, Spanel, Sutherland, West and Williams.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 2456 Prime Sponsor, House Committee on Revenue: Eliminating references to reclassified reforestation lands. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Owen, Snyder, Spanel, Sutherland, West and Williams.

Passed to Committee on Rules for second reading.

February 24, 1994

HB 2477 Prime Sponsor, Representative Foreman: Modifying property tax administrative procedures. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Owen, Roach, Snyder, Spanel, Sutherland, West and Williams.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2481 Prime Sponsor, Representative Holm: Modifying use tax on tangible personal property used in this state by a person engaged in business outside this state. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2482 Prime Sponsor, Representative Holm: Extending the qualifying date for tax deferral of certain investment projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1994

ESHB 2521 Prime Sponsor, House Committee on Natural Resources and Parks: Regulating metals mining and milling operations. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Referred to Committee on Ways and Means.

February 23, 1994

SHB 2529 Prime Sponsor, House Committee on Judiciary: Providing that persons and entities involved in adoption processes shall incur no liability. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 2540 Prime Sponsor, House Committee on Corrections: Releasing information concerning sex offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1994

EHB 2555 Prime Sponsor, Representative Heavey: Modifying licensing and inspection of transient accommodations. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1994

HB 2619 Prime Sponsor, Representative Schmidt: Encouraging alternative fuel in taxicabs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Morton, Nelson, Oke, Prentice, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2662 Prime Sponsor, House Committee on Revenue: Modifying hazardous waste fees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1994

HB 2694 Prime Sponsor, Representative G. Fisher: Expanding uses for investment earnings. Reported by Committee on Rules

MAJORITY Recommendation: The bill be referred to the Committee on Ways and Means. Signed by Lieutenant Governor Joel Pritchard, Chair; Senators Wojahn, Vice Chair; Anderson, Bauer, Cantu, Drew, Franklin, Gaspard, Loveland, Ludwig, McAuliffe, Nelson, Newhouse, Oke, Prentice, Sellar, Sheldon, Snyder, Spanel and Williams.

Referred to Committee on Ways and Means.

February 24, 1994

SHB 2718 Prime Sponsor, House Committee on Revenue: Excepting utility-related real estate tax affidavits from certain verification requirements. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Owen, Roach, Snyder, Spanel, Sutherland, West and Williams.

Passed to Committee on Rules for second reading.

February 23, 1994

SHB 2760 Prime Sponsor, House Committee on Transportation: Authorizing sales tax equalization for transit systems. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Drew, Haugen, Prentice, Prince, Rasmussen, Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

HB 2851 Prime Sponsor, Representative Appelwick: Allowing courts to waive injunction bonds if person's health or life is jeopardized. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Roach and Schow.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 24, 1994

GA 9371 NORM MALENG, appointed August 2, 1993, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules.

February 24, 1994

GA 9440 DR. KENNETH CASAVANT, appointed for a term beginning March 1, 1994, and ending January 15, 1995, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Sutherland, Chair; Ludwig, Vice Chair; Amondson, Hochstatter, McCaslin, Roach, Owen, A. Smith and Williams.

Passed to Committee on Rules.

MOTION

At 12:01 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:38 p.m. by President Pritchard.

REPORT OF STANDING COMMITTEE

February 25, 1994

E2SHB 2319 Prime Sponsor, House Committee on Appropriations: Enacting programs to reduce violence. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

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

MOTION

On motion of Senator Gaspard, House Concurrent Resolution No. 4431, which was held on the desk January 16, 1994, was referred to the Committee on Labor and Commerce.

MOTION

At 2:40 p.m., on motion of Senator Gaspard, the Senate was declared to be at ease.

The Senate was called to order at 6:02 p.m. by President Pro Tempore Wojahn.
There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 23, 1994

SB 6237 Prime Sponsor, Senator Franklin: Implementing the veteran estate management program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6237 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

SB 6307 Prime Sponsor, Senator Talmadge: Clarifying health care authority powers and duties. Reported by Committee on Health and Human Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6307 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice and Winsley.

Referred to Committee on Ways and Means.

February 23, 1994

SB 6584 Prime Sponsor, Senator Rinehart: Providing benefits under the family emergency assistance program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1994

HB 1029 Prime Sponsor, Representative H. Myers: Purchasing manufactured homes. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Vice Chair; Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 1242 Prime Sponsor, Representative King: Allowing compensation for injured workers during industrial insurance appeals. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 1243 Prime Sponsor, House Committee on Commerce and Labor: Making technical changes to the statute governing reconsideration of industrial insurance orders. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 1275 Prime Sponsor, House Committee on Environmental Affairs: Exempting site exploration from shorelines management regulation. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1994

2SHB 1457 Prime Sponsor, House Committee on Education: Raising the minimum dollar amount requiring competitive bidding by school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Rasmussen, Rinehart, Skratek and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1994

RESHB 1471 Prime Sponsor, House Committee on Fisheries and Wildlife: Regulating the non-Puget Sound coastal commercial crab fishery. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Franklin, Haugen, Oke and Sellar.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 1536 Prime Sponsor, Representative Wineberry: Maintaining mobile home parks. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Prince, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 1579 Prime Sponsor, House Committee on Commerce and Labor: Providing civil penalties for prohibited practices in industrial insurance. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Amondson, Newhouse and Sellar.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 1653 Prime Sponsor, Representative King: Regulating vocational rehabilitation services in industrial insurance. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Sellar, Vognild and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Prentice, Vice Chair; and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1994

RESHB 1771 Prime Sponsor, House Committee on Fisheries and Wildlife: Taking measures to prevent the destruction of fish protection devices. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke and Snyder.

Passed to Committee on Rules for second reading.

February 24, 1994

ESHB 1847 Prime Sponsor, House Committee on Health Care: Enacting the vision care consumer assistance act. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 1940 Prime Sponsor, House Committee on Fisheries and Wildlife: Establishing fishing guide licenses for Oregon residents. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Erwin, Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 1975 Prime Sponsor, Representative Dunshee: Modifying provisions relating to nursing home reimbursement overpayments. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Referred to Committee on Ways and Means without recommendation. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

February 25, 1994

HB 2150 Prime Sponsor, Representative Campbell: Closing firearm training and practice facilities. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2153 Prime Sponsor, House Committee on Education: Requiring the superintendent of public instruction to develop sexual harassment policy criteria for school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Moyer, Nelson, Rasmussen, Rinehart, Skratek and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

E2SHB 2154 Prime Sponsor, House Committee on Appropriations: Providing protection for residents of long-term care facilities. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2160 Prime Sponsor, Representative Ogden: Concerning employees of public housing authorities. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

EHB 2161 Prime Sponsor, Representative Conway: Prohibiting disciplining public employees because of labor disputes. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2163 Prime Sponsor, House Committee on Human Services: Providing for assessment of residential habilitation center residents. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice and Winsley.

Referred to Committee on Ways and Means.

February 23, 1994

SHB 2164 Prime Sponsor, House Committee on Human Services: Repealing the permanent establishment of residential habilitation centers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hochstatter, Ludwig, McDonald, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2167 Prime Sponsor, House Committee on Revenue: Regulating race tracks. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 24, 1994

EHB 2171 Prime Sponsor, Representative G. Cole: Regulating electrical contractors. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2176 Prime Sponsor, House Committee on Local Government: Incorporating and annexing cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2184 Prime Sponsor, Representative Karahalios: Changing notice requirements for termination of parental rights. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2188 Prime Sponsor, Representative Kremen: Revising provisions relating to international trade through Washington ports. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 24, 1994

EHB 2193 Prime Sponsor, Representative Veloria: Exempting certain renal disease facilities from health care assistant licensing requirements. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2203 Prime Sponsor, House Committee on Judiciary: Allowing superior courts to use collection agencies. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2209 Prime Sponsor, Representative Forner: Changing provisions relating to restraining orders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

2SHB 2210 Prime Sponsor, House Committee on Higher Education: Creating a thirtieth community and technical college district. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Referred to Committee on Ways and Means.

February 25, 1994

SHB 2226 Prime Sponsor, House Committee on Environmental Affairs: Requiring cities and towns to provide notice for rate increases for solid waste handling services. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1994

2SHB 2228 Prime Sponsor, House Committee on Revenue: Clarifying the state's public policy on gambling. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland and Vognilid.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2238 Prime Sponsor, House Committee on State Government: Eliminating provisions requiring public entities to purchase fuel mined or produced in Washington state. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2239 Prime Sponsor, House Committee on Capital Budget: Providing procedures for innovative prison construction. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2242 Prime Sponsor, Representative Leonard: Authorizing the department of corrections to transfer juveniles under age eighteen to juvenile correctional institutions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2256 Prime Sponsor, House Committee on State Government: Creating the office of Washington state trade representative. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2274 Prime Sponsor, House Committee on Education: Establishing high school credit equivalencies for credits earned in institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2275 Prime Sponsor, Representative Kessler: Modifying the emergency mortgage and rental assistance program for dislocated forest products workers. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2278 Prime Sponsor, House Committee on Local Government: Making laws relating to local government office vacancies more uniform. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2321 Prime Sponsor, House Committee on Local Government: Standardizing competitive bidding procedures. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2325 Prime Sponsor, House Committee on Local Government: Revising procedures for changing the plan of government for cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2333 Prime Sponsor, Representative Eide: Preventing custodial interference. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi and Quigley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2351 Prime Sponsor, House Committee on Natural Resources and Parks: Modifying provisions relating to recovery of stray logs. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Franklin, Oke and Snyder.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2352 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Revising membership and duties of the governor's advisory committee on international trade. Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 2380 Prime Sponsor, House Committee on Financial Institutions and Insurance: Modifying malpractice insurance coverage. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

HB 2382 Prime Sponsor, Representative Veloria: Changing gambling provisions. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland and Vognild.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 2390 Prime Sponsor, Representative Finkbeiner: Clarifying statutes to reflect the organizational structure of the department of labor and industries. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2402 Prime Sponsor, House Committee on Local Government: Changing provisions regarding public facilities districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2429 Prime Sponsor, House Committee on Human Services: Concerning funeral expenses for indigent persons. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

HB 2445 Prime Sponsor, Representative Springer: Regulating industrial insurance actions against third persons. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2452 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying provisions regarding shipping wine. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1994

ESHB 2462 Prime Sponsor, House Committee on Environment Affairs: Providing for flood hazard management. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2464 Prime Sponsor, House Committee on Local Government: Limiting zoning regulation of family day-care providers' home facilities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, Oke and Owen.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2465 Prime Sponsor, Representative Anderson: Copying public records. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2484 Prime Sponsor, Representative Heavey: Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Loveland, McCaslin, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2485 Prime Sponsor, Representative Jones: Limiting premium liability of workers for industrial insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Amondson, Newhouse and Sellar.

Passed to Committee on Rules for second reading.

February 25, 1994

E2SHB 2510 Prime Sponsor, House Committee on Appropriations: Implementing regulatory reform. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Amondson, Deccio, McAuliffe, Newhouse, Pelz, Prince, Sellar, Vognild and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Prentice, Vice Chair; Fraser and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1994

HB 2512 Prime Sponsor, Representative Leonard: Expanding eligibility criteria for funds for sexually aggressive youth. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2543 Prime Sponsor, House Committee on Judiciary: Revising provisions relating to awards to persons found not guilty by reason of self defense. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2577 Prime Sponsor, Representative L. Thomas: Extending late campaign contribution limitations to all state-wide elections. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Nelson, Niemi, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 25, 1994

E2SHB 2605 Prime Sponsor, House Committee on Appropriations: Changing higher education statutory relationships. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bauer, Chair; Drew, Vice Chair; Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2607 Prime Sponsor, House Committee on Capital Budget: Establishing alternative procurement procedures for certain state agencies and municipalities. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; McCaslin, Oke and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1994

SHB 2610 Prime Sponsor, House Committee on Health Care: Prohibiting tobacco products on all school grounds. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, L. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

2SHB 2616 Prime Sponsor, House Committee on Capital Budget: Directing the department of health to test ground water in order to seek waivers under the safe drinking water act. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Referred to Committee on Ways and Means.

February 25, 1994

SHB 2623 Prime Sponsor, House Committee on State Government: Clarifying definitions regarding elections. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2626 Prime Sponsor, House Committee on Commerce and Labor: Providing for the enforcement of plumbing certificate of competency requirements. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2628 Prime Sponsor, House Committee on Local Government: Revising provisions relating to condemnation of blighted property. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2641 Prime Sponsor, Representative Thibaudeau: Revising provisions relating to collective bargaining for employees of the Washington state bar association. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland, Vognild and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Newhouse.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2642 Prime Sponsor, House Committee on Commerce and Labor: Modifying fireworks enforcement protection services. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 2657 Prime Sponsor, Representative G. Fisher: Changing the definition of "uniformed personnel" for public employees' collective bargaining. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; McAuliffe, Pelz, Prince, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2660 Prime Sponsor, House Committee on Judiciary: Concerning corporations that may make assessments based on real property value. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2676 Prime Sponsor, House Committee on Appropriations: Restructuring boards, committees, commissions, and councils. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland and Owen.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2688 Prime Sponsor, House Committee on Commerce and Labor: Modifying the duties and responsibilities of sellers of travel. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland and Wojahn.

Referred to Committee on Ways and Means.

February 25, 1994

ESHB 2696 Prime Sponsor, House Committee on Commerce and Labor: Developing procedures and criteria for chemically related illness. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass as amended. Signed by Senators Moore, Chair; Prentice, Vice Chair; Fraser, McAuliffe, Pelz, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 2702 Prime Sponsor, Representative Brown: Concerning public improvement bonds' retainage level. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2727 Prime Sponsor, House Committee on Natural Resources and Parks: Authorizing uses of bond proceeds in the local improvements revolving account--water supply facilities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Moore, Sutherland and Talmadge.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, McCaslin and Morton.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2737 Prime Sponsor, House Committee on Capital Budget: Modifying provisions regarding the Washington economic development finance authority. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2738 Prime Sponsor, House Committee on Health Care: Revising provisions relating to certificates of need. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2741 Prime Sponsor, House Committee on Natural Resources and Parks: Coordinating watershed-based natural resource planning. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Erwin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2749 Prime Sponsor, Representative Springer: Revising provisions relating to cities and towns annexed by fire protection districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

2SHB 2761 Prime Sponsor, House Committee on Appropriations: Modifying nursing home contractor cost provisions. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

February 25, 1994

HB 2791 Prime Sponsor, Representative R. Johnson: Revising provisions relating to nursing home cost reports and audits. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

February 25, 1994

E2SHB 2798 Prime Sponsor, House Committee on Appropriations: Making major changes to the welfare system. Reported by Committee on Health and Human Services

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chair; Wojahn, Vice Chair; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

Referred to Committee on Ways and Means.

February 25, 1994

HB 2809 Prime Sponsor, Representative Backlund: Exempting photography studios from cosmetology licensing requirements. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Amondson, Deccio, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Prentice, Vice Chair; and Fraser.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2811 Prime Sponsor, Representative Caver: Eliminating obsolete practices in state procurement. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994

SHB 2813 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions relating to public works contracts with the state. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland, McCaslin, Oke, Owen and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994
ESHB 2815 Prime Sponsor, House Committee on State Government: Reforming state procurement practices. Reported by
Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Drew, Vice Chair; Loveland
and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994
HB 2849 Prime Sponsor, Representative Linville: Exempting nonsalmon delivery license holders from United States residency
requirements. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin,
Franklin, Haugen, Oke, Sellar, Snyder and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1994
ESHB 2850 Prime Sponsor, House Committee on Education: Changing education provisions. Reported by Committee on
Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard,
Hochstatter, McDonald, Moyer, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1994
SHB 2865 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Concerning the release of personal
financial information obtained by a governmental agency. Reported by Committee on Trade, Technology and
Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel,
Cantu, Erwin, Rasmussen and Williams.

Passed to Committee on Rules for second reading.

February 25, 1994
ESHB 2872 Prime Sponsor, House Committee on Commerce and Labor: Making it a gross misdemeanor to use false identification
to obtain liquor. Reported by Committee on Labor and Commerce

MAJORITY Recommendation: Do pass. Signed by Senators Moore, Chair; Prentice, Vice Chair; Amondson, Deccio,
Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994
ESHB 2906 Prime Sponsor, House Committee on Appropriations: Enacting programs to prevent violence. Reported by Committee
on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators
A. Smith, Chair; Ludwig, Vice Chair; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Referred to Committee on Ways and Means.

February 25, 1994
SHJM 4026 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Requesting that federal law be
amended to allow foreign-flagged cruise ships between U.S. ports. Reported by Committee on Trade,
Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin,
Rasmussen and Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 25, 1994

GA 9159 FRANK DUCCESCHI, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9188 JULIE JOHNSON, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9199 DR. RONALD LaFAYETTE, reappointed February 1, 1993, for a term ending July 1, 1995, as Chair of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, Moyer, Nelson, Rasmussen, Rinehart, Skratek, A. Smith and Winsley.

Passed to Committee on Rules.

February 24, 1994

GA 9287 DEAN LYDIG, reappointed February 25, 1993, for a term ending January 19, 1999, as a member of the Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, L. Smith, Snyder and Spanel.

Passed to Committee on Rules.

February 24, 1994

GA 9288 MITCHELL S. JOHNSON, reappointed February 24, 1993, for a term ending January 19, 1997, as a member of the Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, L. Smith, Snyder and Spanel.

Passed to Committee on Rules.

February 24, 1994

GA 9289 JOHN C. MCGLENN, reappointed February 25, 1993, for a term ending January 19, 1999, as a member of the Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, L. Smith, Snyder and Spanel.

Passed to Committee on Rules.

February 24, 1994

GA 9290 NORMAN F. RICHARDSON, reappointed February 24, 1993, for a term ending January 19, 1995, as a member of the Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, L. Smith, Snyder and Spanel.

Passed to Committee on Rules.

February 24, 1994

GA 9291 JAMES M. WALTON, reappointed February 25, 1993, for a term ending January 19, 1995, as a member of the Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, L. Smith, Snyder and Spanel.

Passed to Committee on Rules.

February 24, 1994

GA 9339 KELLY WHITE, appointed March 24, 1993, for a term ending January 19, 1997, as a member of the Wildlife Commission.
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Franklin, Haugen, Oke, L. Smith, Snyder and Spanel.

Passed to Committee on Rules.

February 25, 1994

GA 9351 HARRY YAMAMOTO, reappointed April 19, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9364 DR. LOREN ANDERSON, appointed May 10, 1993, for a term ending March 26, 1996, as a member of the Higher Education Facilities Authority.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9396 GERALD S. ROBINSON, reappointed October 12, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9420 DARRELL BEERS, appointed January 3, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9421 JOHN M. MEYERS, appointed December 30, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9423 KAREN CARTER, reappointed January 3, 1993, for a term ending June 30, 1997, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9426 WILLIAM SELBY, appointed January 11, 1994, for a term ending April 3, 1998, as a member of the State Board of Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9427 JOAN YOSHITOMI, reappointed January 11, 1994, for a term ending April 3, 1998, as a member of the State Board of Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9430 KAREN GATES-HILDT, appointed February 2, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9431 ROBERT CHRISTENSON, appointed January 20, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Whatcom Community College District No. 21.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9432 TERI TREAT, appointed February 4, 1994, for a term ending September 30, 1997, as a member of the Board of Trustees for Whatcom Community College District No. 21.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9433 ROBERT J. HITT, appointed January 20, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9434 KATHLEEN QUIGG, appointed January 20, 1994, for a term ending September 30, 1997, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9435 ROGER REIDEL, appointed January 28, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9436 RICHARD R. ALBRECHT, reappointed January 28, 1994, for a term ending September 30, 1999, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9438 MIKE McCORMACK, appointed January 28, 1994, for a term ending June 30, 1997, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

February 25, 1994

GA 9439 JUDGE CARMEN OTERO, appointed January 28, 1994, for a term ending September 30, 1999, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Sheldon and West.

Passed to Committee on Rules.

MOTION

At 6:03 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Saturday, February 26, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 25, 1994

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

FORTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 26, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Erwin, Hochstatter, McCaslin, Moore, Moyer, Niemi, Owen, Pelz, Rasmussen, Roach, Skratek and Williams. On motion of Senator Drew, Senators Pelz, Skratek and Williams were excused. On motion of Senator Oke, Senators Erwin, Hochstatter, McCaslin, Moyer and Roach were excused.

The Sergeant at Arms Color Guard, consisting of Pages Marcel Emerson and Anthony Smith, presented the Colors. Reverend Peter Mans, pastor of the Olympia Christian Reformed Church, offered the prayer.

MOTION

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

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9367, Busse Nutley, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF BUSSE NUTLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 5; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Morton, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rinehart, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 36.

Absent: Senators Bauer, Moore, Niemi, Owen and Rasmussen, M. - 5.

Excused: Senators Erwin, Hochstatter, McCaslin, Moyer, Pelz, Roach, Skratek and Williams - 8.

MOTION

On motion of Senator Drew, Senators Bauer, Niemi, Owen and Rasmussen were excused.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9148, Lucille Carlson, as a member of the Tax Appeals Board, was confirmed.

APPOINTMENT OF LUCILLE CARLSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rinehart, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 38.

Excused: Senators Bauer, Erwin, Hochstatter, McCaslin, Niemi, Owen, Pelz, Rasmussen, M., Roach, Skratek and Williams - 11.

MOTION

At 9:20 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:34 a.m. by President Pritchard.

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6073 with the following amendments:

On page 2, after line 17, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 50.22 RCW to read as follows:

Supplemental additional benefits shall be available to individuals who, under this chapter, had a balance of extended benefits available after payments up to and including the week ending February 26, 1994.

(1) Total supplemental additional benefits payable shall be equal to the extended benefit balance remaining after extended benefit payments for up to and including the week ending February 26, 1994, and shall be paid at the same weekly benefit amount.

(2) The week ending March 5, 1994, is the first week for which supplemental additional benefits are payable.

(3) Supplemental additional benefits shall be paid under the same terms and conditions as extended benefits.

(4) Supplemental additional benefits are not payable for weeks more than one year beyond the end of the benefit year of the regular claim.

(5) Weeks of supplemental additional benefits may not be paid for weeks that begin after the start of a new extended benefit period, or any totally federally funded benefit program with eligibility criteria and benefits comparable to additional benefits.

(6) Weeks of supplemental additional benefits may not be paid for weeks of unemployment beginning after December 31, 1995.

(7) The department shall seek federal funding to reimburse the state for the supplemental additional benefits paid under this section. Any federal funds received by the state for reimbursement shall be deposited in the unemployment trust fund solely for the payment of benefits under this title."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, after line 4, insert the following:

"(3) Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Moore moved that the Senate concur in the House amendments to Substitute Senate Bill No. 6073.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Moore to concur in the House amendments on page 2, after line 17, and page 3, after line 4, to Substitute Senate Bill No. 6073.

The motion by Senator Moore carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6073.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6073, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6073, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Hochstatter and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6073, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2438, by House Committee on Financial Institutions and Insurance (originally sponsored by Representative Zellinsky)

Making technical corrections for the department of financial institutions.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2438 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Hochstatter and McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 2438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2590, by Representatives King, Quall, Jones and Springer (by request of Statute Law Committee)

Eliminating obsolete references to the department of fisheries and the department of wildlife.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2590.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2590 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Hochstatter and McCaslin - 2.

HOUSE BILL NO. 2590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6073.

SECOND READING

HOUSE BILL NO. 2169, by Representatives R. Fisher and Heavey

Establishing board membership criteria for regional transit authorities.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 2169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2169.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2169 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Newhouse - 1.

Excused: Senators Hochstatter and McCaslin - 2.

HOUSE BILL NO. 2169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2376, by Representatives Morris and Jones (by request of Sentencing Guidelines Commission)

Revising the powers and duties of the sentencing guidelines commission.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed House Bill No. 2376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2376.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2376 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Hochstatter and McCaslin - 2.

ENGROSSED HOUSE BILL NO. 2376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2377, by Representatives Appelwick, Johanson, Padden, H. Myers, Ballasiotes, Tate, Scott and Anderson

Including optical imaging reproductions as business record copies admissible as evidence.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2377.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2377 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio,

Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Hochstatter and McCaslin - 2.

HOUSE BILL NO. 2377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863, by House Committee on Transportation (originally sponsored by Representatives Zellinsky, R. Meyers and Schmidt)

Facilitating acquisition of a propulsion system for new jumbo ferries.

The bill was read the second time.

MOTIONS

Senator Vognild moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that:

A 1991 legislative study, conducted by Booz. Allen, Hamilton and M. Rosenblatt and Son, examining the Washington State Ferries' management of its vessel refurbishment and construction program, resulted in recommendations for improvements and changes in the vessel refurbishment and construction program. These legislatively adopted recommendations encourage and support input by Washington State Ferries' engineers in the development of refurbishment and new construction project requirements.

The recommendations of the Booz.Allen study have been applied to the construction of the Jumbo Class Mark II ferries through the appointment of a Jumbo Class Mark II Steering Committee comprised of current state ferry engineers responsible for the design, operation, and maintenance of state ferry vessels.

The Steering Committee, in carrying out the recommendations of the Booz. Allen study, has determined that the procedure for the procurement of equipment, parts, and supplies for the Jumbo Class Mark II ferry vessels authorized by RCW 47.60.770 through 47.60.778, must take into consideration, in addition to life-cycle cost criteria, criteria that are essential to the operation of a public mass transportation system responsive to the needs of Washington State Ferries' users, and that assess the reliability, maintainability, and performance of equipment, parts, and supplies to be installed in the Jumbo Mark II ferries.

The construction of the new Jumbo Class Mark II ferry vessels authorized by RCW 47.60.770 through 47.60.778 is critical to the welfare of the state and any delay in the immediate construction of the ferries will result in severe hardship and economic loss to the state and its citizens. Recognizing these findings, it is the intent of the legislature that the vessel construction should not be delayed further because of the acquisition of a propulsion system, or any component of it, for the ferries, and to authorize the department of transportation to acquire all components of a complete propulsion system as soon as possible so that planned construction of the Jumbo Class Mark II ferry vessels can proceed immediately.

The purpose of this chapter is to authorize the use, by the department, of supplemental, alternative contracting procedures for the procurement of a propulsion system, and the components thereof, for the Jumbo Class Mark II ferries; and to prescribe appropriate requirements and criteria to ensure that contracting procedures for such procurement serve the public interest.

NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department may enter into a contract for the acquisition of the propulsion system, or any component of it, including diesel engines and spare parts, for installation into one or more of the three Jumbo Class Mark II ferry vessels authorized under this chapter. This authorization does not limit the department from obtaining and installing the propulsion system, or any component of it, as incidental to the overall vessel construction contract authorized under RCW 47.60.770 through 47.60.778, nor from proceeding to complete an existing contract for acquisition of the propulsion system or any component of it.

(2) Acquisition of a propulsion system, or any component of it, for the Jumbo Class Mark II ferries by the department under this section is exempt from chapter 43.19 RCW.

(3) Whenever the department decides to enter into an acquisition contract under this section it shall publish a notice of its intent to negotiate such a contract once a week for at least two consecutive weeks in one trade newspaper and one other newspaper, both of general circulation in the state. The notice must contain, but is not limited to, the following information:

(a) The identity of the propulsion system or components to be acquired and the proposed delivery dates for the propulsion system or components;

(b) An address and telephone number that may be used to obtain the request for proposal.

(4) The department shall send to any firm that requests it, a request for proposal outlining the design and construction requirements for the propulsion system, including any desired components. The request for proposal must include, but is not limited to, the following information:

(a) The proposed delivery date for each propulsion system or desired component and the location where delivery will be taken;

(b) The form and formula for contract security;

(c) A copy of the proposed contract;

(d) The date by which proposals must be received by the department in order to be considered; and

(e) A statement that any proposal submitted constitutes an offer and must remain open until ninety days after the deadline for submitting proposals, together with an explanation of the requirement that all proposals submitted must be accompanied by a deposit in the amount of five percent of the proposed cost.

(5) The department shall evaluate all timely proposals received for: (a) Compliance with the requirements specified in the request for proposal; and (b) suitability of each firm's proposal by applying appropriate criteria to be developed by the department: (i) To assess the ability of the firm to expeditiously and satisfactorily perform and (ii) to accomplish an acquisition that is most advantageous to the department. A portion of the technical requirements addressed in the request for proposal shall include, but is not limited to, user verifications of manufacturer's reliability claims; the quality of engine maintenance documentation; and engine compatibility with ship design.

(6) The criteria to select the most advantageous diesel engine under subsection (5)(b)(ii) shall consist of life-cycle cost factors weighted at forty-five percent; and operational factors weighted as follows: reliability at twenty percent, maintainability at twenty percent, and engine performance at fifteen percent. For purposes of this subsection, the life-cycle cost factors shall consist of the costs for engine acquisition and warranty, spare parts acquisition and inventory, fuel efficiency and lubricating oil consumption, and commonality. The fuel efficiency and lubricating oil consumption life-cycle cost factors shall receive not less than twenty percent of the total evaluation weighting and shall be evaluated under a format similar to that employed in the 1992 M.V. Tye engine replacement contract. The reliability factors shall consist of the length of service and reliability record in comparable

uses, and mean time between overhauls. The mean time between overhauls evaluation shall be based upon the manufacturer's required hours between change of wear components. The maintainability factors shall consist of spare parts availability, the usual time anticipated to perform typical repair functions, and the quality of factory training programs for ferry system maintenance staff. The performance factors shall consist of load change responsiveness, and air quality of exhaust and engine room emissions.

(7) Upon concluding its evaluation, the department shall:

(a) Select the firm presenting the proposal most advantageous to the department, taking into consideration compliance with the requirements stated in the request for proposal, and the criteria developed by the department, and rank the remaining firms in order of preference, judging them by the same standards; or

(b) Reject all proposals as not in compliance with the requirements contained in the request for proposals.

(8) The department shall immediately notify those firms that were not selected as the firm presenting the most advantageous proposal of the department's decision. The department's decision is conclusive unless an aggrieved firm appeals the decision to the superior court of Thurston county within five days after receiving notice of the department's final decision. The appeal shall be heard summarily within ten days after it is taken and on five days' notice to the department. The court shall hear the appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department is arbitrary or capricious.

(9) Upon selecting the firm that has presented the most advantageous proposal and ranking the remaining firms in order of preference, the department shall:

(a) Negotiate a contract with the firm presenting the most advantageous proposal; or

(b) If a final agreement satisfactory to the department cannot be negotiated with the firm presenting the most advantageous proposal, the department may then negotiate with the firm ranked next highest in order of preference. If necessary, the department may repeat this procedure and negotiate with each firm in order of rank until the list of firms has been exhausted.

(10) Proposals submitted by firms under this section constitute an offer and must remain open for ninety days. When submitted, each proposal must be accompanied by a deposit in cash, certified check, cashier's check, or surety bond in the amount equal to five percent of the amount of the proposed contract price, and the department may not consider a proposal that has no deposit enclosed with it. If the department awards a contract to a firm under the procedure set forth in this section and the firm fails to enter into the contract and furnish the required contract security within twenty days, exclusive of the day of the award, its deposit shall be forfeited to the state and deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a contract all proposal deposits shall be returned.

NEW SECTION. Sec. 3. The department of transportation, the department of general administration, and the office of financial management, in consultation with the legislative transportation committee, shall conduct a systematic review of acquisition authorities established under chapters 43.19, 47.56, and 47.60 RCW, and the consequent impact on the operation of Washington state ferries as a public mass transportation system. The results of this review, including any proposed legislation, shall be reported to the governor and the house of representatives and senate transportation committees on or before January 1, 1995.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Nelson moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 1, line 7 of the amendment, after "**Sec. 1.**" strike everything through page 2, line 11, and insert "The purpose of this act is to comply with the order entered in *Northern Commercial Company d/b/a N C Machinery v. State of Washington Office of State Procurement and Siemens Energy and Automation*, Thurston County Superior Court Cause Number 93-2-02806-4, by excusing the office of state procurement from following the "life cycle costing" requirements of RCW 43.19.1911."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 1, line 7, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2863.

The motion by Senator Nelson failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Nelson moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 2, line 26, after "from" strike "chapter 43.19 RCW" and insert "RCW 43.19.1911"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 2, line 26, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2863.

The motion by Senator Nelson failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2863.

The motion by Senator Vognild carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On line 1 of the title, after "system;" strike the remainder of the title, and insert "adding a new section to chapter 47.60 RCW; creating new sections; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 2863, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2863, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2863, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Morton, Moyer, Nelson, Prince, Sellar, Smith, L. and West - 15.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2191, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Ogden, Schoesler, Sheahan, Roland, Carlson, Rayburn and Wineberry) (by request of Washington State University)

Regulating bidding procedures concerning minority and women-owned businesses.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2191.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2191 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Anderson, Cantu and West - 3.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2370, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky and Dyer)

Extending reinsurance and surplus line insurance statutes to incorporated entities.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2370.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2370 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Vognilid - 2.

SUBSTITUTE HOUSE BILL NO. 2370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2754, by House Committee on Judiciary (originally sponsored by Representatives McMorris, Appelwick, Padden, Campbell, Schoesler, Johanson, Foreman, Mielke, Finkbeiner, Fuhrman, Mastin, Wineberry, Sheahan, L. Thomas, Cooke, Brough and Springer)

Authorizing use of closed circuit television in court procedural hearings.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the following Committee on Law and Justice striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

***Sec. 1.** RCW 2.56.030 and 1993 c 415 s 3 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;
- (8) Act as secretary of the judicial conference referred to in RCW 2.56.060;
- (9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;
- (10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;
- (11) Administer programs and standards for the training and education of judicial personnel;
- (12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;
- (13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;
- (14) Attend to such other matters as may be assigned by the supreme court of this state;
- (15) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988. The curriculum shall be updated yearly to reflect changes in statutes, court rules, or case law;
- (16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989;
- (17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be completed and made available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel by October 1, 1993. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide;
- (18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required.

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "and amending RCW 2.56.030."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2754, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2754, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2754, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Niemi - 1.

Excused: Senators McCaslin and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 2754, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2566, by House Committee on Judiciary (originally sponsored by Representatives Dyer, Lisk, B. Thomas, Brough, Brumsickle, Talcott, Long, Mielke, Cooke and Wood)

Providing limited immunity from liability for organizations distributing donated items to children.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2566.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2566 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Winsley - 45.

Voting nay: Senators Prentice and Wojahn - 2.

Excused: Senators McCaslin and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 2566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Rinehart was excused.

SECOND READING

HOUSE BILL NO. 1466, by Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero

Regulating motorized wheelchair warranties.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collateral costs" means expenses incurred by a consumer in connection with the repair of a nonconformity, including the costs of obtaining an alternative wheelchair or other device assisting mobility.

(2) "Consumer" means any of the following:

(a) The purchaser of a wheelchair, if the wheelchair was purchased from a wheelchair dealer or manufacturer for purposes other than resale;

(b) A person to whom a wheelchair is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the wheelchair;

(c) A person who may enforce a warranty on a wheelchair; or

(d) A person who leases a wheelchair from a wheelchair lessor under a written lease.

(3) "Demonstrator" means a wheelchair used primarily for the purpose of demonstration to the public.

(4) "Early termination cost" means an expense or obligation that a wheelchair lessor incurs as a result of both the termination of a written lease before the termination date set forth in the lease and the return of a wheelchair to a manufacturer under section 3(2)(b) of this act. "Early termination cost" includes a penalty for prepayment under a finance arrangement.

(5) "Early termination savings" means an expense or obligation that a wheelchair lessor avoids as a result of both the termination of a written lease before the termination date set forth in the lease and the return of a wheelchair to a manufacturer under section 3(2)(b) of this act. "Early termination savings" includes an interest charge that the wheelchair lessor would have paid to finance the wheelchair or, if the wheelchair lessor does not finance the wheelchair, the difference between the total amount for which the lease obligates the consumer during the period of the lease term remaining after the early termination and the present value of that amount at the date of the early termination.

(6) "Manufacturer" means a person who manufactures or assembles wheelchairs and agents of the person, including an importer, a distributor, factory branch, distributor branch, and a warrantor of the manufacturer's wheelchairs, but does not include a wheelchair dealer.

(7) "Nonconformity" means a condition or defect that substantially impairs the use, value, or safety of a wheelchair, and that is covered by an express warranty applicable to the wheelchair or to a component of the wheelchair, but does not include a condition or defect that is the result of abuse, neglect, or unauthorized modification or alteration of the wheelchair by a consumer.

(8) "Reasonable attempt to repair" means any of the following occurring within the term of an express warranty applicable to a new wheelchair or within one year after first delivery of a wheelchair to a consumer, whichever is sooner:

(a) An attempted repair by the manufacturer, wheelchair lessor, or the manufacturer's authorized dealer is made to the same warranty nonconformity at least four times and the nonconformity continues; or

(b) The wheelchair is out of service for an aggregate of at least thirty days because of warranty nonconformity.

(9) "Wheelchair" means a wheelchair, including a demonstrator, that a consumer purchases or accepts transfer of in this state.

(10) "Wheelchair dealer" means a person who is in the business of selling wheelchairs.

(11) "Wheelchair lessor" means a person who leases a wheelchair to a consumer, or who holds the lessor's rights, under a written lease.

NEW SECTION. Sec. 2. A manufacturer who sells a wheelchair to a consumer, either directly or through a wheelchair dealer, shall furnish the consumer with an express warranty for the wheelchair. The duration of the express warranty must be for at least one year after the first delivery of the wheelchair to the consumer. If the manufacturer fails to furnish an express warranty as required under this section, the wheelchair is covered by an implied warranty as if the manufacturer had furnished an express warranty to the consumer as required under this section.

NEW SECTION. Sec. 3. (1) If a new wheelchair does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the wheelchair lessor, or any of the manufacturer's authorized wheelchair dealers and makes the wheelchair available for repair before one year after first delivery of the wheelchair to the consumer, the nonconformity must be repaired.

(2) If, after a reasonable attempt to repair, the nonconformity is not repaired, the manufacturer shall do one of the following, whichever is appropriate:

(a) At the direction of a consumer described under section 1(2)(a), (b), or (c) of this act, do one of the following:

(i) Accept return of the wheelchair and replace the wheelchair with a comparable new wheelchair and refund any collateral costs; or

(ii) Accept return of the wheelchair and refund to the consumer and to a holder of a perfected security interest in the consumer's wheelchair, as their interest may appear, the full purchase price plus any finance charge, amount paid by the consumer at the point of sale, and collateral costs, less a reasonable allowance for use. Under this subsection (2)(a)(ii), a reasonable allowance for use may not exceed the amount obtained by multiplying the full purchase price of the wheelchair by a fraction, the denominator of which is one thousand eight hundred twenty-five and the numerator of which is the number of days that the wheelchair was driven before the consumer first reported the nonconformity to the wheelchair dealer; or

(b)(i) For a consumer described in section 1(2)(d) of this act, accept return of the wheelchair, refund to the wheelchair lessor and to a holder of a perfected security interest in the wheelchair, as their interest may appear, the current value of the written lease and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs, less a reasonable allowance for use.

(ii) Under this subsection (2)(b), the current value of the written lease equals the total amount for which the lease obligates the consumer during the period of the lease remaining after its early termination, plus the wheelchair dealer's early termination costs and the value of the wheelchair at the lease expiration date if the lease sets forth the value, less the wheelchair lessor's early termination savings.

(iii) Under this subsection (2)(b), a reasonable allowance for use may not exceed the amount obtained by multiplying the total amount for which the written lease obligates the consumer by a fraction, the denominator of which is one thousand eight hundred twenty-five and the numerator of which is the number of days that the consumer drove the wheelchair before first reporting the nonconformity to the manufacturer, wheelchair lessor, or wheelchair dealer.

(3) To receive a comparable new wheelchair or a refund due under subsection (2)(a) of this section, a consumer described under section 1(2) (a), (b), or (c) of this act shall offer to the manufacturer of the wheelchair having the nonconformity to transfer possession of the wheelchair to the manufacturer. Within thirty days after the offer, the manufacturer shall provide the consumer with a comparable new wheelchair or a refund. When the manufacturer provides a new wheelchair or refund under this subsection, the consumer shall return to the manufacturer the wheelchair having the nonconformity.

(4)(a) To receive a refund due under subsection (2)(b) of this section, a consumer described under section 1(2)(d) of this act shall offer to return the wheelchair having the nonconformity to its manufacturer. Within thirty days after the offer, the manufacturer shall provide the refund to the consumer. When the manufacturer provides the refund, the consumer shall return to the manufacturer the wheelchair having the nonconformity.

(b) To receive a refund due under subsection (2)(b) of this section, a wheelchair lessor shall offer to transfer possession of the wheelchair having the nonconformity to the manufacturer. Within thirty days after the offer, the manufacturer shall provide a refund to the wheelchair lessor. When the manufacturer provides the refund, the wheelchair lessor shall provide to the manufacturer the endorsements necessary to transfer legal possession to the manufacturer.

(c) A person may not enforce the lease against the consumer after the consumer receives a refund due under subsection (2)(b) of this section.

(5) A person may not sell or lease again in this state a wheelchair returned by a consumer or wheelchair lessor in this state under subsection (2) of this section or by a consumer or wheelchair lessor in another state under a similar law of that state, unless full disclosure of the reasons for return is made to a prospective buyer or lessee.

NEW SECTION. Sec. 4. This chapter does not limit rights or remedies available under other law to a consumer.

NEW SECTION. Sec. 5. A waiver by a consumer of rights under this section is void.

NEW SECTION. Sec. 6. In addition to pursuing another remedy, a consumer may bring an action to recover damages caused by a violation of this chapter. The court shall award a consumer who prevails in an action under this section twice the amount of pecuniary loss, together with costs, disbursements, reasonable attorneys' fees, and equitable relief that the court determines is appropriate.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 19 RCW."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "wheelchair warranties; and adding a new chapter to Title 19 RCW."

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1466, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1466, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1466, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Deccio - 1.

Excused: Senators McCaslin and Rinehart - 2.

HOUSE BILL NO. 1466, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2187, by Representative Dunshee

Concerning the merger of fire protection districts.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2187.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2187 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators McCaslin, Moyer and Rinehart - 3.

HOUSE BILL NO. 2187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2608, by House Committee on Local Government (originally sponsored by Representatives Moak, Edmondson, H. Myers, Springer and Rayburn)

Allowing a port commission to sell property valued at under ten thousand dollars.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2608.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2608 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Hargrove and Ludwig - 2.

Excused: Senators McCaslin, Moyer and Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 2608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400, by Senate Committee on Trade, Technology and Economic Development (originally sponsored by Senators Talmadge, Skratek, Haugen, Owen, A. Smith, Pelz, Bluechel, Winsley and Erwin)

Declaring a sister state relationship with Taiwan.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Talmadge the rules were suspended, Substitute Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Substitute Senate Concurrent Resolution No. 8400.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400 was adopted by voice vote.

MOTION

At 12:10 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:02 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

February 26, 1994

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6073, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

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

MOTION

On motion of Senator Oke, Senators Nelson and West were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2178, by House Committee on Local Government (originally sponsored by Representatives H. Myers and Orr)

Clarifying employee transfer rights for fire fighters.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2178.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2178 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 3; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 40.

Voting nay: Senator Deccio - 1.

Absent: Senators Bluechel, Skratek and Talmadge - 3.

Excused: Senators McCaslin, Moyer, Nelson, Rinehart and West - 5.

SUBSTITUTE HOUSE BILL NO. 2178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

SECOND READING

HOUSE BILL NO. 2645, by Representatives Rayburn, Chandler, Grant, Ballard, Schoesler, H. Myers, Foreman, Lisk and Roland

Giving the apple advertising commission authority to accept gifts, grants, and other donations.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture striking amendment was adopted:

Strike everything after enacting clause and insert the following:

"Sec. 1. RCW 15.24.070 and 1987 c 393 s 3 are each amended to read as follows:

The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a (~~chairman~~) chair and such other officers as it deems advisable; and to adopt, rescind, and amend rules (~~regulations~~) and orders for the exercise of its powers (~~hereunder~~) under this chapter, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations (~~hereof~~) of this chapter;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and apple products (~~thereof~~);

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation;

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient; ~~((and))~~

(10) To borrow money and incur indebtedness;

(11) To accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms. The commission shall adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises. The authority to make expenditures granted by this subsection includes the authority to make expenditures to provide scholarships or financial assistance to persons as defined in RCW 1.16.080 or entities associated with the apple industry, but is not limited to the authority to make expenditures for such a purpose; and

(12) To engage in appropriate fund-raising activities for the purpose of supporting the activities of the commission authorized by this chapter."

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "and amending RCW 15.24.070."

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2645, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2645, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2645, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 43.

Excused: Senators Bluechel, McCaslin, Moyer, Nelson, Rinehart and West - 6.

HOUSE BILL NO. 2645, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 1:16 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:24 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

February 25, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2663, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

February 26, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2671, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2663 by House Committee on Revenue (originally sponsored by Representatives Finkbeiner, Foreman, Cothorn, G. Fisher, Forner, Patterson, Shin, Dorn, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, Quall, Jones, Moak, H. Myers, Kessler, Springer, King, Morris, Cooke, Backlund and L. Johnson) (by request of Governor Lowry)

Providing tax credits and deferrals for high-technology businesses.

Referred to Committee on Ways and Means.

SHB 2671 by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Foreman, Holm, Mastin, Kremen, Roland, Kessler, Dellwo, Karahalios, Chappell, Conway, R. Johnson, J. Kohl, Patterson, Finkbeiner, Springer, Brown, Dunshee, Shin, Campbell, Dorn, Lemmon, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, Sheldon, Caver, Quall, Jacobsen, Jones, Romero, Moak, Valle, H. Myers, King, Cothorn, Morris, Backlund, Van Luven, Rayburn, Long, L. Johnson and Anderson)

Reducing gross receipts taxes for small businesses.

Referred to Committee on Ways and Means.

MOTION

At 2:25 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Monday, February 28, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-EIGHTH DAY, FEBRUARY 26, 1994

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

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 28, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Anderson, Cantu, Deccio, McAuliffe, McCaslin and Niemi. On motion of Senator Oke, Senators Amondson, Anderson, Cantu, Deccio and McCaslin were excused. On motion of Senator Drew, Senator McAuliffe was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristina Deccio and Scott Mazzola, presented the Colors. Reverend Frederick Elwood, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 1994

HB 2147 Prime Sponsor, Representative Carlson: Exempting institutions of higher education from certain expenditure requirements. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Ludwig, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2637 Prime Sponsor, House Committee on State Government: Developing a plan to increase collection of state-held bad debt. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Cantu, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 2643 Prime Sponsor, Representative Sommers: Cross-referencing pension statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

ESHB 2644 Prime Sponsor, House Committee on Appropriations: Making retirement contributions and payments. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

EHB 2776 Prime Sponsor, Representative Sommers: Exempting certain apprentices from the retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2841 Prime Sponsor, Representative Peery: Authorizing colleges to transfer exceptional faculty award funds to local endowment funds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1994

HB 2905 Prime Sponsor, Representative Sommers: Making permanent and simplifying the age sixty-five cost-of-living adjustment to retirement allowances. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 26, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2235,
SUBSTITUTE HOUSE BILL NO. 2341,
HOUSE BILL NO. 2665, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2235 by House Committee on Revenue (originally sponsored by Representatives Cothorn, Foreman, Thibaudeau, J. Kohl, L. Johnson, Ogden, Rust, Chappell, Van Luven, Brough, Brown and Cooke)

Clarifying the business and occupation tax on periodicals and magazines.

Referred to Committee on Ways and Means.

SHB 2341 by House Committee on Revenue (originally sponsored by Representatives Romero, Cooke, Talcott, L. Thomas, Wood, Silver and Roland)

Exempting from the sales tax certain personal services provided by nonprofit youth organizations and government agencies.

Referred to Committee on Ways and Means.

HB 2665 by Representatives G. Fisher, Fuhrman, Brown, Foreman, Bray, Campbell, Grant, Ballard, Rayburn, McMorris, Brumsickle, Dorn, Basich, Schoesler, Mastin, Kessler, Quall, Orr, Hansen, Silver, R. Johnson, Romero, Sheahan, Sheldon, Chappell, Lemmon, Jones, Moak, Springer, Roland and Morris

Providing a gross receipts tax deduction for low-density light and power businesses.

Referred to Committee on Ways and Means.

SECOND READING
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9402, Henry Chiles, Jr., as Chair of the Marine Employees Commission, was confirmed.

APPOINTMENT OF HENRY CHILES, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Absent: Senator Niemi - 1.

Excused: Senators Amondson, Anderson, Cantu, Deccio, McAuliffe and McCaslin - 6.

MOTION

On motion of Senator Loveland, Senator Niemi was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2430, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dyer, Zellinsky, Kessler, Romero, Jones and Springer) (by request of Insurance Commissioner)

Correcting an error concerning midwifery and birth center malpractice insurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2430.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2430 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Bauer - 1.

Excused: Senators Amondson, Anderson, McAuliffe, McCaslin and Niemi - 5.

SUBSTITUTE HOUSE BILL NO. 2430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2601, by Representatives Finkbeiner, Brumsickle, Bray, Wang and Scott

Implementing the cellular communications tax study recommendations regarding 911 emergency communication system funding.

The bill was read the second time.

MOTIONS

Senator Sutherland moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Emergency services communication systems, including enhanced 911 telephone systems, are currently funded with revenues from state and local excise taxes imposed on the use of switched access lines;

(b) Users of cellular communication systems and other similar wireless telecommunications systems do not use switched access lines and are not currently subject to these excise taxes;

(c) The volume of 911 calls by users of cellular communications systems and other similar wireless telecommunications systems has increased in recent years; and

(d) The integrity of 911 systems, including their long-term financial health and ability to meet revenue requirements, is dependent upon the maintenance of confidentiality of information collected by enhanced 911 systems.

(2) The intent of this act is to acknowledge the recommendations regarding 911 emergency communication system funding as detailed in the report to the legislature dated November 1993, entitled "Taxation of Cellular Communications in Washington State," to authorize imposition and collection of the twenty-five cent county tax discussed in chapter 6 of that report, and to require the department of revenue to continue the study of such funding as detailed in the report.

Sec. 2. RCW 82.14B.020 and 1991 c 54 s 10 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, county-wide, or district-wide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) "Enhanced 911 telephone system" means a public telephone system consisting of a network, data base, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

(4) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

(5) "Radio access line" means the telephone number assigned to or used by an end user for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signalling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

(6) "Radio communications service company" has the meaning ascribed to it in RCW 80.04.010.

(7) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

Sec. 3. RCW 82.14B.030 and 1991 c 54 s 11 are each amended to read as follows:

(1) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of switched access lines in an amount not exceeding fifty cents per month for each switched access line. The amount of tax shall be uniform for each switched access line. Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) The legislative authority of a county may also impose a county 911 excise tax on the use of radio access lines located within the county in an amount not exceeding twenty-five cents per month for each radio access line. The amount of tax shall be uniform for each radio access line. The county shall provide notice of such tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. Any county imposing this tax shall include in its ordinance a refund mechanism whereby the amount of any tax ordered to be refunded by the judgment of a court of record, or as a result of the resolution of any appeal therefrom, shall be refunded to the radio communications service company or local exchange company that collected the tax, and those companies shall reimburse the users who paid the tax. The ordinance shall further provide that to the extent the users who paid the tax cannot be identified or located, the tax paid by those users shall be returned to the county.

(3) Beginning January 1, 1992, a state enhanced 911 excise tax is imposed on all switched access lines in the state. For 1992, the tax shall be set at a rate of twenty cents per month for each switched access line. Until December 31, 1998, the amount of tax shall not exceed twenty cents per month for each switched access line and thereafter shall not exceed ten cents per month for each switched access line. The tax shall be uniform for each switched access line. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540.

~~((3))~~ (4) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

Sec. 4. RCW 82.14B.040 and 1991 c 54 s 12 are each amended to read as follows:

The state enhanced 911 tax and the county enhanced 911 tax ~~((created in this chapter))~~ on switched access lines shall be collected from the user by the local exchange company providing the switched access line. The ~~((local exchange company shall state))~~ county 911 tax on radio access lines shall be collected from the end user by the radio communications service company providing the radio access line to the end user. The amount of the ~~((taxes))~~ tax shall be stated separately on the billing statement which is sent to the user.

NEW SECTION. Sec. 5. A new section is added to chapter 38.52 RCW to read as follows:

Any person as defined in RCW 82.04.030 owning, operating, or managing any facilities used to provide wireless two-way telecommunications services for hire, sale, or resale which allow access to 911 emergency services shall provide a system of automatic number identification which allows the 911 operator to automatically identify the number of the caller.

NEW SECTION. Sec. 6. (1) The department of revenue shall conduct a study of base and rate for the 911 excise tax. The study shall address but not be limited to the following questions:

(a) What is the current tax base for enhanced 911 excise tax? Who is included in the current tax base? Who is not included in the current tax base?

(b) What have been and what are projected to be the 911 tax revenues, expenditures, and funding sources?

(c) How are 911 systems funded in other states?

- (d) What would be an appropriate tax base and tax rate for a 911 tax?
- (e) What are the fiscal impacts of changing the tax base or tax rate, or both?
- (f) Does the proposed tax base cover all current and projected future technologies?

(2) To perform this study, the department of revenue shall form an advisory study committee with balanced representation which must include, but need not be limited to, representatives from county government, representatives of both wireline and wireless telecommunications companies, large and small businesses that use wireline and wireless telecommunications services, the department of community, trade, and economic development, and county 911 coordinators. The committee shall also include two members from the house of representatives, one from each caucus, appointed by the speaker of the house of representatives, and two members from the senate, one from each caucus, appointed by the president of the senate.

(3) The department of revenue shall provide staff for the purpose of the study.

(4) The department of revenue shall present a final report of the findings of the study to the committees of the legislature that deal with revenue matters no later than July 1, 1995.

Sec. 7. RCW 38.52.540 and 1991 c 54 s 6 are each amended to read as follows:

The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to help implement and operate enhanced 911 state-wide, and to conduct a study of the tax base and rate for the 911 excise tax. The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall specify by rule the purposes for which moneys may be expended from this account.

Sec. 8. RCW 42.17.310 and 1993 c 360 s 2, 1993 c 320 s 9, and 1993 c 280 s 35 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Business related information protected from public inspection and copying under RCW 15.86.110.

(ff) Information collected by an enhanced 911 telephone system (i) for the specific purpose of developing and updating the data base associated with such a system or (ii) relating to addresses, telephone numbers, personal health, or physical safety that was obtained during emergency calls to such a system.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except section 5 of this act shall take effect January 1, 1995, and section 8 of this act shall take effect July 1, 1994."

On motion of Senator Fraser, the following amendment to the Committee on Energy and Utilities striking amendment was adopted:

On page 8, after line 34, strike paragraph (ff) and substitute the following:

"(ff) Personally identifiable information collected by a 911 telephone system (i) for the specific purpose of developing or updating the data base associated with such a system, or (ii) during an emergency call to such a system. For purposes of this paragraph, personally identifiable information does not include any record of aggregate data which does not identify particular persons."

The President declared the question before the Senate to be the adoption of the Committee on Energy and Utilities striking amendment, as amended, to House Bill No. 2601.

POINT OF INQUIRY

Senator Roach: "Senator Sutherland, can you tell me if line blocking will apply to this bill--the 911--one's ability to know who you are? If you have a cellular phone, can you apply line blocking to it?"

Senator Sutherland: "The caller identification that you are talking about is not applicable to cellular or regular radio wave-type telephones. If you have a cellular phone now, for example, and you contacted someone that had subscribed to the service of caller ID, and you called them and normally your phone number would appear on their digitized instrument--on cellular phones, no number appears. That doesn't change under this bill. Your specific question of whether you have line blocking--if you call someone and you don't want to reveal the phone number to whom you are calling, if you have line blocking now, either line blocking or per call blocking, you dial the star seven zero prior to dialing 911. Excuse me, Senator Nelson corrects me; you are correct, it is star six seven. Star seven zero deletes the call waiting function. We have to get all of this stuff straight sooner or later. The star six seven and then 911--I don't know for sure if it would block your 911. Senator Nelson is indicating to me that dialing star six seven before 911 will not block your number and the emergency companies that you would call would be able to identify who you were when you called, although they cannot do that for cellular right now."

The motion by Senator Sutherland carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 3 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 82.14B.020, 82.14B.030, 82.14B.040, and 38.52.540; reenacting and amending RCW 42.17.310; adding a new section to chapter 38.52 RCW; creating new sections; providing effective dates; and declaring an emergency."

On motion of Senator Sutherland, the rules were suspended, House Bill No. 2601, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Oke, Senator Prince was excused.

On motion of Senator Drew, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2601, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2601, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Cantu - 1.

Excused: Senators Amondson, Anderson, Bauer, McAuliffe, McCaslin and Prince - 6.

HOUSE BILL NO. 2601, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2369, by Representatives Foreman, Sheldon, Basich and Anderson

Revising provisions for elections in cities with a commission plan of government.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2369.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2369 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Absent: Senator Owen - 1.

Excused: Senators Amondson, Anderson, Bauer, McAuliffe, McCaslin and Prince - 6.

HOUSE BILL NO. 2369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senators Drew and Vognild were excused.

SECOND READING

HOUSE BILL NO. 2419, by Representatives Riley, Wineberry, Long, Brough, Johanson, Campbell, B. Thomas, L. Thomas, Bray, Wood, Schoesler, Silver, Cothorn, Kessler, Kremen, Dyer, Chandler, J. Kohl, Chappell, Jones, Sheldon, King, Orr, Carlson, Tate, Mielke, H. Myers and Roland

Honoring law enforcement officers who die in the line of duty.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2419.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2419 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Anderson, Bauer, Drew, McAuliffe, McCaslin, Prince and Vognild - 7.

HOUSE BILL NO. 2419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2159, by Representatives Sheldon, Holm, Dellwo and Wineberry

Changing provisions relating to criminal jurisdiction on Skokomish tribal lands.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2159.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2159 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Anderson, Bauer, Drew, McAuliffe, McCaslin, Prince and Vognild - 7.

HOUSE BILL NO. 2159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2244, by Representatives Dunshee, Horn, H. Myers and Springer

Changing provisions relating to classification of cities and towns.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2244.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2244 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Bauer, McAuliffe, McCaslin, Prince and Vognild - 6.

HOUSE BILL NO. 2244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2340, by Representatives Long, Appelwick, Johanson, Padden, Karahalios, Brough, Talcott, Sheahan, Wood, Forner, Dyer, Chandler, Shin, Mielke and Springer

Clarifying sex offender registration provisions.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2340.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2340 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Bauer, McAuliffe, McCaslin, Prince and Vognild - 6.

HOUSE BILL NO. 2340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 1994

ESHB 2163 Prime Sponsor, House Committee on Human Services: Providing for assessment of residential habilitation center residents. Reported by Committee on Ways and Means

MAJORITY Recommendation: Refer to Committee on Rules without recommendation. Signed by Senator Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Ludwig, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1994

E2HB 2319 Prime Sponsor, House Committee on Judiciary: Enacting programs to reduce youth violence. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by the Committee on Health and Human Services. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 9:54 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:17 a.m. by President Pritchard.
There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1339, by House Committee on Judiciary (originally sponsored by Representatives Pruitt, R. Meyers, Brumsickle, Zellinsky and Schmidt)

Appointing court commissioners in municipal court.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1339 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Bluechel, Pelz, Rinehart and Smith, L. - 4.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1090, by House Committee on Judiciary (originally sponsored by Representative Scott)

Protecting communications in law enforcement officers peer support groups.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1090.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1090 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Bluechel - 1.

SUBSTITUTE HOUSE BILL NO. 1090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2443, by House Committee on Health Care (originally sponsored by Representatives Dellwo, L. Johnson, Conway, Wineberry, Wolfe, J. Kohl, Veloria, Romero and King) (by request of Health Services Commission and Governor Lowry)

Modifying employer-sponsored health benefits coverage for seasonal workers.

The bill was read the second time.

MOTION

Senator Morton moved that the following amendments be considered simultaneously and be adopted:

On page 2 after line 5 insert new "(6) Dependent. For the purposes of this chapter: (a) "Dependent child" means an individual's unmarried natural child, stepchild, or legally adopted child, who is either (i) younger than age nineteen, or (ii) younger than age twenty-three and (A) is a full-time student at an educational organization that normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (B) is pursuing a full-time course of institutional on-farm training under the supervision of an educational organization described in (a) (ii) (A) of this subsection. (b) "Family" means an individual or an individual and the individual's spouse, if not legally separated, and the individual's dependent children. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family. (c) "Family dependent" means an enrollee's legal spouse, if not legally separated, or the enrollee's dependent child, who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid."

Re-number remaining sections consecutively and correct internal references accordingly.

On page 5 line 3 after "a person" insert "and their dependents"

On page 5 line 4 after "who" delete "intends to reside" and insert "reside"

On page 5 line 4 after "indefinitely" insert "or have moved to the state solely for the purposes of a secured employment position"

On page 5 line 7 after "RCW." delete "'Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for a least one month, who did not enter the state for the primary purpose of obtaining health services."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Morton on page 2, after line 5, and page 5, lines 3, 4 (2), and 7, to Substitute House Bill No. 2443.

The motion by Senator Morton failed and the amendments were not adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 2443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, are there automatic deduction responsibilities for the employer deducting for the employees' wages in here?"

Senator Talmadge: "Yes."

Senator Newhouse: "How is that computed if the employees are low-waged earners with relative low income during the year?"

Senator Talmadge: "That would be something, Senator Newhouse, that would be developed by the Health Services Commission in its process of defining this specific nature of the benefits here. We have the Uniform Benefits Package. It is being developed by and will be submitted to us in January of next year and, basically, the commission would take that Uniform Benefit package and look at the contributions of employers and employees in light of the cost of that package at that time."

Senator Newhouse: "But, I have seen publications or stories in the newspaper that you are saying that the industry must pay the full cost of the program and if the employee is exempt, who is going to pay?"

Senator Talmadge: "Well my concern, Senator, is that we do not treat the agriculture industry differently than we do any other industry in the state. This is a special way of approaching health care related costs. It is like a mini single payer system for the agriculture industry. It really does not involve the kind of private insurance mechanism that is traditional in the rest of our health care reform efforts, so it is a little bit different. All that I'm saying, and have said consistently, is that we want to treat all employers and employees with the maximum degree that we can, similarly across the state of Washington."

Senator Newhouse: "Excuse me for getting into a dialogue here, but in this situation, you are defining certain employer groups or industry groups--strictly agriculturally related. There are far more in the state who are part time or seasonal workers. The most horrible example, I suppose, is the fishing industry. How are you going to cover them? Will they have a separate pool; will they be required to contribute fully from their own industry to support that pool or will they be subsidized by the state or some federal agency?"

Senator Talmadge: "Senator, as I mentioned in my floor remarks, the provisions of this bill could be applied to those other seasonal industries, as well, in the discretion of the Health Services Commission. It is something that we give them authority to take a look at it and do and if the pooling arrangement that is envisioned here works, it certainly is a model that might be applied to some of the other seasonal industries as well."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2443.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2443 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Schow, Sellar, Smith, L. and West - 17.

Excused: Senator Bluechel - 1.

SUBSTITUTE HOUSE BILL NO. 2443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2388, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Heavey, H. Myers, Campbell, King and Anderson) (by request of Department of Labor and Industries)

Providing penalties for multiple failures by a contractor or subcontractor to pay the prevailing rate of wage.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 2388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2388.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2388 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Schow and Sellar - 15.

Excused: Senator Bluechel - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2138, by Representatives Rayburn, Roland, Sheahan, Schoesler and Hansen (by request of Washington State University)

Eliminating Washington State University's rodent control responsibilities.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2138.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2138 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MESSAGE FROM THE HOUSE

February 26, 1994

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2664, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2664 by Representatives Springer, Foreman, Jones, G. Fisher, Shin, Chappell, Basich, Pruitt, Holm, Ogden, Wolfe, Sheldon, H. Myers, Kessler, Conway, Cothorn, Morris and Rayburn (by request of Governor Lowry)

Modifying provisions for tax deferrals for investment projects in distressed areas.

Referred to Committee on Ways and Means.

MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:05 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 1994

SB 6307 Prime Sponsor, Senator Talmadge: Clarifying health care authority powers and duties. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6307, as proposed by Committee on Health and Human Services, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Bluechel, Gaspard, Hargrove, Moyer, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

HB 1295 Prime Sponsor, Representative Orr: Recodifying RCW 41.26.281. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Moyer, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

HB 1975 Prime Sponsor, Representative Dunshee: Modifying provisions relating to nursing home reimbursement overpayments. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Moyer, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

2SHB 2210 Prime Sponsor, House Committee on Appropriations: Creating a thirtieth community and technical college district.
Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Cantu, Gaspard, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

ESHB 2237 Prime Sponsor, House Committee on Capital Budget: Improving the efficiency of state facilities and the budget process. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

SHB 2433 Prime Sponsor, House Committee on Revenue: Providing open government through unedited televised coverage of state government proceedings. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Niemi, Owen, L. Smith, Spanel, Sutherland, Talmadge and Williams.

Passed to Committee on Rules for second reading.

February 28, 1994

HB 2478 Prime Sponsor, Representative Foreman: Requiring reporting to the department of revenue by purchasers of timber and logs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Owen, Pelz, L. Smith, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Anderson, Cantu, Hochstatter and West.

Passed to Committee on Rules for second reading.

February 28, 1994

ESHB 2521 Prime Sponsor, House Committee on Natural Resources and Parks: Regulating metals mining and milling operations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Moyer, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

2SHB 2616 Prime Sponsor, House Committee on Capital Budget: Directing the department of health to test ground water in order to seek waivers under the safe drinking water act. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Ecology and Parks. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bluechel, Gaspard, Hargrove, McDonald, Moyer, Niemi, Owen, Pelz, Roach, Snyder, Spanel, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

ESHB 2688 Prime Sponsor, House Committee on Commerce and Labor: Modifying the duties and responsibilities of sellers of travel. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Labor and Commerce. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Gaspard, Hargrove, Hochstatter, Moyer, Niemi, Owen, Pelz, Roach, L. Smith, Snyder, Spanel, Sutherland, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

HB 2743 Prime Sponsor, Representative Sommers: Changing provisions relating to health services provided by school districts. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Niemi, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1994

ESHB 2906 Prime Sponsor, House Committee on Appropriations: Enacting programs to prevent violence. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Niemi, Owen, Pelz, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

February 28, 1994

GA 9441 RICHARD G. THOMPSON, JR., appointed February 10, 1994, for a term ending July 1, 1994, as a member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chair; Loveland, Vice Chair; Skratek, Vice Chair; Morton, Nelson, Oke, Prentice, Prince, Rasmussen, Schow, Sheldon and Winsley.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

February 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on February 26, 1994, Governor Lowry approved the following Senate Bill entitled:
Substitute Senate Bill No. 6073
Relating to unemployment compensation.

Sincerely,
ED FLEISHER, Legal Counsel to the Governor

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

INTRODUCTION AND FIRST READING

SB 6607 by Senators Rinehart and Gaspard

AN ACT Relating to correcting an error in the 1993 health care reform act; amending RCW 82.04.431; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6608 by Senators Rinehart and Gaspard

AN ACT Relating to the business and occupation taxation of moneys received by health or social welfare organizations from governmental entities for health or social welfare services; and creating a new section.

Referred to Committee on Ways and Means.

SB 6609 by Senator Rinehart

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 6610 by Senator Rinehart

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SCR 8423 by Senators Snyder, Bluechel, Skratek, Cantu, Gaspard and Sellar

Establishing the joint select committee on the Pacific Northwest Economic Region Agreement.

Referred to Committee on Trade, Technology and Economic Development.

MOTION

At 5:07 p.m., on motion of Senator Snyder, the Senate adjourned until 9:00 a.m., Tuesday, March 1, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, FEBRUARY 28, 1994

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

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 1, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Moore, Pelz and Linda Smith. On motion of Senator Oke, Senator Linda Smith was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ryan Erwin and Mikko Laukkanen, presented the Colors. Reverend Frederick Elwood, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
1112 S. E. Quince Street, MS/7890
P.O. BOX 47890
OLYMPIA, WASHINGTON 98504-7890

March 1, 1994

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

Dear Mr. Brown:

The Washington State Department of Health and the Public Health Improvement Plan Steering Committee are pleased to submit the Public Health Improvement Plan Progress Report to you pursuant to the Health Services Act of 1993. The Public Health Improvement Plan is the blueprint for improving health status in Washington through prevention and improved capacity for public health service delivery. The purpose of the Public Health Improvement Plan is to help achieve Washington's three goals of health system reform--the stabilization of health system costs, the assurance of universal access, and improvement of the health of our state's population.

This progress report describes the work done to date in developing the first Public Health Improvement Plan due to the Legislature by December 1, 1994. The report includes proposed recommendations on minimum standards for public health system capacity, standards and strategies to address key public health problems, as well as principles for financing and governing the public health system. A summary of the distribution and utilization of the \$20 million appropriated to address urgent needs in local communities is also included.

The work completed thus far on the Public Health Improvement Plan is the product of the efforts of hundreds of individuals and organizations throughout Washington State. The effort has been headed by a broad-based steering committee comprised of representatives from labor, business, consumers, providers, public health experts, and elected officials.

Copies of the report have been forwarded to the House Health Committee and the Senate Health and Human Services Committee, as well as the Chief Clerk's Office.

Thank you for your careful consideration of this progress report. If you have any questions, please contact me or Doreen Garcia, Director of the Office of Policy and Planning, at 705-6067.

Sincerely,
Bobbie Berkowitz, PhD, RN

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

SECOND READING
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9421, John M. Meyers, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF JOHN M. MEYERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Moore and Pelz - 2.

Excused: Senator Smith, L. - 1.

SECOND READING

HOUSE BILL NO. 2205, by Representatives Cothorn, L. Johnson and H. Myers

Creating urban emergency medical service districts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2205.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2205 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Moyer and Sellar - 2.

Excused: Senator Smith, L. - 1.

HOUSE BILL NO. 2205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Moyer and Sellar were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1928, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Quall, Locke, Roland and Johanson)

Providing for more comprehensive regional transportation planning.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature recognizes that recent legislative enactments have significantly added to the complexity of and to the potential for benefits from integrated transportation and comprehensive planning and that there is currently a unique opportunity for integration of local comprehensive plans and regional goals with state and local transportation programs. Further, approaches to transportation demand management initiatives and local and state transportation funding can be better coordinated to insure an efficient, effective transportation system that insures mobility and accessibility, and addresses community needs.

The legislature further finds that transportation and land use share a critical relationship that policy makers can better utilize to address regional strategies.

Prudent and cost-effective investment by the state and by local governments in highway facilities, local streets and arterials, rail facilities, marine facilities, nonmotorized transportation facilities and systems, public transit systems, transportation system management, transportation demand management, and the development of high capacity transit systems can help to effectively address mobility needs. Such investment can also enhance local and state objectives for effective comprehensive planning, economic development strategies, and clean air policies.

The legislature finds that addressing public initiatives regarding transportation and comprehensive planning necessitates an innovative approach. Improved integration between transportation and comprehensive planning among public institutions, particularly in the state's largest metropolitan areas is considered by the state to be imperative, and to have significant benefit to the citizens of Washington.

NEW SECTION. Sec. 2. ORGANIZATION'S DUTIES. Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to section 3 of this act, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

NEW SECTION. Sec. 3. COMPREHENSIVE PLANS, TRANSPORTATION GUIDELINES, AND PRINCIPLES. Each regional transportation planning organization, with cooperation from component cities, towns, and counties, shall establish guidelines and principles by July 1, 1995, that provide specific direction for the development and evaluation of the transportation elements of comprehensive plans, where such plans exist, and to assure that state, regional, and local goals for the development of transportation systems are met. These guidelines and principles shall address at a minimum the relationship between transportation systems and the following factors: Concentration of economic activity, residential density, development corridors and urban design that, where appropriate, supports high capacity transit, freight transportation and port access, development patterns that promote pedestrian and nonmotorized transportation, circulation systems, access to regional systems, effective and efficient highway systems, the ability of transportation facilities and programs to retain existing and attract new jobs and private investment and to accommodate growth in demand, transportation demand management, joint and mixed use developments, present and future railroad right-of-way corridor utilization, and intermodal connections.

Examples shall be published by the organization to assist local governments in interpreting and explaining the requirements of this section.

Sec. 4. RCW 47.80.030 and 1990 1st ex. s. c 17 s 55 are each amended to read as follows:

(1) Each regional transportation planning organization shall:(

~~(a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of RCW 36.70A.070, and are consistent with regional transportation plans as provided for in (b) of this subsection;~~

~~(b)) develop ((and adopt)) in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that ((is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to July 1, 1990, as the basis of its regional transportation plan whenever possible. Such plans shall address));~~

~~(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs.~~

~~(b) Identifies existing or planned transportation facilities ((and)), services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:~~

~~(i) Physically crosses member county lines;~~

~~(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;~~

~~(iii) Significant impacts are expected to be felt in more than one county;~~

~~(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies; and~~

~~(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;~~

~~(c) ((Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district)) Establishes level of service standards at a minimum for all state highways and state ferry routes. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;~~

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) The organization shall review the regional transportation plan biennially for currency((;)) and

((e)) forward the adopted plan((-and)) along with documentation of the biennial review ((of it,)) to the state department of transportation.

((2)) (3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

((3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.))

NEW SECTION. Sec. 5. STATE-WIDE CONSISTENCY. In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation, in conformance with chapter 34.05 RCW, shall:

(1) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(2) Facilitate coordination between regional transportation planning organizations; and

(3) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

Sec. 6. RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, and each regional transit authority shall prepare a six-year transit development ((and financial program)) plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality and regional transit authority shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality and regional transit authority shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality and the regional transit authority shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

Sec. 7. RCW 35.77.010 and 1990 1st ex.s. c 17 s 59 are each amended to read as follows:

(1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive ((street)) transportation program for the ensuing six calendar years. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first class city derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city ((street)) transportation needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive ((street)) transportation program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated ((street construction)) transportation program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

((The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long-range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board. PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.))

The six-year plan for each city or town shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.

(2) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for ((bicycle, pedestrian, and equestrian)) nonmotorized transportation purposes.

(3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the city's or town's jurisdiction.

Sec. 8. RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each amended to read as follows:

(1) Before July 1st of each year, the legislative authority of each county ((with the advice and assistance of the county road engineer, and pursuant to)), after one or more public hearings thereon, shall prepare and adopt a comprehensive ((road)) transportation program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work and other transportation facilities and programs deemed appropriate, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and

related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated ~~((road construction))~~ transportation program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

~~(2) ((The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.~~

~~(3)) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for ~~((bicycles, pedestrians, and equestrian))~~ nonmotorized transportation purposes.~~

~~(3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the county's jurisdiction.~~

~~(4) The six-year plan for each county shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.~~

NEW SECTION. Sec. 9. The legislative transportation committee shall coordinate a comprehensive study on the appropriate relationship between state transportation facilities and local comprehensive plans. The legislative transportation committee shall appoint members to a steering committee that shall be comprised of representatives from the department of transportation, the department of community, trade, and economic development, regional transportation planning organizations, cities, counties, and the development community. The study shall, at a minimum, address:

- (1) How state transportation facilities and services should be addressed in local comprehensive plans;
- (2) Whether state transportation facilities should be included in local concurrency ordinances and the effectiveness of current methods provided for in the Growth Management Act to address concurrency for state transportation facilities;
- (3) The long-term effects on state transportation facilities resulting from the development of urban growth areas;
- (4) The "specific actions and requirements" adopted by local jurisdictions to bring into compliance a state transportation facility or service that is below the established level of service as set forth in RCW 36.70A.070;
- (5) The status and effectiveness of the access management program required by the 1991 legislature to promote a coordinated planning process for the permitting of access points on the state highway system;
- (6) Appropriate methods for mitigating land use impacts on state transportation facilities and services;
- (7) An analysis of funding alternatives including, but not limited to, consideration of state transportation improvement benefit districts; a state latecomer fee system; fees related to impacts generated under the State Environmental Policy Act; impact fees; allocation of state transportation resources; and other alternatives; and
- (8) The appropriate relationship between state transportation programming and prioritization systems and level of service deficiencies.

The preliminary study findings shall be completed no later than December 15, 1994, and the final report shall be submitted no later than September 1, 1995. The report shall contain recommendations for improving the coordination of local land use decisions and state transportation decisions.

NEW SECTION. Sec. 10. Sections 1 through 3 and 5 of this act are each added to chapter 47.80 RCW.

NEW SECTION. Sec. 11. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act shall take effect July 1, 1994."

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 47.80.030, 35.58.2795, 35.77.010, and 36.81.121; adding new sections to chapter 47.80 RCW; creating new sections; and providing an effective date."

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1928, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Drew, was it your intention in your amendment in the Committee on Transportation to require regional transportation planning organizations to institute a least cost planning methodology immediately, and to subject regional transportation plans that are currently existing or will be completed within 1994 to this requirement?"

Senator Drew: "I recognize that least cost planning methodologies for transportation are just being developed, will need to be assessed, and will take some time to validate. My intent with this amendment is for regional transportation planning organizations to incrementally implement these methodologies as they are developed, and to be at the forefront in developing and testing these least cost planning methodologies. It is not the intent of the amendment to invalidate existing regional transportation plans, nor to invalidate plans that have been under development for a number of years, and are scheduled to be adopted in 1994. Since regional transportation plans are to be reviewed at least every two years, there will be opportunity for least cost planning methodologies to be implemented for future plan updates. It is my intent that the Department of Transportation should recognize this intent in implementing this bill. Thank you, Senator Vognild."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1928, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1928, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Cantu and Nelson - 2.

Excused: Senators Moyer, Sellar and Smith, L. - 3.

SUBSTITUTE HOUSE BILL NO. 1928, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2867, by Representatives Kessler, Chandler, Kremen, Finkbeiner, Long, Casada, Bray and Foreman

Exempting federally licensed dams from state regulation.

The bill was read the second time.

MOTIONS

Senator Sutherland moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.21A RCW to read as follows:

(1) Except as provided in subsection (2) of this section, with respect to the safety of any dam, canal, ditch, hydraulic power plant, reservoir, project, or other work, system, or plant that requires a license under the federal power act, no licensee shall be required to:

- (a) Submit proposals, plans, specifications, or other documents for approval by the department;
- (b) Seek a permit, license, or other form, permission, or authorization from the department;
- (c) Submit to inspection by the department; or
- (d) Change the design, construction, modification, maintenance, or operation of such facilities at the demand of the department.

(2) The department may review and comment upon reports, plans, and specifications submitted by a licensee to the federal energy regulatory commission, and conduct inspections for the purpose of commenting upon reports, plans, and specifications when requested by the federal energy regulatory commission or a licensee.

(3) For the purposes of this section, "licensee" means an owner or operator, or any employee thereof, of a dam, canal, ditch, hydraulic power plant, reservoir, project, or other work, system, or plant that requires a license under the federal power act.

Sec. 2. RCW 43.21A.064 and 1977 c 75 s 46 are each amended to read as follows:

Subject to section 1 of this act, the director of the department of ecology shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render when required by the governor, a full written report of the work of his office with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) The director and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(9) He shall perform such other duties as may be prescribed by law.

Sec. 3. RCW 86.16.025 and 1989 c 64 s 2 are each amended to read as follows:

Subject to section 1 of this act, with respect to such features as may affect flood conditions, the department shall have authority to examine, approve or reject designs and plans for any structure or works, public or private, to be erected or built or to be reconstructed or modified upon the banks or in or over the channel or over and across the floodway of any stream or body of water in this state.

Sec. 4. RCW 86.16.035 and 1987 c 523 s 9 and 1987 c 109 s 53 are each reenacted and amended to read as follows:

Subject to section 1 of this act, the department of ecology shall have supervision and control over all dams and obstructions in streams, and may make reasonable regulations with respect thereto concerning the flow of water which he deems necessary for the protection to life and property below such works from flood waters.

Sec. 5. RCW 90.03.350 and 1987 c 109 s 91 are each amended to read as follows:

Except as provided in section 1 of this act, any person, corporation or association intending to construct or modify any dam or controlling works for the storage of ten acre feet or more of water, shall before beginning said construction or modification, submit plans and specifications of the same to the department for examination and approval as to its safety. Such plans and specifications shall be submitted in duplicate, one copy of which shall be retained as a public record, by the department, and the other returned with its approval or rejection endorsed thereon. No such dam or controlling works shall be constructed or modified until the same or any modification thereof shall have been approved as to its safety by the department. Any such dam or controlling works constructed or modified in any manner other than in accordance with plans and specifications approved by the department or which shall not be maintained in accordance with the order of the department shall be presumed to be a public nuisance and may be abated in the manner provided by law, and it shall be the duty of the attorney general or prosecuting attorney of the county wherein such dam or controlling works, or the major portion thereof, is situated to institute abatement proceedings against the owner or owners of such dam or controlling works, whenever he is requested to do so by the department.

Sec. 6. RCW 90.03.370 and 1987 c 109 s 93 are each amended to read as follows:

Except as provided in section 1 of this act, all applications for reservoir permits shall be subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a

permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit."

On motion of Senator Sutherland, the following amendment by Senators Sutherland, Ludwig and Amondson to the Committee on Energy and Utilities striking amendment was adopted:

On page 1, after line 6 of the amendment, insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

(1) The federal energy regulatory commission, under the federal power act, licenses hydropower projects in navigable waters and regularly and extensively inspects facilities for safety; and

(2) Nothing in this act alters or affects the department of ecology's authority to: (a) Participate in the federal process of licensing hydropower projects; or (b) ensure that hydropower projects comply with federal statutes such as the coastal zone management act and the clean water act and, subject to section 2 of this act, all applicable state law."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Energy and Utilities striking amendment, as amended, to House Bill No. 2867.

The motion by Senator Sutherland carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 43.21A.064, 86.16.025, 90.03.350, and 90.03.370; reenacting and amending RCW 86.16.035; and adding a new section to chapter 43.21A RCW."

On page 4, line 17 of the title amendment, after "86.16.035;" strike "and"

On page 4, line 18 of the title amendment, after "43.21A RCW" insert "; and creating a new section"

On motion of Senator Sutherland, the rules were suspended, House Bill No. 2867, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2867, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2867, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 46.

Absent: Senators Moore and West - 2.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 2867, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2334, by House Committee on State government (originally sponsored by Representatives Jacobsen, Ogden, Pruitt, Brough, R. Fisher, Anderson, J. Kohl and Moak)

Printing educational publications of the state historical societies.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2334.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2334 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Newhouse - 1.

Excused: Senators Deccio and Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Newhouse was excused.

SECOND READING

HOUSE BILL NO. 2486, by Representatives Ogden, Silver, Fuhrman, Valle, Sommers, Chandler, Brough, Dyer, Talcott, Forner, Long and Wood (by request of Legislative Budget Committee)

Delaying or repealing specified sunset provisions.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

On page 2, after line 11, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 43.131 RCW to read as follows:

The future teachers conditional scholarship program shall be terminated on June 30, 2000, as provided in section 5 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 28B.102.010 and 1987 c 437 s 1;
- (2) RCW 28B.102.020 and 1993 sp.s. c 18 s 36 & 1987 c 437 s 2;
- (3) RCW 28B.102.030 and 1987 c 437 s 3;
- (4) RCW 28B.102.040 and 1987 c 437 s 4;
- (5) RCW 28B.102.045 and 1988 c 125 s 7;
- (6) RCW 28B.102.050 and 1987 c 437 s 5;
- (7) RCW 28B.102.060 and 1993 c 423 s 1, 1991 c 164 s 6, & 1987 c 437 s 6;
- (8) RCW 28B.102.070 and 1987 c 437 s 7; and
- (9) RCW 28B.102.905 and 1987 c 437 s 10.

NEW SECTION. Sec. 6. RCW 28B.102.900 and 1987 c 437 s 9 are each repealed."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 43.131.381 and 43.131.382; adding new sections to chapter 43.131 RCW; and repealing RCW 43.131.215, 43.131.216, 43.131.327, 43.131.328, 43.131.347, 43.131.348, 43.131.365, 43.131.366, 43.131.371, 43.131.372, and 28B.102.900."

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2486, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2486, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2486, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Cantu, Hochstatter, Ludwig, McCaslin, McDonald, Morton, Nelson, Schow and Vognild - 11.

Excused: Senators Deccio, Newhouse and Sellar - 3.

HOUSE BILL NO. 2486, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1122, by House Committee on Local Government (originally sponsored by Representatives Pruitt, Schmidt, Zellinsky, H. Myers, B. Thomas, Dunshee, Valle, R. Meyers, Basich, Brough and Quall)

Changing provisions relating to excess levies in park and recreation districts and service areas.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The intent of the legislature by enacting sections 2 through 5 of chapter . . ., Laws of 1993 (this act) is:

(1) To allow park and recreation districts and park and recreation service areas to place more than one excess levy on the same ballot, allowing districts and service areas to give voters the opportunity to vote on separate issues, such as for operating and capital funds, at the same election, thereby reducing election costs; and

(2) To increase the amount a park and recreation district or park and recreation service area may collect through a six-year property tax levy from a maximum of fifteen cents per thousand dollars of assessed value to a maximum of sixty cents per thousand dollars of assessed value. This would allow for a more stable funding source for park and recreation districts and park and recreation service areas at a realistic tax rate and reduce the need for holding excess levy elections on an annual or biannual basis. In addition, it would level out the collection of taxes over each of six years rather than the practice now of collecting in one year to fund two years.

Sec. 2. RCW 36.69.140 and 1984 c 186 s 30 are each amended to read as follows:

(1) A park and recreation district shall have the power to levy ~~((an))~~ excess ~~((levy))~~ levies upon the property included within the district, in the manner prescribed by Article VII, section 2, of the Constitution and by RCW 84.52.052~~((--Such excess levy may be either))~~ for operating funds ~~((or for))~~, capital outlay funds, ~~((or for a))~~ and cumulative reserve funds.

(2) A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015. A park and recreation district may additionally issue general obligation bonds, together with outstanding voter approved and nonvoter approved general obligation indebtedness, equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by three-fifths of the voters of the district at a general or special election called for that purpose and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056. When authorized by the voters of the district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved. These elections shall be held as provided in RCW 39.36.050. Such bonds and warrants shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 3. RCW 36.69.145 and 1984 c 131 s 6 are each amended to read as follows:

(1) A park and recreation district may impose regular property tax levies in an amount equal to ~~((fifteen))~~ sixty cents or less per thousand dollars of assessed value of property in the district in each year for ~~((five))~~ six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of ~~((persons))~~ voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the ~~((total votes cast))~~ number of voters voting in such district at the last preceding general election when the number of ~~((electors))~~ voters voting on the proposition does not exceed forty per centum of the ~~((total votes cast))~~ number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition if the number of ~~((electors))~~ voters voting on the proposition exceeds forty per centum of the ~~((total votes cast))~~ number of voters voting in such taxing district in the last preceding general election. A proposition authorizing the tax levies shall not be submitted by a park and recreation district more than twice in any twelve-month period. Ballot propositions shall conform with RCW 29.30.111. In the event a park and recreation district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the one percent limitation provided for in Article 7, section 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043, the park and recreation district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced.

(2) The limitation in RCW 84.55.010 shall not apply to the first levy imposed under this section following the approval of the levies by the voters under subsection (1) of this section.

Sec. 4. RCW 36.68.520 and 1984 c 186 s 29 and 1984 c 131 s 8 are each reenacted and amended to read as follows:

(1) A park and recreation service area shall have the power to levy ~~((an))~~ annual excess ~~((levy))~~ levies upon the property included within the service area if authorized at a special election called for the purpose in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052~~((--~~

~~This excess levy may be either))~~ for operating funds, ~~((or for))~~ capital outlay funds, ~~((or for a))~~ and cumulative reserve funds.

(2) A park and recreation service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the ~~((district))~~ service area. ~~((Such districts))~~ Additionally, a park and recreation service area may issue general obligation bonds, together with any outstanding voter approved and nonvoter approved general indebtedness, equal to two and one-half percent of the value of the taxable property within the ~~((district))~~ service area, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the ~~((district))~~ service area at a special election called for the purpose in accordance with the provisions of Article VIII, section 6 of the Constitution. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Bonds may be retired by excess property tax levies when such levies are approved by the voters at a special election in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056.

Any elections shall be held as provided in RCW 39.36.050.

Sec. 5. RCW 36.68.525 and 1984 c 131 s 9 are each amended to read as follows:

A park and recreation service area may impose regular property tax levies in an amount equal to ~~((fifteen))~~ sixty cents or less per thousand dollars of assessed value of property in the service area in each year for six consecutive years when specifically authorized so to do by a majority of at

least three-fifths of the voters thereof approving a proposition authorizing the levies submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of the service area, at which election the number of ~~((persons))~~ voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the ~~((total-votes-cast))~~ number of voters voting in the service area at the last preceding general election when the number of ~~((electors))~~ voters voting on the proposition does not exceed forty percent of the ~~((total-votes-cast))~~ number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition if the number of ~~((electors))~~ voters voting on the proposition exceeds forty per centum of the ~~((total-votes-cast))~~ number of voters voting in such taxing district in the last preceding general election. A proposition authorizing such tax levies shall not be submitted by a park and recreation ~~((district))~~ service area more than twice in any twelve-month period. Ballot propositions shall conform with RCW 29.30.111. If a park and recreation service area is levying property taxes, which in combination with property taxes levied by other taxing districts result in taxes in excess of the nine-dollar and fifteen cents per thousand dollars of assessed valuation limitation provided for in RCW 84.52.043, the park and recreation service area property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "parks;" strike the remainder of the title and insert "amending RCW 36.69.140, 36.69.145, and 36.68.525; reenacting and amending RCW 36.68.520; and creating a new section."

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1122, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1122, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1122, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bluechel, Erwin, Franklin, Fraser, Gaspard, McAuliffe, McCaslin, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Nelson, Niemi, Quigley, Roach, Schow, Smith, A., Smith, L., Snyder, Vognild and West - 24.

SUBSTITUTE HOUSE BILL NO. 1122, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2771, by House Committee on Local Government (originally sponsored by Representatives Chappell, Brumsickle, Chandler, Sehn, Hansen, L. Thomas, McMorris, Fuhrman, Dyer, Schoesler, Sheahan, Holm and Basich)

Allowing permits for instruction in methods of fire fighting.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2771 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2771.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2771 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2182, by House Committee on Local Government (originally sponsored by Representatives Kremen, Mielke, Eide, King, Linville and H. Myers)

Providing transfer rights to certain port district fire fighters.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2182.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2182 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Bluechel, Cantu, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Sellar and Smith, L. - 14.

SUBSTITUTE HOUSE BILL NO. 2182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2843, by Representatives G. Cole, Long, Heavey, Roland, Cothorn, Jones, Caver, Valle, Flemming, Wolfe, L. Johnson, Shin, Lemmon, Conway, Springer, Karahalios, J. Kohl, Kessler, Orr and King (by request of Department of Labor and Industries)

Creating pilot projects to reduce long-term disability within workers' compensation.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 2843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2843.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2843 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2627, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Quall, Ballard, Valle, Foreman, Shin, Sehlín, Campbell, Johanson, Veloria, Peery, Hansen, G. Cole, Lemmon, Brumsickle, Heavey, Finkbeiner, Dunshee, R. Johnson, Karahalios, Springer, Mastin, Jacobsen, Chappell, R. Meyers, Basich, Patterson, Linville, Grant, Fuhrman, Kremen, Dorn, Ogden, Caver, Scott, Moak, Kessler, Conway, Roland, King, Rayburn, Chandler and J. Kohl)

Creating a housing finance program.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendments were considered simultaneously and were adopted:

- On page 2, line 15, after "(5)" strike "Provide" and insert "To the extent funds are made available, provide"
- On page 2, beginning on line 20, after "shall" strike ", by February 1st of each year beginning on February 1, 1995,"
- On page 2, line 21, after "legislature" strike "an" and insert "in its"
- On page 2, line 21, after "report" insert "a summary"

Senator Cantu moved that the following amendment by Senators Cantu and Amondson be adopted:
On page 2, after line 9, strike all materials through and including "41.50 RCW;" on line 12.
Debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Moore, as active participants in the public employee's retirement system, would we qualify-- as legislators--for special preference on this?"

Senator Moore: "If we qualify on the low end, which I suspect in relation to most state employees, we would, and if we have been donors to the fund."

Further debate ensued

Senator McDonald demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Cantu and Amondson to Substitute House Bill No. 2627.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L. and West - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 28.

Absent: Senator Hargrove - 1.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2627, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2627, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2627, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Smith, L. and West - 18.

Absent: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 2627, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:38 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:03 p.m. by President Pritchard.

MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:48 p.m. by President Pritchard.
There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 6345,
SENATE BILL NO. 6346, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6345,
SENATE BILL NO. 6346.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9440, Dr. Kenneth Casavant, as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was confirmed.

APPOINTMENT OF DR. KENNETH CASAVANT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild, West, Williams, Winsley and Wojahn - 45.

Absent: Senators Bauer, Bluechel, Sellar and Smith, L. - 4.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8662

By Senator McDonald

WHEREAS, The Washington State Legislature recognizes and honors all residents of Welsh descent and proclaims March 1, 1994, as Saint David's Day for the celebration of their Welsh heritage; and

WHEREAS, Wherever people of Welsh descent congregate, March 1 is observed as St. David's Day in tribute to their Patron, Saint David, who died on that date in the year 589; and

WHEREAS, Over the centuries, large numbers of Welsh people migrated to America searching for prosperity and freedom. The history of the United States is filled with Welsh names, both in places and people. Many became national leaders. At

least sixteen signers of the Declaration of Independence and five United States presidents were of Welsh lineage. The coal mining industry of Washington state, in areas such as Black Diamond and Renton relied on the mining skills of Welsh immigrants, and the Welsh have contributed in many other ways to the successful development of Washington State; and

WHEREAS, The traditions and heritage of the Welsh have, and continue to, enrich the culture of our society throughout our state and it is fitting that Washington State and its residents join in paying tribute to Saint David and the accomplishments of all Welsh Americans;

NOW, THEREFORE, BE IT RESOLVED, That March 1, 1994, shall be known as Saint David's Day and all citizens are encouraged to honor the Patron Saint of Wales and the accomplishments of all Welsh-Americans; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Alan Upshall, President of Puget Sound Welsh Association.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and welcomed the members of the Puget Sound Welsh Association who were seated in the gallery.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6605, by Senator Rinehart

Increasing access to health insurance for retired and disabled state and school district employees.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Oke, Senators Amondson and Linda Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6605.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6605 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Cantu, McCaslin, McDonald, Morton, Oke and West - 6.

Absent: Senator Newhouse - 1.

Excused: Senators Amondson and Smith, L. - 2.

SENATE BILL NO. 6605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6151, by Senators A. Smith, Ludwig, Quigley and Niemi (by request of Department of Corrections)

Revising provisions relating to discharge of offenders.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 6151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6151.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6151 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Roach and Schow - 3.

Absent: Senator Hochstatter - 1.

Excused: Senators Amondson, Smith, L. and Vognild - 3.

SENATE BILL NO. 6151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6237, by Senators Franklin, M. Rasmussen, Winsley, Erwin, Quigley, Sellar and Oke (by request of Department of Veterans Affairs)

Implementing the veteran estate management program.

MOTIONS

On motion of Senator Rinehart, Second Substitute Senate Bill No. 6237 was substituted for Senate Bill No. 6237 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Second Substitute Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6237.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Smith, L. and Vognild - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6584, by Senator Rinehart (by request of Department of Social and Health Services)

Providing benefits under the family emergency assistance program.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6584.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6584 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Amondson and Smith, L. - 2.

SENATE BILL NO. 6584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6604, by Senator Rinehart (by request of Department of Social and Health Services)

Changing provisions regarding incapacitated persons who are medicaid recipients.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6604.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6604 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Anderson and Hochstatter - 2.

Excused: Senators Amondson and Smith, L. - 2.

SENATE BILL NO. 6604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2424, by House Committee on Revenue (originally sponsored by Representatives Anderson, J. Kohl, Ballard, Dellwo, King, Dyer, Grant, Brough, Dorn, Lemmon, Quall, B. Thomas, Campbell, Sehlín, Wolfe, Morris, Roland, Wood, Carlson, Silver, Orr, Sheahan, Dunshee, Cothorn, Veloria, Mastin, Heavey, Long, Edmondson, Cooke, Schoesler, Kessler, Romero, Thibaudeau, Conway, Jones, Tate, Mielke, Springer and McMorris)

Removing "massage services" from the definition of retail sale.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2424.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2424 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Cantu, Deccio, Hochstatter and Morton - 4.

Excused: Senators Amondson and Smith, L. - 2.

SUBSTITUTE HOUSE BILL NO. 2424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2541, by House Committee on Revenue (originally sponsored by Representatives Cothern, Brown, Foreman, Romero, Brough, J. Kohl, Van Luven, Rust and Talcott) (by request of Department of Revenue)

Clarifying the business and occupation tax on newspapers.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2541.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2541 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Bauer - 1.

Excused: Senators Amondson and Smith, L. - 2.

SUBSTITUTE HOUSE BILL NO. 2541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2266, by Representatives Moak, Ogden, Sehlin, Patterson, Wood and Springer (by request of Department of Community Development)

Authorizing public works board project loans.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2266.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2266 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Amondson - 1.

HOUSE BILL NO. 2266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Heavey, Cooke, Schmidt, Sheldon and Springer)

Eliminating gasohol tax exemption.

The bill was read the second time.

MOTIONS

Senator Vognild moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to provide an incentive that encourages the use of renewable fuels by the motoring public, stimulates higher value added markets for agricultural products and by-products, and encourages a waste to energy industry. It is also the intent of the legislature to limit the financial impact to the state of this incentive.

The legislature declares that encouraging the use of renewable fuels by the motoring public will provide the following benefits to the people of Washington: Improved air quality, a market for agricultural products and by-products, a reduction of cost associated with the disposal of organic wastes, and new business and employment opportunities in the state.

NEW SECTION. Sec. 2. RCW 82.36.2251 and 1993 c 268 s 2 are each repealed.

Sec. 3. RCW 46.68.090 and 1991 c 342 s 56 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

- (a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;
- (b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;
- (c) From April 1, 1992, through March 31, 1996, for distribution to the transfer relief account, hereby created in the motor vehicle fund, an amount not to exceed three hundred twenty-five one-thousandths of one percent;
- (d) For distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and 46.68.095(3);
- (e) For distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3);
- (f) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in RCW 46.68.095(1);
- (g) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(2);
- (h) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(4);
- (i) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in RCW 46.68.095(5);
- (j) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in RCW 46.68.095(6);
- (k) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and 46.68.095(7);
- (l) From July 1, 1994, through June 30, 1995, for distribution to the gasohol exemption holding account, hereby created in the motor vehicle fund, an amount equal to four and sixty-one one-hundredths of one percent of the amount available prior to distributions under (a) through (k) of this subsection, to be used only for highway construction.

(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in this section shall, for the purposes of this chapter, be referred to as the "net tax amount."

NEW SECTION. Sec. 4. A new section is added to chapter 82.36 RCW to read as follows:

(1) Alcohol of any proof that is sold in this state for use as fuel in motor vehicles is exempt from the motor fuel tax under this chapter, subject to the limitations under section 5 of this act, if such alcohol has been verified by the department as meeting all of the following conditions:

(a)(i) The alcohol was manufactured by a company that has been verified by the department as having produced four million gallons or less of alcohol for use as motor fuel in the prior calendar year. If a company applying for certification has not been in continuous production for the entire prior calendar year its plant or plants must have a total annual fuel alcohol production capacity of four million gallons or less.

(ii) The company has not sold more than four million gallons of its own manufactured alcohol in the current calendar year.

(b) The alcohol was manufactured by a company whose primary raw material for the alcohol is food processing waste, brewery waste, or wood and paper processing waste.

(2) In addition, a tax credit of thirty percent of the tax rate imposed by RCW 82.36.025 shall be given for every gallon of alcohol receiving the exemption under subsection (1) of this section and used in an alcohol gasoline blend which contains at least ten percent by volume of alcohol.

NEW SECTION. Sec. 5. A new section is added to chapter 82.36 RCW to read as follows:

The motor fuel tax exemption under section 4 of this act is subject to the following limitations:

(1) No exemption shall be allowed for the sale of alcohol in all of western Washington during, or one month prior to, the time that oxygenated fuel is required by the state in any area in western Washington. No exemption shall be allowed for the sale of alcohol in all of eastern Washington during, or one month prior to, the time that oxygenated fuel is required by the state in any area in eastern Washington.

(2) The tax exemption for qualified alcohol shall not apply to any alcohol that is blended with gasoline by any distributor in excess of five million gallons of qualified alcohol per distributor during any calendar year.

(3)(a) For fuel sold beginning on the effective date of this act and until December 31, 1994, the total amount of the tax exemption and credit shall not exceed two and one-half million dollars.

(b) For fuel sold after December 31, 1994, the total amount of the tax exemption and credit shall not exceed five million dollars per calendar year.

NEW SECTION. Sec. 6. (1) If a court enters a final order invalidating or remanding section 2 of this act on the grounds that it does not comply with section 13, chapter 2, Laws of 1994, it is the intent of the legislature that this measure be submitted to the people for their adoption, ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

(2) If a court remands this act for a vote of the people, the ballot title shall be substantially as follows: "Shall the alcohol fuel tax exemption be limited to alcohol produced from waste products?"

NEW SECTION. Sec. 7. Sections 4 and 5 of this act shall expire on December 31, 1999.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1994."

On motion of Senator Vognild, the following amendment to the Committee on Transportation amendment was adopted:
On page 3, line 14 of the amendment, after "manufactured" insert "fuel"

MOTION

On motion of Senator Vognild, the following amendment to the Committee on Transportation amendment was adopted:
On page 4, after line 19 of the amendment, insert the following:
"NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."
Renumber the sections consecutively and correct any internal references accordingly.
The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 2326.
The motion by Senator Vognild carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:
On page 1, line 1 of the title, after "gasohol;" strike the remainder of the title and insert "amending RCW 46.68.090; adding new sections to chapter 82.36 RCW; creating a new section; repealing RCW 82.36.2251; providing an effective date; providing an expiration date; providing for contingent submission of this act to a vote of the people; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 2326, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2326, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2326 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.
Voting yea: Senators Amondson, Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.
Voting nay: Senators Anderson, Bluechel, Cantu, Erwin, Nelson, Roach and Smith, L. - 7.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2909, by Representatives R. Fisher, Schmidt, Forner and Wood

Authorizing bonds for public-private transportation initiatives.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 2909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2909.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2909 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.
Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.
HOUSE BILL NO. 2909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2582, by House Committee on Revenue (originally sponsored by Representatives Sheldon and Holm)

Affecting leasehold excise taxes.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2582.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2582 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2477, by Representatives Foreman, Romero, Brown, Brough, Carlson, Karahalios, Van Luven, Long, Cooke and Wood (by request of Department of Revenue)

Modifying property tax administrative procedures.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2477.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2477 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6291, by Senators M. Rasmussen, Prince, McCaslin, Bauer, Winsley and Newhouse

Affecting the processing of water rights.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 6291 was substituted for Senate Bill No. 6291 and the second substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland, Rasmussen, Newhouse, Amondson and Morton be adopted:

On page 1, after line 18, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

In furtherance of the purpose of chapter . . . , Laws of 1994 (this act) to more expeditiously make decisions regarding water right applications as stated in section 1 of this act, the legislature finds that the administering agency will be better enabled to make decisions and be better able to assure conditions placed on permits and certificates are complied with if procedures for the regulation of waters and water rights are clearly established. The purpose of this section is to set forth the powers of the department to regulate the withdrawal or diversion of public waters and water or water rights related thereto including regulation based on dates of priority or other pertinent factors. Regulatory actions taken under this section shall be based on examination and determination by the department or the court, as applicable, of the various water rights involved according to the department's records and other records and pertinent facts. The powers set forth in this section may be exercised whether or not a general adjudication relating to the water rights involved has been conducted.

(1) In a regulatory situation (a) where a water right or all water rights proposed for regulation by the department, as well as any right or rights of a senior priority that the proposed regulation is designed to protect, is or are embodied in a certificate or certificates issued under RCW 90.03.240, 90.03.330, 90.38.040, 90.42.040, or 90.44.060 or a permit or permits issued pursuant to RCW 90.03.290 or 90.44.060; or (b) where a flow or level has been established by rule pursuant to chapter 90.22 or 90.54 RCW; or (c) where it appears to the department that public waters are being withdrawn without any right or other appropriate authority whatsoever, the department in its discretion is authorized to regulate the right or rights under either RCW 43.27A.190 or subsection (2) of this section.

(2) In a regulatory situation where one or more of the water rights proposed for regulation by the department, as well as any right or rights of a senior priority that the proposed regulation is designed to protect, is not or are not embodied in a permit or certificate as described in subsection (1) of this section, the department, as its sole and exclusive power to regulate, is authorized to bring an appropriate action at law or in equity, including seeking injunctive relief, as it may deem necessary. Where actions are brought in a state court, the actions shall be initiated in the superior court of the county where the point or points of diversion of the water right or rights proposed for regulation are located. If the points of diversion are located in more than one county, the department may bring the action in a county where a point of diversion is located.

(3) Nothing in this section authorizes the department to accomplish a general adjudication of water rights proceeding or the substantial equivalent of a general adjudication of water rights. The exclusive procedure for accomplishing a general adjudication of water rights is under RCW 90.03.110 through 90.03.245 or 90.44.220.

(4) Nothing in this section shall have an impact on RCW 90.14.130 or 90.14.200.

(5) This section does not in any way modify regulatory powers previously placed with the department except as provided in subsections (1) and (2) of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the amendment expands the scope and object of Second Substitute Senate Bill No. 6291. The bill that is before us deals with the issue of water permits, that is whether or not some one has the right to take water. For that right, the bill charges a permitting fee and many have said it is the central portion of the bill - the permitting fee portion of the bill. What the proposed amendment does is deal with the question of the Washington Supreme Court's decision in the Sinking Creek Case where the State Supreme Court said that these kinds of matters involving disputes about the extent of a water right or the existence of a water right had to be handled in an adjudication. It is something separate and apart from the question of water permits. The amendment that is before us essentially stood in a separate Senate Bill, Senate Bill No. 6536. It really deals with an issue of where there is a dispute about the existence and scope and extent of water rights and really doesn't deal with the issue of water rights permits, which is the central function in Second Substitute Senate Bill No. 6291. For that reason, I believe it expands the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Second Substitute Senate Bill No. 6291.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

HOUSE BILL NO. 1133, by Representatives Kremen, Ballasiotes, Ludwig, Long, Riley, H. Myers, Zellinsky, Schmidt, Padden, Fuhrman and Johanson

Allowing the assignment of claims for unlawful conversion of goods and unlawful leaving without paying.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1133.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1133 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 1133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2618, by House Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Wood, Johanson, Sheldon, Talcott and J. Kohl)

Adding ferry water routes to the state highway system.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2618.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2618 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Riley)

Prescribing liabilities for lis pendens filings.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following amendments were considered simultaneously and were adopted:

On page 1, line 9, after "property," insert "however named, including consensual commercial lien, common law lien, commercial contractual lien, or demand for performance of public office lien,"

On page 1, line 10, after "60," insert "other than chapter 60.70 RCW,"

On motion of Senator Adam Smith, the rules were suspended, Second Substitute House Bill No. 1009, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1009, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1009, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse,

Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Owen - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1009, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Deccio and Roach were excused.

SECOND READING

HOUSE BILL NO. 2814, by Representatives Anderson, Veloria, Caver, Wolfe, Romero and Dunshee (by request of Department of General Administration)

Allowing public benefit nonprofit corporations to participate in state contracts for purchases.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2814 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2814.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2814 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Cantu, Hochstatter, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Prince, Sellar and West - 13.

Excused: Senators Deccio and Roach - 2.

HOUSE BILL NO. 2814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2562, by Representative Rayburn

Foreclosing liens on delinquent assessments.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Loveland, Senator Ludwig was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2562.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2562 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Amondson - 1.

Excused: Senator Ludwig - 1.

HOUSE BILL NO. 2562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2414, by House Committee on Transportation (originally sponsored by Representatives Brown, R. Fisher, Appelwick, J. Kohl, King and Patterson) (by request of Washington Traffic Safety Commission)

Changing provisions relating to child passenger restraint systems.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2414.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2414 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Cantu, Deccio, Hochstatter, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Schow, Sellar, Skratek, Vognild, West and Williams - 18.

Excused: Senator Ludwig - 1.

SUBSTITUTE HOUSE BILL NO. 2414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

HOUSE BILL NO. 2300, by Representatives Morris, Padden, Long, King and Brough (by request of Department of Corrections and Employment Security Department)

Revising provisions relating to offender eligibility for unemployment compensation benefits.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 72.09.100 and 1992 c 123 s 1 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an (offender) inmate, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 72.09.100."

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 2300, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2300, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2300, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2300, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1235, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Ludwig and Johanson)

Creating partnerships.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

On page 2, beginning on line 37, after "accountants," strike all material through "law" on line 39, and insert "architects, veterinarians, attorneys at law, and health professions regulated under chapter 18.130 RCW"

On motion of Senator Adam Smith, the rules were suspended, Second Substitute House Bill No. 1235, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1235, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1235, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Moore, Niemi and Talmadge - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1235, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2614, by House Committee on Commerce and Labor (originally sponsored by Representatives King, Lisk, G. Cole, Foreman, Chandler, Brough, Dyer, Silver and Van Luven)

Allowing self-insured employers to close disability claims after July 1990.

The bill was read the second time.

MOTION

Senator Prentice moved that the following amendment be adopted:

On page 4, after line 7, insert the following:

Sec. 2. RCW 51.32.095 and 1988 c 161 s 9 are each amended to read as follows:

(1) One of the primary purposes of this title is to enable the injured worker to become employable at gainful employment. To this end, the department or self-insurers shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation as may be reasonable to make the worker employable consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations (~~and prior to final evaluation of the worker's permanent disability~~) and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost as provided in subsection (3) of this section.

(2) When in the sole discretion of the supervisor or the supervisor's designee vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, then the following order of priorities shall be used:

- (a) Return to the previous job with the same employer;
- (b) Modification of the previous job with the same employer including transitional return to work;
- (c) A new job with the same employer in keeping with any limitations or restrictions;
- (d) Modification of a new job with the same employer including transitional return to work;
- (e) Modification of the previous job with a new employer;
- (f) A new job with a new employer or self-employment based upon transferable skills;
- (g) Modification of a new job with a new employer;
- (h) A new job with a new employer or self-employment involving on-the-job training;
- (i) Short-term retraining and job placement.

(3) Costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, (~~transportation, child or dependent care,~~) and other necessary expenses for any such

worker in an amount not to exceed (~~three thousand dollars~~) one hundred fifty-five percent of the average monthly wage in the state on the date of injury as computed under RCW 51.08.018 in any fifty-two week period, (~~and~~) the cost of continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation, and the cost of transportation and of child or dependent care related to the worker's participation in the vocational rehabilitation program. Such expenses may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment(~~(- PROVIDED, That such)~~). The department shall establish by rule allowable reimbursement rates for mileage and either child or dependent care, or both. The compensation or payment of retraining with job placement expenses authorized under this section may not be authorized for a period of more than fifty-two weeks(~~(- PROVIDED FURTHER, That such)~~). However, this period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. (~~Said~~) The costs shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be.

(4) The department shall establish criteria to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations used under subsection (1) of this section. The state fund shall make referrals for vocational rehabilitation services based on these performance criteria. Organizations to which referrals are made may include administrative entities of service delivery areas as established under the federal job training partnership act if the entities meet minimum standards established by the department.

(5) The department shall engage in, where feasible and cost-effective, a cooperative program with the state employment security department to provide job placement services under this section.

(6) The benefits in this section shall be provided for the injured workers of self-insured employers. Self-insurers shall report both benefits provided and benefits denied under this section in the manner prescribed by the department by rule adopted under chapter 34.05 RCW. The director may, in his or her sole discretion and upon his or her own initiative or at any time that a dispute arises under this section, promptly make such inquiries as circumstances require and take such other action as he or she considers will properly determine the matter and protect the rights of the parties.

(7) The benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury. However, claims shall not be reopened solely for vocational rehabilitation purposes.

NEW SECTION. Sec. 3. A new section is added to chapter 51.12 RCW to read as follows:

A person who provides rehabilitation for injured workers in the form of on-the-job training or transitional work under this title may elect coverage under this title for the injured workers receiving the services, regardless of whether the person providing the services pays wages to the workers for the on-the-job training or transitional work program. RCW 51.16.120(3) shall apply to the workers for whom coverage has been elected as authorized in this section. For the purposes of this section, "person" means an individual, firm, corporation, partnership, trust, legal representative, or other legal entity.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act apply to vocational rehabilitation plans started on or after the effective date of this section."

POINT OF ORDER

Senator Amondson: "Mr. President, referring to Rule 66, I raise the scope and object of this amendment. This bill relates to claims closures with regards to self-insurers. The amendment that is proposed makes a number of changes relating to vocational rehabilitation services and industrial insurance and doesn't relate to claims closures. It does not deal with the claims closures of self-insurers. However, there is another bill, specifically House Bill No. 1653, which has undergone the committee process which refers to vocational rehabilitation and that bill currently is in Rules and that issue would be better decided on that piece of legislation."

Further debate ensued

There being no objection, the President deferred further consideration of Substitute House Bill No. 2614.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The Speaker has signed:
SENATE BILL NO. 6345,
SENATE BILL NO. 6346, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 1, 1994

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1339,
HOUSE BILL NO. 2159,
HOUSE BILL NO. 2187,
HOUSE BILL NO. 2244,
HOUSE BILL NO. 2340,
HOUSE BILL NO. 2369,
SUBSTITUTE HOUSE BILL NO. 2370,

ENGROSSED HOUSE BILL NO. 2376,
HOUSE BILL NO. 2377,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2388,
HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2430,
SUBSTITUTE HOUSE BILL NO. 2438,
SUBSTITUTE HOUSE BILL NO. 2443,
SUBSTITUTE HOUSE BILL NO. 2566,
HOUSE BILL NO. 2590,
SUBSTITUTE HOUSE BILL NO. 2608, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1339,
HOUSE BILL NO. 2159,
HOUSE BILL NO. 2187,
HOUSE BILL NO. 2244,
HOUSE BILL NO. 2340,
HOUSE BILL NO. 2369,
SUBSTITUTE HOUSE BILL NO. 2370,
ENGROSSED HOUSE BILL NO. 2376,
HOUSE BILL NO. 2377,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2388,
HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2430,
SUBSTITUTE HOUSE BILL NO. 2438,
SUBSTITUTE HOUSE BILL NO. 2443,
SUBSTITUTE HOUSE BILL NO. 2566,
HOUSE BILL NO. 2590,
SUBSTITUTE HOUSE BILL NO. 2608.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Bauer, the following Gubernatorial Appointments were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

SECOND READING
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9317, Gwen Chaplin, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF GWEN CHAPLIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9355, Dwight K. Imanaka, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF DWIGHT K. IMANAKA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9436, Richard R. Albrecht, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF RICHARD R. ALBRECHT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9439, Judge Carmen Otero, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF JUDGE CARMEN OTERO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, the following Gubernatorial Appointments of Community and Technical Colleges were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9344, James D. Avers, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

APPOINTMENT OF JAMES D. AVERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9345, Ricardo R. Garcia, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

APPOINTMENT OF RICARDO R. GARCIA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9350, Linda Sprenger, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

APPOINTMENT OF LINDA SPRENGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9351, Harry Yamomoto, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF HARRY YAMOMOTO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9374, Ronald M. Gould, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF RONALD M. GOULD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9383, Fredrica Denton, as a member of the Board of Trustees for Lake Washington Technical College District No. 26, was confirmed.

APPOINTMENT OF FREDRICA DENTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9384, Roland Dewhurst, as a member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

APPOINTMENT OF ROLAND DEWHURST

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9386, Patrick F. Donohue, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF PATRICK F. DONOHUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9391, Janet Kovatch, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF JANET KOVATCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9393, Alicia Nakata, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF ALICIA NAKATA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9396, Gerald S. Robinson, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF GERALD S. ROBINSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9399, Robert Yamashita, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF ROBERT YAMASHITA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9409, Robert Kozuki, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF ROBERT KOZUKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9411, Carolyn Keck, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF CAROLYN KECK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9412, Victor H. Clausen, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF VICTOR H. CLAUSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9414, A. M. Jorgenson, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

APPOINTMENT OF A. M. JORGENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9415, Joseph Enbody, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF JOSEPH ENBODY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9416, Charles Michener, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF CHARLES MICHENER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9420, Darrell Beers, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF DARRELL BEERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9431, Robert Christenson, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF ROBERT CHRISTENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9432, Teri Treat, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF TERI TREAT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9433, Robert J. Hitt, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF ROBERT J. HITT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9434, Kathleen Quigg, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF KATHLEEN QUIGG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Moore, the Gubernatorial Appointment of Tobias W. Washington, Jr., No. 9356, as a member of the Board of Trustees for Shoreline Community College District No. 7, was considered separately.

SECOND READING GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9356, Tobias W. Washington, Jr., as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

Senator Bauer spoke to the confirmation of Tobias W. Washington, Jr., as a member of the Board of Trustees for Shoreline Community College District No. 7.

Senator Moore spoke against the confirmation of Tobias W. Washington, Jr., as a member of the Board of Trustees for Shoreline Community College District No. 7.

APPOINTMENT OF TOBIAS W. WASHINGTON, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 9; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 39.

Voting nay: Senators Deccio, McCaslin, Moore, Moyer, Newhouse, Oke, Sellar, Snyder and Wojahn - 9.
Absent: Senator Amondson - 1.

MOTION

On motion of Senator Bauer, the following Gubernatorial Appointments were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

SECOND READING
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9159, Frank Ducceschi, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF FRANK DUCCESCHI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9188, Julie Johnson, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF JULIE JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9430, Karen Gates-Hildt, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF KAREN GATES-HILDT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9435, Roger Reidel, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF ROGER REIDEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

MOTION

At 4:26 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:11 p.m. by President Pritchard.

SECOND READING GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9366, Dennis Karras, as Director of the Department of Personnel, was confirmed.

APPOINTMENT OF DENNIS KARRAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Ludwig, Moyer and Pelz - 3.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6291 and the pending amendment by Senators Sutherland, Rasmussen, Newhouse, Amondson and Morton on page 1, after line 18, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Second Substitute Senate Bill No. 6291 is a measure which provides changes to the water rights and permitting processes of the Department of Ecology, makes changes to the basis for water rights transfers, changes to the requirements to obtain authorization for certain water right uses, and establishes fees.

"The amendment proposed by Senators Sutherland, Rasmussen, Newhouse, Amondson and Morton on page 1, after line 18, would place certain conditions on the Department of Ecology in dealing with water rights.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Sutherland, Rasmussen, Newhouse, Amondson and Morton on page 1, after line 18, to Second Substitute Senate Bill No. 6291 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland, Rasmussen, Amondson and Morton on page 1, after line 18, to Second Substitute Senate Bill No. 6291.

Debate ensued.

The motion by Senator Sutherland carried and the amendment was adopted.

MOTIONS

On motion of Senator Fraser, the following amendments by Senators Rasmussen, Deccio, Haugen, Morton, Loveland and Talmadge were considered simultaneously and were adopted:

On page 9, after line 9, insert the following:

"(f) Implementation of water efficiency measures, including conservation and reclaimed water use."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 12, line 21, after "department" insert "under this chapter or chapter 90.46 RCW"

On page 28, after line 26, insert the following:

"**Sec. 31.** RCW 90.46.020 and 1992 c 204 s 3 are each amended to read as follows:

(1) The department of ecology shall, in coordination with the department of health, develop ~~((interim))~~ standards for ~~((pilot projects under subsection (3) of this section on or before July 1, 1992, for))~~ the use of reclaimed water in land applications.

(2) The department of health shall, in coordination with the department of ecology, develop ~~((interim))~~ standards for ~~((pilot projects under subsection (3) of this section on or before November 15, 1992, for))~~ the use of reclaimed water in commercial and industrial activities.

(3) The department of ecology and the department of health shall assist interested parties in the development of ~~((pilot))~~ projects to aid in achieving the purposes of this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, line 33, after "29 through" strike "31" and insert "32"

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Newhouse, Loveland, Fraser, Morton, Sutherland and Williams was adopted:

On page 17, beginning on line 31, strike all of section 25 and insert the following:

"NEW SECTION. Sec. 25. (1) The department of ecology shall in conjunction with the task force created in section 3, chapter 495, Laws of 1993 develop a budget process for its water rights administration program that accomplishes the following:

- (a) Identifies targets for permitting activities for the biennium;
- (b) Identifies workload standards;
- (c) Prepares a draft budget;
- (d) Provides for timely public review of the draft budget; and
- (e) Circulates a final budget.

(2) The department of ecology shall, in conjunction with the water rights programs review task force, establish and periodically review the following:

- (a) Workload standards and proposed incentives to improve such standards;
- (b) Program expenditure categories to account for and track costs related to the water rights administration program; and
- (c) Success measures based upon programmatic results designed to evaluate program effectiveness and standards for defining the measures.

In establishing the initial workload standards, the legislature has an expectation that the department of ecology will process a simple, basic application in six months and an application of intermediate difficulty in one year.

(3) The task force shall report annually to the legislature on the success measures established, the number of water right permit decisions made, and the associated costs of administering the water rights program.

(4) The legislature may provide for another state entity or an independent contractor to conduct periodic performance audits or evaluations of the effectiveness and efficiency of the department of ecology in meeting its workload standards and achieving programmatic success.

(5) This section shall expire on June 30, 1998.

Sec. 26. 1993 c 495 s 3 (uncodified) is amended to read as follows:

(1) There is created a water rights ~~((fees))~~ programs review task force. The task force shall be comprised of ~~((fourteen))~~ fifteen members, who are appointed as follows:

(a) Two members of the Washington state house of representatives, one from each major caucus, to be appointed by the speaker of the house of representatives;

(b) Two members of the Washington state senate, one from each major caucus, to be appointed by the president of the senate;

(c) ~~((Ten))~~ Eleven members, to be appointed jointly by the speaker of the house of representatives and the president of the senate, to represent the following interests: Agriculture, aquaculture, business, cities, counties, the state department of ecology, environmentalists, water recreation interests, water utilities, rustal residential interests, and hydropower interests. ~~((The task force may establish technical advisory committees as necessary to complete its tasks.))~~

(2) ~~In addition to the functions established in section 25 of this act, the task force shall conduct a ((comprehensive)) review ((of water rights fees. The task force's tasks shall include)), including but not ((be)) limited to the following matters:~~

(a) ~~((Identification of the costs associated with the various activities and services provided by the water rights program and examination of how these costs compare with the fees charged for these activities and services;~~

~~((b) Identification of appropriate accountability measures for the department of ecology to employ in administration of the water rights program. Recommendations of accountability requirements and measurements shall take into account the distinctive characteristics of the water rights program, that is, that the department receives a large number of applications on a one-time basis and that the department of ecology must meet its legal obligations under the doctrine of prior appropriation;~~

~~((c) Identification of which program activities should be eligible for cost recovery from fees, as well as which direct and indirect costs of program administration;~~

~~((d) Review of the application, examination, and water rights permit requirements for marine water users to determine if these users should receive special fee consideration;~~

~~((e) Review of the definition and treatment of nonconsumptive water uses to determine if special fee consideration should be given to these users;~~

~~((f) Review of the fees and accounting methods for the dam safety program;~~

~~((g) Identification of the appropriate distribution of responsibility between the applicant and the department of ecology for provision of technical information and analysis; and~~

~~((h) Establishment of a reasonable time framework for completion of new and pending water rights applications, and an analysis of the staff and funding levels required to meet the established time framework)) Implementation of the development and maintenance of the water resource data management system, monitored on an annual basis; and~~

~~((b) The use and amount of funds available for the water right permit processing and data management programs and the transition between fiscal year 1998 and fiscal year 1999.~~

(3) Before December 1, ~~((1993))~~ 1997, the task force shall provide recommendations to the legislature regarding:

(a) ~~((Provide recommendations to the department of ecology on ways to improve the efficiency and accountability of the water rights program;~~

~~((b) Provide recommendations to the legislature on statutory changes necessary to make these efficiency and accountability improvements; and~~

~~((c) Propose a new fee schedule for the water rights program which incorporates the results of the task force's work and which funds through fees fifty percent of the cost of the activities and services provided by the program)) The efficiency and accountability of the water right permit processing program and the need for change to the level of funding in fiscal year 1999;~~

~~((b) The future direction of the water resource data management program and the need for changes to the level of funding in fiscal year 1999; and~~

~~((c) Modification to the fee schedule to fund water right permit processing and data management programs that is to go into effect on July 1, 1998, including a reexamination of the fee on exempt wells established in RCW 90.03.--- (section 28 of this act).~~

(4) The department of ecology and the legislature shall jointly provide for the staff support of the task force.

(5) The task force shall convene as soon as possible upon the appointment of its members. Task force members shall elect a chair and adopt rules for conducting the business of the task force. The task force shall expire on June 30, ~~((1994))~~ 1998."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

Senator Williams moved that the following amendments be considered simultaneously and be adopted:
On page 24, line 6, after "minute." strike subsection (2) ending on line 16 after "registered."
Renumber the remaining subsection consecutively and correct any internal references accordingly.
On page 27, line 21, after "minute." strike subsection (2) ending on line 16 after "registered."
Renumber the remaining subsection consecutively and correct any internal references accordingly.
Debate ensued.

POINT OF INQUIRY

Senator Amondson: "Senator Williams, does the passage of your amendment remove the exemption for those wells under five thousand gallons per day?"
Senator Williams: "No."
Further debate ensued.
The President declared the question before the Senate to be the adoption of the amendments by Senator Williams on page 24, line 6, and page 27, line 21, to Second Substitute Senate Bill No. 6291.
The motion by Senator Williams failed and the amendments were not adopted.

MOTIONS

On motion of Senator Sutherland, the following amendment by Senators Sutherland, Rasmussen, Talmadge, Morton and Sellar was adopted:
On page 28, after line 26, insert the following:
"**NEW SECTION. Sec. 31.** The legislature shall examine and recommend state policies relating to water rights, water use, and water doctrine and report the recommendations to the appropriate standing committees of the 1995 legislature."
Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Sutherland, the following title amendments were considered simultaneously and were adopted:
On page 1, line 4 of the title, after "89.30.001," strike "and 90.40.090" and insert "90.40.090, and 90.46.020"
On page 1, line 4 of the title, after "90.40.090;" insert "amending 1993 c 495 s 3 (uncodified);"
On page 1, line 4 of the title, after "90.40.090;" insert "adding new sections to chapter 90.03 RCW;"
On page 1, beginning on line 5 of the title, after "43.21B RCW;" strike "adding new sections to chapter 90.03 RCW;"
On page 1, line 6 of the title, after "creating;" strike "a new section" and insert "new sections"

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6291.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6291 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.
Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, West and Winsley - 36.
Voting nay: Senators Amondson, Anderson, Cantu, Erwin, Franklin, McDonald, Moore, Skratek, Smith, L., Talmadge, Vognild, Williams and Wojahn - 13.
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2614 and the pending amendment by Senator Prentice on page 4, after line 7, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Amondson, the President finds that Substitute House Bill No. 2614 is a measure which provides for the closure of certain industrial insurance claims by self-insured employers.
"The amendment proposed by Senator Prentice on page 4, after line 7, would change the allowable benefits for vocational rehabilitation.
"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Prentice on page 4, after line 7, to Substitute House Bill No. 2614 was ruled out of order.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Anderson was excused.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2614.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2614 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2561, by Representatives Rayburn and Roland

Modifying regulations for controlled atmosphere storage of fruit.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2561.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2561 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Anderson - 1.

ENGROSSED HOUSE BILL NO. 2561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2750, by Representatives Long, Bray, Kessler, Johanson, Chandler, Finkbeiner, Kremen and Caver

Changing provisions relating to joint operating agencies.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, House Bill No. 2750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2750.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2750 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Anderson - 1.

HOUSE BILL NO. 2750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2492, by Representatives Dellwo and Dyer (by request of Department of Social and Health Services)

Modifying federal requirements regarding medical assistance.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 2492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, there was some concern in the caucus regarding this bill and I want to ask a couple of questions for the record. The first one is, this bill does not, in any way, nor do we intend the department to change the transfer of assets that are now in place?"

Senator Talmadge: "My understanding, Senator Deccio, is that it would not, only to the extent that federal law requires us to do so. So, it would be a very narrow circumstance in which there might be a change, but it is mandated by federal law in all the states."

Senator Deccio: "The other question was, how does this affect the surviving spouse in connection with this bill?"

Senator Talmadge: "My understanding again is that it should not--it affects surviving spouses in the sense that the exemption for surviving spouses is removed by the legislation, but there is a protection that is set forth in federal law for the surviving spouse with respect to assets so that there would be protection given to the surviving spouse by virtue of the federal standard, rather than a state standard on this subject. That's the way I understand it, at least."

Senator Deccio: "It isn't the intent of the Legislature that the department expands the language and interferes with that process other than what the federal government requires?"

Senator Talmadge: "Exactly, only to the extent that federal law mandates that we do that if we want to receive federal monies for Medicare and Medicaid programs."

Senator Deccio: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2492.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2492 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, Cantu, Erwin, Hochstatter, McCaslin, Morton and Sellar - 7.

Excused: Senator Anderson - 1.

HOUSE BILL NO. 2492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2164, by House Committee on Human Services (originally sponsored by Representatives Sommers, Ogden, H. Myers and Leonard) (by request of Legislative Budget Committee)

Repealing the permanent establishment of residential habilitation centers.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2164.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2164 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Voguild, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Erwin, McCaslin, Morton, Moyer, Newhouse, Prince, Roach, Sellar and Talmadge - 9.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2488, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Forner and Karahalios) (by request of Department of Social and Health Services)

Providing for child support enforcement operations.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 26.09.105 and 1989 c 416 s 1 are each amended to read as follows:

- (1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage except as provided in subsection (2) of this section, for any child named in the order if:
 - (a) Coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related; and
 - (b) The cost of such coverage does not exceed twenty-five percent of the obligated parent's basic child support obligation.
- (2) The court shall consider the best interests of the child and have discretion to order health insurance coverage when entering or modifying a support order under this chapter if the cost of such coverage exceeds twenty-five percent of the obligated parent's basic support obligation.
- (3) The parents shall maintain such coverage required under this section until:
 - (a) Further order of the court;
 - (b) The child is emancipated, if there is no express language to the contrary in the order; or
 - (c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.
- (4) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.
- (5) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.
- (6) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order ~~(, or within twenty days of the date such coverage becomes available,))~~ to:
 - (a) The physical custodian; or
 - (b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.
- (7) Every order requiring a parent to provide health care or insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.
- (8) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

Sec. 2. RCW 26.09.120 and 1989 c 360 s 11 are each amended to read as follows:

- (1) The court shall order support payments, including spousal maintenance if child support is ordered, to be made to the Washington state support registry, or the person entitled to receive the payments under an ~~((alternate payment plan))~~ order approved by the court as provided in RCW 26.23.050.
- (2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments.

(3) If support or maintenance payments are made to the clerk of court, the clerk:
 (a) Shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order;
 (b) May by local court rule accept only certified funds or cash as payment; and
 (c) Shall accept only certified funds or cash for five years in all cases after one check has been returned for nonsufficient funds or account closure.
 (4) The parties affected by the order shall inform the registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 3. RCW 26.18.070 and 1993 c 426 s 6 are each amended to read as follows:

(1) A petition or motion seeking a mandatory wage assignment in an action under RCW 26.18.040 may be filed by an obligee if the obligor is:

(a) Subject to a support order allowing immediate income withholding; or
 (b) More than fifteen days past due in child support or spousal maintenance payments in an amount equal to or greater than the obligation payable for one month.

(2) The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the wage assignment order, including:

(a) That the obligor, stating his or her name and residence, is:
 (i) Subject to a support order allowing immediate income withholding; or
 (ii) More than fifteen days past due in child support or spousal maintenance payments in an amount equal to or greater than the obligation payable for one month;

(b) A description of the terms of the order requiring payment of support or spousal maintenance, and the amount past due, if any;
 (c) The name and address of the obligor's employer;
 (d) That notice by personal service or any form of mail requiring a return receipt, has been provided to the obligor at least fifteen days prior to the obligee seeking a mandatory wage assignment, unless the order for support or maintenance states that the obligee may seek a mandatory wage assignment without notice to the obligor; and

(e) In cases not filed by the state, whether the obligee has received public assistance from any source and, if the obligee has received public assistance, that the department of social and health services has been notified in writing of the pending action.

~~((2))~~ (3) If the court in which a mandatory wage assignment is sought does not already have a copy of the support or maintenance order in the court file, then the obligee shall attach a copy of the support or maintenance order to the petition or motion seeking the wage assignment.

Sec. 4. RCW 26.18.100 and 1993 c 426 s 8 are each amended to read as follows:

The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE
 STATE OF WASHINGTON IN AND FOR THE
 COUNTY OF

Obligee No.
 vs.
 , WAGE ASSIGNMENT
 Obligor ORDER
 Employer

THE STATE OF WASHINGTON TO:

Employer

AND TO:

Obligor

The above-named obligee claims that the above-named obligor is subject to a support order requiring immediate income withholding or is more than fifteen days past due in either child support or spousal maintenance payments, or both, in an amount equal to or greater than the child support or spousal maintenance payable for one month. The amount of the accrued child support or spousal maintenance debt as of this date is dollars, the amount of arrearage payments specified in the support or spousal maintenance order (if applicable) is dollars per, and the amount of the current and continuing support or spousal maintenance obligation under the order is dollars per

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings or other remuneration for employment due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings or remuneration each month, or from each regular earnings disbursement, the lesser of:

(a) The sum of the accrued support or spousal maintenance debt and the current support or spousal maintenance obligation;

(b) The sum of the specified arrearage payment amount and the current support or spousal maintenance obligation; or

(c) Fifty percent of the disposable earnings or remuneration of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

(3) Upon receipt of this wage assignment order you shall make immediate deductions from the obligor's earnings or remuneration and remit to the Washington state support registry or other address specified below the proper amounts at each regular pay interval.

You shall continue to withhold the ordered amounts from nonexempt earnings or remuneration of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; or

(b) The ((Washington state support registry, office of support enforcement)) addressee specified in the wage assignment order under this section that the accrued child support or spousal maintenance debt has been paid((;-or

(c) ~~The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2)).~~

You shall promptly notify the court and the ((Washington state support registry)) addressee specified in the wage assignment order under this section if and when the employee is no longer employed by you, or if the obligor no longer receives earnings or remuneration from you. If you no longer employ the employee, the wage assignment order shall remain in effect for one year after the employee has left your employment or you are no longer in possession of any earnings or remuneration owed to the employee, whichever is later. You shall continue to hold the wage assignment order during that period. If the employee returns to your employment during the one-year period you shall immediately begin to withhold the employee's

earnings according to the terms of the wage assignment order. If the employee has not returned to your employment within one year, the wage assignment will cease to have effect at the expiration of the one-year period, unless you still owe the employee earnings or other remuneration.

You shall deliver the withheld earnings or remuneration to the Washington state support registry or other address stated below at each regular pay interval.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support or spousal maintenance, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS . . . day of . . . , 19. . .

Obligee, Judge/Court Commissioner
or obligee's attorney
Send withheld payments to:

Sec. 5. RCW 26.18.110 and 1993 c 426 s 9 are each amended to read as follows:

(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings or other remuneration from the employer, whether the employer will honor the wage assignment order, and whether there are either multiple child support or spousal maintenance attachments, or both, against the obligor.

(2) If the employer possesses any earnings or remuneration due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the Washington state support registry or, if the wage assignment order is to satisfy a duty of spousal maintenance, to the addressee specified in the assignment at each regular pay interval.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings or remuneration of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; or

(b) The Washington state support registry or obligee that the accrued child support or spousal maintenance debt has been paid, provided the wage assignment order contains the language set forth under RCW 26.18.100(3)(b). The employer shall promptly notify the (~~Washington state support registry~~) addressee specified in the assignment when the employee is no longer employed. If the employer no longer employs the employee, the wage assignment order shall remain in effect for one year after the employee has left the employment or the employer has been in possession of any earnings or remuneration owed to the employee, whichever is later. The employer shall continue to hold the wage assignment order during that period. If the employee returns to the employer's employment during the one-year period the employer shall immediately begin to withhold the employee's earnings or remuneration according to the terms of the wage assignment order. If the employee has not returned within one year, the wage assignment shall cease to have effect at the expiration of the one-year period, unless the employer continues to owe remuneration for employment to the obligor(~~;~~).

(~~c) The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2)).~~)

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support for a dependent child entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW. An order for wage assignment for spousal maintenance entered under this chapter shall have priority over any other wage assignment or garnishment, except for a wage assignment, garnishment, or order to withhold and deliver under chapter 74.20A RCW for support of a dependent child, and except for another wage assignment or garnishment for spousal maintenance.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable to the obligee for one hundred percent of the support or spousal maintenance debt, or the amount of support or spousal maintenance moneys that should have been withheld from the employee's earnings whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a wage assignment order, to deduct and promptly remit from the unpaid earnings the amounts of money required in the order;

(b) Fails or refuses to submit an answer to the notice of wage assignment after being served; or

(c) Is unwilling to comply with the other requirements of this section.

Liability may be established in superior court. Awards in superior court shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. If an employer discharges, disciplines, or refuses to hire an employee in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of damages suffered as a result of the violation and for costs and reasonable attorneys' fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

(9) For wage assignments payable to the Washington state support registry, an employer may combine amounts withheld from various employees into a single payment to the Washington state support registry, if the payment includes a listing of the amounts attributable to each employee and other information as required by the registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

Sec. 6. RCW 26.18.140 and 1993 c 426 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's support or spousal maintenance obligation is

current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the wage assignment order should remain in effect.

(2) The court may enter an order delaying, modifying, or terminating the wage assignment order and order the obligor to make payments directly to the obligee ~~((if the court approves an alternate payment plan))~~ as provided in RCW 26.23.050(2).

Sec. 7. RCW 26.18.170 and 1993 c 426 s 14 are each amended to read as follows:

(1) Whenever an obligor parent who has been ordered to provide health insurance coverage for a dependent child fails to provide such coverage or lets it lapse, the department or the obligee may seek enforcement of the coverage order as provided under this section.

(2)(a) If the obligor parent's order to provide health insurance coverage contains language notifying the obligor that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the obligor, send a notice of enrollment to the obligor's employer or union by certified mail, return receipt requested.

The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection (3) of this section.

(b) If the obligor parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

(i) The obligee may, without further notice to the obligor send a certified copy of the order requiring health insurance coverage to the obligor's employer or union by certified mail, return receipt requested; and

(ii) The obligee shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection (3) of this section.

(3) Upon receipt of an order that provides for health insurance coverage, or a notice of enrollment:

(a) The obligor's employer or union shall answer the party who sent the order or notice within thirty-five days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled in the next open enrollment period; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the obligor's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the obligor's plan. If the obligor's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the obligor parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or insurer and the extent of coverage available to the obligee or the department and shall make available any necessary claim forms or enrollment membership cards.

(4) If the order for coverage contains no language notifying the obligor that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the obligee may serve a written notice of intent to enforce the order on the obligor by certified mail, return receipt requested, or by personal service. If the obligor fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, ~~((or within twenty days of coverage becoming available))~~ the department or the obligee may proceed to enforce the order directly as provided in subsection (2) of this section.

(5) If the obligor ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the obligee may serve a written notice of intent to purchase health insurance coverage on the obligor by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

(6) If the department serves a notice under subsection (5) of this section the obligor shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligor has either applied for, or obtained, coverage accessible to the child.

(7) If the obligee serves a notice under subsection (5) of this section, within twenty days of the date of service the obligor shall provide written proof to the obligee that the obligor has either applied for, or obtained, coverage accessible to the child.

(8) If the obligor fails to respond to a notice served under subsection (5) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly. The amount of the monthly premium shall be added to the support debt and be collectible without further notice. The amount of the monthly premium may be collected or accrued until the obligor provides proof of the required coverage.

(9) The signature of the obligee or of a department employee shall be a valid authorization to the coverage provider or insurer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the obligee or to the child's health services provider, and in any claim against the coverage provider or insurer, the obligee or the obligee's assignee shall be subrogated to the rights of the obligor. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the obligee at the obligee's last known address within thirty days of the termination date.

(10) This section shall not be construed to limit the right of the obligor or the obligee to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

(11) Nothing in this section shall be construed to require a health maintenance organization, or health care service contractor, to extend coverage to a child who resides outside its service area.

(12) If an obligor fails to pay his or her portion of any deductible required under the health insurance coverage or fails to pay his or her portion of medical expenses incurred in excess of the coverage provided under the plan, the department or the obligee may enforce collection of the obligor's portion of the deductible or the additional medical expenses through a wage assignment order. The amount of the deductible or additional medical expenses shall be added to the support debt and be collectible without further notice if the obligor's share of the amount of the deductible or additional expenses is reduced to a sum certain in a court order.

Sec. 8. RCW 26.23.045 and 1989 c 360 s 33 are each amended to read as follows:

(1) The office of support enforcement, Washington state support registry, shall provide support enforcement services under the following circumstances:

(a) Whenever public assistance under RCW 74.20.330 is paid;

(b) Whenever a request for nonassistance support enforcement services under RCW 74.20.040(2) is received;

(c) Whenever a request for support enforcement services under RCW 74.20.040(3) is received;

(d) When a support order which contains language directing a responsible parent to make support payments to the Washington state support registry under RCW 26.23.050 is submitted;

(e) When a support order is forwarded to the Washington state support registry by the clerk of a superior court under RCW 26.23.050(5);

(f) When the obligor submits a support order or support payment to the Washington state support registry.

(2) The office of support enforcement shall continue to provide support enforcement services for so long as and under such conditions as the department shall establish by regulation or until the superior court enters an order ~~((approving an alternate payment plan))~~ removing the requirement that the obligor make support payments to the Washington state support registry as provided for in RCW 26.23.050~~((4))~~(2).

Sec. 9. RCW 26.23.050 and 1993 c 207 s 1 are each amended to read as follows:

(1) (Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation:

(a) A provision which orders and directs that the responsible parent make all support payments to the Washington state support registry;
(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or
(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and
(c) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child.
(2) The court may order the responsible parent to make payments directly to the person entitled to receive the payments or, for orders entered on or after July 1, 1990, direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due if the court approves an alternate payment plan. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner. The court may approve such a plan and modify or terminate the payroll deduction or other income withholding action at the time of entry of the order or at a later date upon motion and agreement of the parties. If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support payment is past due. If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be taken, without further notice, at any time after a support payment is past due. The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.) If the office of support enforcement is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;
(b) A statement that a notice of payroll deduction may be issued, or other income withholding action under chapter 26.18 or 74.20A RCW may be taken, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and
(c) A statement that the receiving parent might be required to submit an accounting of how the support is being spent to benefit the child. As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:
(i) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 or 74.20A RCW may be taken, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and
(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child. As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:
(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that a notice of payroll deduction may be issued, or other income-withholding action under chapter 26.18 or 74.20A RCW may be taken, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the office of support enforcement provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the office of support enforcement's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that all payments be made to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding;

or
(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due or at any time after the entry of the order, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) (That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court) The address where the support payment is to be sent;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 ((RCW)) or ((chapter)) 74.20A RCW may be taken, without further notice to the responsible parent at any time after entry of an order by the court, unless:

(i) ((The court approves an alternate payment plan under subsection (2) of this section;

((#))) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

((####)) (ii) The parties reach ((an alternate)) a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name and address of the employer of the responsible parent;

(g) The social security number and residence address of the physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children;

(i) In cases requiring payment to the Washington state support registry, that the parties are to notify the Washington state support registry of any change in residence address. The responsible parent shall notify the registry of the name and address of his or her current employer, whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information;

(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(l) The reasons for not ordering health insurance coverage if the order fails to require such coverage.

(6) The physical custodian's address;

(a) Shall be omitted from an order entered under the administrative procedure act. When the physical custodian's address is omitted from an order, the order shall state that the custodian's address is known to the office of support enforcement.

(b) A responsible parent (whose support obligation has been determined by such administrative order) may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120 to the office of support enforcement.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

(8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who have not made a written application for support enforcement services to the office of support enforcement and who are not recipients of public assistance is deemed to be a request for ~~((support enforcement))~~ payment services ~~((under RCW 74.20.040 to the fullest extent permitted under federal law))~~ only.

(9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry ~~((in accordance with subsection (1), (3), or (4) of))~~ under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

~~((10) As used in this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate income withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.))~~

Sec. 10. RCW 26.23.060 and 1991 c 367 s 40 are each amended to read as follows:

(1) The office of support enforcement may issue a notice of payroll deduction:

(a) As authorized by a support order that contains the income withholding notice provisions in RCW 26.23.050 or a substantially similar notice; or

(b) After service of a notice containing an income withholding provision under this chapter or chapter 74.20A RCW.

(2) The office of support enforcement shall serve a notice of payroll deduction upon a responsible parent's employer or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW by personal service or by any form of mail requiring a return receipt.

(3) Service of a notice of payroll deduction upon an employer or employment security department requires the employer or employment security department to immediately make a mandatory payroll deduction from the responsible parent's unpaid disposable earnings or unemployment compensation benefits. The employer or employment security department shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent's disposable earnings.

(4) A notice of payroll deduction for support shall have priority over any wage assignment, garnishment, attachment, or other legal process.

(5) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the responsible parent;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction;

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(6) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

(7) An employer or employment security department that receives a notice of payroll deduction shall make immediate deductions from the responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the responsible parent is due to be paid.

(8) An employer, or the employment security department, upon whom a notice of payroll deduction is served, shall make an answer to the office of support enforcement within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives unemployment compensation benefits from the employment security department, whether the employer or employment security department anticipates paying earnings or ~~((employment [unemployment]))~~ unemployment compensation benefits and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving unemployment compensation benefits from the employment security department, the answer shall state the present employer's name and address, if known.

(9) The employer or employment security department may deduct a processing fee from the remainder of the responsible parent's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed:

(a) Ten dollars for the first disbursement made to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

(10) The notice of payroll deduction shall remain in effect until released by the office of support enforcement, the court enters an order terminating the notice and approving an alternate ~~((payment plan))~~ arrangement under RCW 26.23.050(2), or one year has expired since the employer has employed the responsible parent or has been in possession of or owing any earnings to the responsible parent or the employment security department has been in possession of or owing any unemployment compensation benefits to the responsible parent.

Sec. 11. RCW 26.23.100 and 1991 c 367 s 42 are each amended to read as follows:

(1) The responsible parent subject to a payroll deduction pursuant to this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction.

(2) Except as provided in subsections (4) and (5) of this section, the court may grant relief only upon a showing: (a) That the payroll deduction causes extreme hardship or substantial injustice; or (b) that the support payment was not past due under the terms of the order when the notice of payroll deduction was served on the employer.

(3) Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction.

(4) If a notice of payroll deduction has been in operation for twelve consecutive months and the obligor's support obligation is current, upon motion of the obligor, the court may order the office of support enforcement to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

(5) Subsection (2) of this section shall not prevent the court from ordering an alternative ~~((payment plan))~~ arrangement as provided under RCW 26.23.050(2).

Sec. 12. RCW 26.23.120 and 1989 c 360 s 17 and 1989 c 175 s 78 are each reenacted and amended to read as follows:

(1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the office of support enforcement, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in subsection (2) of this section.

(2) The secretary of the department of social and health services shall adopt rules which specify the individuals or agencies to whom this information and these records may be disclosed, the purposes for which the information may be disclosed, and the procedures to obtain the information or records. The rules adopted under this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to:

(a) When authorized or required by federal statute or regulation governing the support enforcement program;

(b) To the person the subject of the records or information, unless the information is exempt from disclosure under RCW 42.17.310;

(c) To government agencies, whether state, local, or federal, and including federally recognized tribes, law enforcement agencies, prosecuting agencies, and the executive branch, if the ~~((records or information are needed))~~ disclosure is necessary for child support enforcement purposes;

(d) To the parties in a judicial or adjudicative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records;

(e) To private persons, federally recognized tribes, or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department;

(f) Disclosure of address and employment information to the parties to ~~((a court order for support))~~ an action for purposes relating to ~~((the establishment, enforcement, or modification of the))~~ a child support order;

(g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the office of support enforcement as set forth in state and federal statutes; or

(h) Disclosure of the information or records when authorized under RCW 74.04.060.

(3) Prior to disclosing the physical custodian's address under subsection ~~((4))~~ (2)(f) of this section, a notice shall be mailed, if appropriate under the circumstances, to the physical custodian at the physical custodian's last known address. The notice shall advise the physical custodian that a request for disclosure has been made and will be complied with unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the physical custodian or the child, or the custodial parent requests a hearing to contest the disclosure. The administrative law judge shall determine whether the address of the custodial parent should be disclosed based on the same standard as a claim of "good cause" as defined in 42 U.S.C. Sec. 602 (a)(26)(c).

(4) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260~~((5))~~ (6). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure.

(5) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 26.26 RCW to read as follows:

In any action brought under this chapter, if the requirements of civil rule 55 are met, the superior court shall enter an order of default.

Sec. 14. RCW 26.26.040 and 1990 c 175 s 2 are each amended to read as follows:

(1) A man is presumed to be the natural father of a child for all intents and purposes if:

(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court; or

(b) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation;

(c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

(i) He has acknowledged his paternity of the child in writing filed with the registrar of vital statistics,

(ii) With his consent, he is named as the child's father on the child's birth certificate, or

(iii) He is obligated to support the child under a written voluntary promise or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child;

(e) He acknowledges his paternity of the child pursuant to RCW 70.58.080 or in a writing filed with the state office of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, if she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics. In order to enforce rights of residential time, custody, and visitation, a man presumed to be the father as a result of filing a written acknowledgement must seek appropriate judicial orders under this title; ~~((or))~~

(f) The United States immigration and naturalization service made or accepted a determination that he was the father of the child at the time of the child's entry into the United States and he had the opportunity at the time of the child's entry into the United States to admit or deny the paternal relationship; or

(g) Genetic testing indicates a ninety-eight percent or greater probability of paternity.

(2) A presumption under this section may be rebutted in an appropriate action only by clear, cogent, and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Sec. 15. RCW 26.26.100 and 1984 c 260 s 32 are each amended to read as follows:

(1) The court may, and upon request of a party shall, require the child, mother, and any alleged father who has been made a party to submit to blood tests or genetic tests of blood, tissues, or other bodily fluids. If an alleged father objects to a proposed order requiring him to submit to paternity blood or genetic tests, the court may require the party making the allegation of possible paternity to provide sworn testimony, by affidavit or otherwise, stating the facts upon which the allegation is based. The court shall order blood or genetic tests if it appears that a reasonable possibility exists that the requisite sexual contact occurred. The tests shall be performed by an expert in paternity blood or genetic testing appointed by the court. The expert's verified report identifying the blood or genetic characteristics observed is admissible in evidence in any hearing or trial in the parentage action, if (a) the alleged or presumed father has had the opportunity to gain information about the security, validity, and interpretation of the tests and the qualifications of any experts, and (b) the report is accompanied by an affidavit from the expert which describes the expert's qualifications as an expert and analyzes and interprets the results. Verified documentation of the chain of custody of the blood or genetic samples tested is admissible to establish the chain of custody. The court may consider published sources as aids to interpretation of the test results.

(2)(a) Any objection to genetic testing results must be made in writing and served upon the opposing party, within twenty days before any hearing at which such results may be introduced into evidence.

(b) If an objection is not made as provided in this subsection, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.

(3) The court, upon request by a party, shall order that additional blood or genetic tests be performed by the same or other experts qualified in paternity blood or genetic testing, if the party requesting additional tests advances the full costs of the additional testing within a reasonable time. The court may order additional testing without requiring that the requesting party advance the costs only if another party agrees to advance the costs or if the court finds, after hearing, that (a) the requesting party is indigent, and (b) the laboratory performing the initial tests recommends additional testing or there is substantial evidence to support a finding as to paternity contrary to the initial blood or genetic test results. The court may later order any other party to reimburse the party who advanced the costs of additional testing for all or a portion of the costs.

~~((3))~~ (4) In all cases, the court shall determine the number and qualifications of the experts.

Sec. 16. RCW 26.26.150 and 1987 c 435 s 28 are each amended to read as follows:

(1) If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

(2) The court shall order support payments to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate ~~((payment plan))~~ arrangement approved by the court as provided in RCW 26.23.050(2).

(3) All remedies for the enforcement of judgments apply.

Sec. 17. RCW 26.26.165 and 1989 c 416 s 4 are each amended to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage for any dependent child as provided under RCW 26.09.105.

(2) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order ~~((-or within twenty days of the date such coverage becomes available.))~~ to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(4) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

NEW SECTION. Sec. 18. A new section is added to chapter 74.20 RCW to read as follows:

When the department appears or participates in an adjudicative proceeding under chapter 26.23 or 74.20A RCW it shall:

(1) Act in furtherance of the state's financial interest in the matter;

(2) Act in the best interests of the children of the state;

(3) Facilitate the resolution of the controversy; and

(4) Make independent recommendations to ensure the integrity and proper application of the law and process.

In the proceedings the department does not act on behalf or as an agent or representative of an individual.

Sec. 19. RCW 74.20A.056 and 1989 c 55 s 3 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics, the office of support enforcement may serve a notice and finding of parental responsibility on him. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the center for health statistics, and shall state that:

(a) The alleged father may file an application for an adjudicative proceeding at which he will be required to appear and show cause why the amount stated in the finding of financial responsibility as to support is incorrect and should not be ordered;

(b) An alleged father may request that a blood test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the office of support enforcement initiate an action in superior court to determine the existence of the parent-child relationship; and

(c) If the alleged father does not request that a blood test be administered or file an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.060 that the parent-child relationship does not exist.

(2) An alleged father who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood tests if advanced by the department.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the ~~((parent))~~ alleged father is later found not to be ~~((the father))~~ a responsible parent.

(4) An alleged father who denies being a responsible parent may request that a blood test be administered at any time. The request for testing shall be in writing and served on the office of support enforcement personally or by registered or certified mail. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's last known address.

(5) If the test excludes the alleged father from being a natural parent, the office of support enforcement shall file a copy of the results with the state office of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state office of vital statistics shall remove the alleged father's name from the birth certificate.

(6) The alleged father may, within twenty days after the date of receipt of the test results, request the office of support enforcement to initiate an action under RCW 26.26.060 to determine the existence of the parent-child relationship. If the office of support enforcement initiates a superior court action at the request of the alleged father and the decision of the court is that the alleged father is a natural parent, the alleged father shall be liable for court costs incurred.

(7) If the alleged father does not request the office of support enforcement to initiate a superior court action, or if the alleged father fails to appear and cooperate with blood testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.060.

Sec. 20. RCW 74.20A.080 and 1989 c 360 s 10 and 1989 c 175 s 154 are each reenacted and amended to read as follows:

(1) The secretary may issue to any person, firm, corporation, association, political subdivision, ~~((or))~~ department of the state, or agency, subdivision, or instrumentality of the United States, an order to withhold and deliver property of any kind, including but not restricted to earnings which are or might become due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, ~~((or))~~ department of the state, or agency, subdivision, or instrumentality of the United States property which is or might become due, owing, or belonging to said debtor. Such order to withhold and deliver may be issued:

(a) When a support payment is past due, if a responsible parent's support order:
 (i) Contains language directing the parent to make support payments to the Washington state support registry; and
 (ii) Includes a statement that other income-withholding action under this chapter may be taken without further notice to the responsible parent, as provided for in RCW 26.23.050(1);
 (b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040;
 (c) Twenty-one days after service of a notice and finding of parental responsibility under RCW 74.20A.056;
 (d) Twenty-one days after service of a notice of support owed under RCW 26.23.110;
 (e) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; or
 (f) When appropriate under RCW 74.20A.270.
 (2) The order to withhold and deliver shall:
 (a) State the amount of the support debt accrued;
 (b) State in summary the terms of RCW 74.20A.090 and 74.20A.100;
 (c) Be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested.
 (3) Any person, firm, corporation, association, political subdivision, ~~((or))~~ department of the state, or agency, subdivision, or instrumentality of the United States upon whom service has been made is hereby required to:
 (a) Answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein; and
 (b) Provide further and additional answers when requested by the secretary.
 (4) Any such person, firm, corporation, association, political subdivision, ~~((or))~~ department of the state, or agency, subdivision, or instrumentality of the United States in possession of any property which may be subject to the claim of the department of social and health services shall:
 (a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver; and
 (ii) Deliver the property to the secretary as soon as the twenty-day answer period expires;
 (iii) Continue to withhold earnings payable to the debtor at each succeeding disbursement interval as provided for in RCW 74.20A.090, and deliver amounts withheld from earnings to the ~~(obligee within ten days of)~~ secretary on the date earnings are payable to the debtor;
 (iv) Inform the secretary of the date the amounts were withheld as requested under this section; or
 (b) Furnish to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability.
 (5) An order to withhold and deliver served under this section shall not expire until:
(a) Released in writing by the office of support enforcement;
(b) Terminated by court order; or
(c) The person or entity receiving the order to withhold and deliver does not possess property of or owe money to the debtor for any period of twelve consecutive months following the date of service of the order to withhold and deliver.
 (6) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision, or department of the state, or agency, subdivision, or instrumentality of the United States subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary.
~~((6))~~ (7) Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver.
~~((7) The state warrants and represents that:~~
~~(a) It shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter; and~~
~~(b) It shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter)~~ (8) A person, firm, corporation, or association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States that complies with the order to withhold and deliver under this chapter is not civilly liable to the debtor for complying with the order to withhold and deliver under this chapter.
~~((8))~~ (9) The secretary may hold the money or property delivered under this section in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability.
~~((9))~~ (10) Exemptions contained in RCW 74.20A.090 apply to orders to withhold and deliver issued under this section.
~~((10))~~ (11) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by certified mail a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for judicial review. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.
~~((11))~~ (12) An order to withhold and deliver issued in accordance with this section has priority over any other wage assignment ~~((or))~~, garnishment, attachment, or other legal process, except for another wage assignment, garnishment, attachment, or other legal process for child support.
~~((12))~~ (13) The office of support enforcement shall notify any person, firm, corporation, association, or political subdivision, ~~((or))~~ department of the state, or agency, subdivision, or instrumentality of the United States required to withhold and deliver the earnings of a debtor under this action that they may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first disbursement to the department and one dollar for each subsequent disbursement under the order to withhold and deliver.
Sec. 21. RCW 74.20A.240 and 1985 c 276 s 12 are each amended to read as follows:
 Any person, firm, corporation, association, political subdivision ~~((or))~~ department of the state, or agency, subdivision, or instrumentality of the United States employing a person owing a support debt or obligation, shall honor, according to its terms, a duly executed assignment of earnings presented by the secretary as a plan to satisfy or retire a support debt or obligation. This requirement to honor the assignment of earnings and the assignment of earnings itself shall be applicable whether said earnings are to be paid presently or in the future and shall continue in force and effect until released in writing by the secretary. Payment of moneys pursuant to an assignment of earnings presented by the secretary shall serve as full acquittance under any contract of employment ~~((and the state warrants and represents it shall defend and hold harmless such action taken pursuant to said assignment of earnings)).~~ A person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States that complies with the assignment of earnings under this chapter is not civilly liable to the debtor for complying with the assignment of earnings under this chapter. The secretary shall be released from liability for improper receipt of moneys under an assignment of earnings upon return of any moneys so received.
 An assignment of earnings presented by the secretary in accordance with this section has priority over any other wage assignment ~~((or))~~, garnishment, attachment, or other legal process except for another wage assignment ~~((or))~~, garnishment, attachment, or other legal process for support moneys.
 The employer may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars from the first disbursement to the department and one dollar for each subsequent disbursement under the assignment of earnings.
Sec. 22. RCW 74.20A.300 and 1989 c 416 s 6 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require the responsible parent to maintain or provide health insurance coverage for any dependent child as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order (~~or within fifteen days of the date such coverage becomes available~~).

(4) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW."

On motion of Senator Rinehart, the following amendment to the Committee on Law and Justice striking amendment was adopted:

On page 32, beginning on line 1, strike "by certified mail" and insert "~~(by certified mail)~~"

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Substitute House Bill No. 2488.

The motion by Senator Adam Smith carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "operations;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.09.120, 26.18.070, 26.18.100, 26.18.110, 26.18.140, 26.18.170, 26.23.045, 26.23.050, 26.23.060, 26.23.100, 26.26.040, 26.26.100, 26.26.150, 26.26.165, 74.20A.056, 74.20A.240, and 74.20A.300; reenacting and amending RCW 26.23.120 and 74.20A.080; adding a new section to chapter 26.26 RCW; adding a new section to chapter 74.20 RCW; and prescribing penalties."

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2488, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2488, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2488, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2488, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:16 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Wednesday, March 2, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, MARCH 1, 1994

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

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 2, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Erwin, McCaslin, Niemi, Pelz, Rasmussen, Rinehart, Sellar, West and Winsley. On motion of Senator Oke, Senators Amondson, Erwin, McCaslin, Sellar, West and Winsley were excused. On motion of Senator Drew, Senators Pelz, Rasmussen and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dmitry Artemier and Grigoriy Yourganov, presented the Colors. Reverend Frederick Elwood, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

February 23, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rudolph Bertschi, appointed February 23, 1994, for a term ending June 13, 1997, as a member of the Washington Public Supply System Board of Directors.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Energy and Utilities.

MESSAGES FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6276,
SENATE BILL NO. 6367, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 1, 1994

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5018,
SUBSTITUTE SENATE BILL NO. 5057,
SENATE BILL NO. 5697,
SENATE BILL NO. 6021,
SUBSTITUTE SENATE BILL NO. 6069,
SUBSTITUTE SENATE BILL NO. 6083,
SENATE BILL NO. 6202,
SUBSTITUTE SENATE BILL NO. 6282,

SUBSTITUTE SENATE BILL NO. 6305,
SENATE JOINT MEMORIAL NO. 8029, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 6276,
SENATE BILL NO. 6367.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5018,
SUBSTITUTE SENATE BILL NO. 5057,
SENATE BILL NO. 5697,

SENATE BILL NO. 6021,
SUBSTITUTE SENATE BILL NO. 6069,
SUBSTITUTE SENATE BILL NO. 6083,
SENATE BILL NO. 6202,
SUBSTITUTE SENATE BILL NO. 6282,
SUBSTITUTE SENATE BILL NO. 6305,
SENATE JOINT MEMORIAL NO. 8029.

SECOND READING
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Ludwig, Gubernatorial Appointment No. 9332, Sally Storm, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF SALLY STORM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniild, Williams and Wojahn - 39.

Absent: Senator Niemi - 1.

Excused: Senators Amondson, Erwin, McCaslin, Pelz, Rasmussen, M., Rinehart, Sellar, West and Winsley - 9.

SECOND READING

HOUSE BILL NO. 2271, by Representatives Springer and Chandler (by request of Department of Licensing)

Providing for funeral director and embalmer disciplinary procedures.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Drew, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2271.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2271 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, Williams and Wojahn - 40.

Absent: Senator Bluechel - 1.

Excused: Senators Erwin, Loveland, Pelz, Rasmussen, M., Rinehart, Sellar, West and Winsley - 8.

HOUSE BILL NO. 2271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Moyer was excused.

On motion of Senator Drew, Senator Owen was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2529, by House Committee on Judiciary (originally sponsored by Representatives Karahalios, Veloria and Mielke)

Providing that persons and entities involved in adoption processes shall incur no liability.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:

Strike everything after the enacting clause and insert the following:

***Sec. 1.** RCW 26.33.350 and 1991 c 136 s 4 are each amended to read as follows:

(1) Every person, firm, society, association, ((~~or~~)) corporation, or state agency receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all known and available information concerning the mental, physical, and sensory handicaps of the child.

(2) The report shall not reveal the identity of the ((~~natural~~)) birth parent of the child except as authorized under this chapter but shall include any known or available mental or physical health history of the ((~~natural~~)) birth parent that needs to be known by the adoptive parent to facilitate proper health care for the child or that will assist the adoptive parent in maximizing the developmental potential of the child.

((~~2~~)) (3) Where known or available, the information provided shall include:

(a) A review of the birth family's and the child's previous medical history, ((~~if available~~)) including the child's x-rays, examinations, hospitalizations, and immunizations. After July 1, 1992, medical histories shall be given on a standardized reporting form developed by the department;

(b) A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays;

(c) A referral to a specialist if indicated; and

(d) A written copy of the evaluation with recommendations to the adoptive family receiving the report.

(4) Entities and persons obligated to provide information under this section shall make reasonable efforts to locate records and information concerning the child's mental, physical, and sensory handicaps. The entities or persons providing the information have no duty, beyond providing the information, to explain or interpret the records or information regarding the child's present or future health.

Sec. 2. RCW 26.33.380 and 1993 c 81 s 4 are each amended to read as follows:

(1) Every person, firm, society, association, ((~~or~~)) corporation, or state agency receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption, a family background and child and family social history report, which includes a chronological history of the circumstances surrounding the adoptive placement and any available psychiatric reports, psychological reports, court reports pertaining to dependency or custody, or school reports. Such reports or information shall not reveal the identity of the birth parents of the child but shall contain reasonably available nonidentifying information.

(2) Entities and persons obligated to provide information under this section shall make reasonable efforts to locate records and information concerning the child's family background and social history. The entities or persons providing the information have no duty, beyond providing the information, to explain or interpret the records or information regarding the child's mental or physical health.

NEW SECTION. Sec. 3. A new section is added to chapter 26.33 RCW to read as follows:

The department shall adopt rules, in consultation with affected parties, establishing minimum standards for making reasonable efforts to locate records and information relating to adoptions as required under RCW 26.33.350 and 26.33.380."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 26.33.350 and 26.33.380; and adding a new section to chapter 26.33 RCW."

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 2529, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2529, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2529, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Erwin, Moyer and Owen - 3.

SUBSTITUTE HOUSE BILL NO. 2529, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Spanel moved that the Committee on Trade, Technology and Economic Development be relieved of further consideration of Senate Concurrent Resolution No 8423 and that the concurrent resolution be placed on the second reading calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Spanel to relieve the Committee on Trade, Technology and Economic Development of further consideration of Senate Concurrent Resolution No. 8423 and to place the concurrent resolution on the second reading calendar.

The motion by Senator Spanel carried and Senate Concurrent Resolution No. 8423 was placed on the second reading calendar.

MOTION

At 9:28 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:29 a.m. by President Pritchard.

MOTIONS

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2891, by House Committee on Education (originally sponsored by Representatives Dorn and Springer)

Providing medical aid benefits coverage for school district-sponsored work-based learning experiences.

The bill was read the second time.

MOTIONS

On motion of Senator Pelz, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 51.12 RCW to read as follows:

(1) An employer covered under this title may elect to include student volunteers as employees or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW. The employer shall give notice of its intent to cover all of its student volunteers to the director prior to the occurrence of the injury or contraction of an occupational disease.

(2) A student volunteer is an enrolled student in a public school as defined in RCW 28A.150.010 who is participating as a volunteer under a program authorized by the public school. The student volunteer shall perform duties for the employer without wages. The student volunteer shall be deemed to be a volunteer even if the student is granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties. A person who earns wages for the services performed is not a student volunteer.

(3) Any and all premiums or assessments due under this title on account of service by a student volunteer shall be paid by the employer who has registered and accepted the services of volunteers and has exercised its option to secure the medical aid benefits under chapter 51.36 RCW for the student volunteers.

NEW SECTION. Sec. 2. The task force on school-to-work transitions created under RCW 28A.630.866 shall develop guidelines for nonpaid work-based learning experiences for student volunteers. The task force shall report its finding to the superintendent of public instruction not later than December 14, 1994.

NEW SECTION. Sec. 3. Section 1 of this act shall take effect October 1, 1994. The department of labor and industries may take such steps as are necessary to ensure that this section is implemented on its effective date."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "experiences;" strike the remainder of the title and insert "adding a new section to chapter 51.12 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2891, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2891, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2891, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Vogtild - 1.

SUBSTITUTE HOUSE BILL NO. 2891, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2510, by House Committee on Appropriations (originally sponsored by Representatives R. Meyers, Reams, Brough, Dorn, Dunshee, Johanson, Pruitt, Shin, Zellinsky, Carlson, R. Johnson, J. Kohl, Karahalios, Basich, Jones, Bray, R. Fisher, Holm, Moak, Sheldon, Valle, Chappell, Eide, Wolfe, B. Thomas, Dyer, King, G. Fisher, L. Johnson, Dellwo, Ogden, Roland, Grant, Jacobsen, Quall, Rayburn, Morris, Romero, Rust, Kremen, Conway, Linville, Patterson, Forner, Long, Mielke, Springer, Cothorn, Kessler, H. Myers, Tate, Backlund, Cooke, Wood and Mastin) (by request of Governor Lowry)

Implementing regulatory reform.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Labor and Commerce amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 44.04 RCW to read as follows:

(1) The legislature recognizes that clear grants of rule-making authority are necessary for efficient and effective regulatory programs and accountability in governmental decision making, and that the agency granted rule-making authority should be the most competent to exercise jurisdiction over the subject matter. It is therefore the legislature's purpose to establish processes to ensure that existing and future laws provide clear and appropriate rule-making authority.

(2) The standing committees of the legislature shall selectively review legislative grants of rule-making authority to determine: (a) Whether the authority granted is clear and as intended; (b) whether the legislative intent is specific and includes defined objectives; and (c) whether the grant of authority is consistent with and not duplicative of grants to other agencies. In performing such a review, priority shall be given to grants of rule-making authority to the department of revenue, the employment security department, the department of ecology, the department of labor and industries, the department of health, the department of licensing, the department of fish and wildlife, the department of natural resources, and the insurance commissioner.

In those instances where the review identifies statutes that do not meet these criteria, corrective legislation shall be prepared that clarifies, narrows, or repeals the grants of rule-making authority.

(3) The senate and the house of representatives shall ensure that bills introduced that grant rule-making authority to state agencies contain clear and specific direction regarding the authority granted.

(4) Appropriate standing committees of the senate and house of representatives shall prepare a regulatory note as part of the bill report on each bill before the committee that grants rule-making authority to a state agency. The regulatory note shall identify if rule making is required or authorized by the bill, describe the nature of the rule making, identify agencies to which rule making is delegated, and identify any other agencies that have rule-making authority over the same activity or subject matter. However in the event of a conflict between the note and any section of the revised code of Washington or uncodified session law, the revised code or uncodified session law shall prevail and nothing in the note shall be considered to be part of the revised code or uncodified session law.

Sec. 2. RCW 34.05.370 and 1988 c 288 s 313 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(e) The concise explanatory statement required by RCW 34.05.355;

(f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule; ~~((and))~~

(g) Citations to all data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public;

(h) The written summary and response required by RCW 34.05.325(6); and

(i) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

Sec. 3. RCW 34.05.350 and 1989 c 175 s 10 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule, the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any agency headed by a nonelected official. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any agency action based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

(4) In adopting an emergency rule, the agency shall meet the same criteria as set forth in section 4 of this act or provide written justification for its failure to provide the information.

NEW SECTION. Sec. 4. A new section is added to chapter 34.05 RCW to read as follows:

(1) In addition to other requirements imposed by law, an agency may not adopt a rule the violation of which subjects a person to a penalty or administrative sanction; that establishes, alters, or revokes a qualification or standard for the issuance, suspension, or revocation of a license to pursue a commercial activity, trade, or profession; or that establishes, alters, or revokes a mandatory standard for a product or material that must be met before distribution or sale, unless:

(a) The rule is needed;

(b) The likely benefits of the rule justify its likely costs;

(c) There are no alternatives to the rule that would be as effective but less burdensome on those required to comply;

(d) Any fee imposed is reasonable and related to the cost of administration;

(e) The rule is clearly and simply stated, so that it can be understood by persons required to comply;

(f) The rule does not conflict with, or unless necessary to achieve the objectives of the statute upon which the rule is based, overlap, or duplicate any other provision of federal, state, or local law;

(g) The rule does not, unless necessary to achieve the objectives of the statute upon which the rule is based, differ from any provision of federal law regulating the same activity or subject matter; and

(h) The rule does not, unless necessary to achieve the objectives of the statute upon which the rule is based, differ in its application to public and private entities.

(2) Nothing in subsection (1) of this section shall be construed to change the existing standard of judicial review of agency rule making.

NEW SECTION. Sec. 5. A new section is added to chapter 34.05 RCW to read as follows:

(1) Upon adoption of any rule covered by section 4 of this act, an agency shall have a plan to: (a) Inform and educate affected persons about the rule; (b) promote voluntary compliance; (c) evaluate whether the rule achieves the purpose for which it was adopted; and (d) evaluate whether the rule avoids the taking of private property for public use unless no reasonable alternative exists that advances the public interest.

(2) Upon the adoption of a rule covered by section 4 of this act regulating the same activity or subject matter as another provision of federal, state, or local law, an agency shall do all of the following:

(a) Provide to the business assistance center a list citing by reference the other federal, state, and local laws that regulate the same activity or subject matter;

(b) Coordinate implementation and enforcement of the rule with the other federal, state, and local entities regulating the same activity or subject matter by doing one or more of the following: (i) Deferring to the other entity; (ii) designating a lead agency; or (iii) entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement. If the agency is unable to meet this requirement, the agency shall report to the legislature pursuant to (c) of this subsection;

(c) Report to the chief clerk of the house of representatives and the secretary of the senate regarding: (i) The existence of any overlap or duplication of other federal, state, or local laws, and any differences from federal law; (ii) legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference; and (iii) legislation that may be necessary to facilitate coordination with appropriate governmental entities regulating the same activity or subject matter.

(3) For purposes of this section, "taking" means totally destroying or rendering valueless private property, damaging by a public use in connection with an actual taking by the exercise of eminent domain, or when there is interference with use of property to owner's prejudice, with resulting diminution in value. Police action to prevent or abate actual damage to another is not considered a taking.

Sec. 6. RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. Each agency may prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency shall ~~((4))~~ (a) either deny the petition in writing, stating its reasons for the denial, or ~~((2))~~ (b) initiate rule-making proceedings in accordance with this chapter.

(2) If an agency headed by a nonelected official denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The petitioner may file notice of the appeal with the code reviser for publication in the Washington State Register. Within sixty days after receiving the appeal, the governor shall either reject the appeal in writing,

stating his or her reasons for the rejection, or order the agency to initiate rule-making proceedings in accordance with this chapter. In deciding on the appeal, among other factors the governor should consider:

(a) Whether the agency complied with sections 4 and 5 of this act;

(b) Whether the agency has established an adequate internal rules review process, allowing public participation, and has subjected the rule to that review;

(c) The nature of complaints and other comments received from the public concerning the rule;

(d) Whether the rule conflicts with, overlaps, or duplicates any other provision of federal, state, or local law and, if so, whether the agency has taken steps to mitigate any adverse effects of the conflict, overlap, or duplication;

(e) The extent to which technology, social or economic conditions, or other relevant factors have changed since the rule was adopted, and whether, given those changes, the rule continues to be necessary and appropriate;

(f) Whether the statute that the rule implements has been amended or repealed by the legislature, or ruled invalid by a court.

(3) The governor's office shall provide a copy of the governor's ruling under subsection (2) of this section to anyone upon request.

Sec. 7. RCW 34.05.325 and 1992 c 57 s 1 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6) Before the adoption of a final rule, an agency shall prepare a written summary of all comments received regarding the proposed rule, and a substantive response to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so. The agency shall provide the written summary and response to any person upon request or from whom the agency received comment.

Sec. 8. RCW 34.05.355 and 1988 c 288 s 310 are each amended to read as follows:

~~((4))~~ At the time it files an adopted rule with the code reviser or within thirty days thereafter, an agency shall place into the rule-making file maintained under RCW 34.05.370 a concise explanatory statement about the rule, identifying ~~((a))~~ (1) the agency's reasons for adopting the rule, and ~~((b))~~ (2) a description of any difference between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for change.

~~((2) Upon the request of any interested person within thirty days after adoption of a rule, the agency shall issue a concise statement of the principal reasons for overruling the considerations urged against its adoption.)~~

NEW SECTION. Sec. 9. A new section is added to chapter 19.85 RCW to read as follows:

The legislature finds that administrative rules adopted by state agencies can have a disproportionate impact on the state's small businesses because of the size of those businesses. This disproportionate impact reduces competition, innovation, employment, and new employment opportunities, and threatens the very existence of some small businesses. The legislature therefore enacts the regulatory fairness act, chapter . . . , Laws of 1994 (this act), with the intent of reducing the disproportionate impact of state administrative rules on small business.

Sec. 10. RCW 19.85.020 and 1993 c 280 s 34 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one ~~((three-digit))~~ four-digit standard industrial classification as published by the United States department of commerce.

(4) "Taking" means totally destroying or rendering valueless private property, damaging by a public use in connection with an actual taking by the exercise of eminent domain, or when there is interference with use of property to owner's prejudice, with resulting diminution in value. Police action to prevent or abate actual damage to another is not considered a taking.

Sec. 11. RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are each reenacted and amended to read as follows:

~~((In the adoption of any rule pursuant to RCW 34.05.320 that will have an economic impact on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:~~

~~(1) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:~~

~~(a) Establish differing compliance or reporting requirements or timetables for small businesses;~~

~~(b) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;~~

~~(c) Establish performance rather than design standards;~~

~~(d) Exempt small businesses from any or all requirements of the rule;~~

~~(2) Shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file such statement with the code reviser along with the notice required under RCW 34.05.320;~~

~~((3)) (1) In the adoption of a rule under RCW 34.05.320, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register.~~

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.

(2) A proposed rule will impose more than minor costs on businesses in an industry when the costs imposed will equal or exceed 0.1 percent of the average yearly profit for businesses in that industry. The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose such costs. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.

(3) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, unless reasonable justification exists to do otherwise, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include, but are not limited to:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Establishing performance rather than design standards;
- (c) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (d) Reducing the frequency of inspections;
- (e) Delaying compliance timetables; or
- (f) Reducing or modifying fine schedules for noncompliance.

Sec. 12. RCW 19.85.040 and 1989 c 374 s 3 and 1989 c 175 s 73 are each reenacted and amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. ~~((A small business economic impact statement))~~ It shall analyze ~~((based on existing data,))~~ the costs of compliance for businesses required to comply with the ~~((provisions of a))~~ proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, ~~lost sales or revenue,~~ and increased administrative costs ~~((, and)).~~ To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare ~~((to the greatest extent possible))~~ the cost of compliance for small business with the cost of compliance for the ten percent of ~~((firms which))~~ businesses that are the largest businesses required to comply with the proposed ~~((new or amendatory))~~ rules ~~((The small business economic impact statement shall use))~~ using one or more of the following as a basis for comparing costs:

- ~~((1))~~ (a) Cost per employee;
- ~~((2))~~ (b) Cost per hour of labor; or
- ~~((3))~~ (c) Cost per one hundred dollars of sales;
- (4) Any combination of (1), (2), or (3)).

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(3), or reasonable justification for not doing so, addressing, at a minimum, each of the options listed in RCW 19.85.030(3);

(b) A description of how the agency will involve small businesses in the development of the rule; and

(c) A list of industries that will be required to comply with the rule.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.

NEW SECTION. Sec. 13. A new section is added to chapter 19.85 RCW to read as follows:

Unless so requested by a majority vote of the joint administrative rules review committee under RCW 19.85.030, an agency is not required to comply with this chapter when adopting any rule solely for the purpose of conformity or compliance, or both, with federal law. In lieu of the statement required under RCW 19.85.030, the agency shall file a statement citing, with specificity, the federal law with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted.

Sec. 14. RCW 34.05.320 and 1992 c 197 s 8 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

- (a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;
- (b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;
- (c) A summary of the rule and a statement of the reasons supporting the proposed action;
- (d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;
- (e) The name of the person or organization, whether private, public, or governmental, proposing the rule;
- (f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;
- (g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;
- (h) When, where, and how persons may present their views on the proposed rule;
- (i) The date on which the agency intends to adopt the rule;
- (j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and
- (k) A statement indicating how a person can obtain a copy of the small business economic impact statement ~~((if applicable, and a statement of steps taken to minimize the economic impact in accordance with RCW 19.85.030))~~ prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing individual mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

NEW SECTION. Sec. 15. A new section is added to chapter 43.31 RCW to read as follows:

To assist state agencies in reducing regulatory costs to small business and to promote greater public participation in the rule-making process, the business assistance center shall:

(1) Develop agency guidelines for the preparation of a small business economic impact statement and compliance with chapter 19.85 RCW;

(2) Review and provide comments to agencies on draft or final small business economic impact statements;

(3) Advise the joint administrative rules review committee on whether an agency reasonably assessed the costs of a proposed rule and reduced the costs for small business as required by chapter 19.85 RCW; and

(4) Organize and chair a state rules coordinating committee, consisting of agency rules coordinators and interested members of the public, to develop an education and training program that includes, among other components, a component that addresses voluntary compliance, for agency personnel responsible for rule development and implementation. The business assistance center shall submit recommendations to the department of personnel for an administrative procedures training program that is based on the sharing of interagency resources.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

- (1) RCW 19.85.010 and 1982 c 6 s 1;
- (2) RCW 19.85.060 and 1989 c 374 s 5; and
- (3) RCW 19.85.080 and 1992 c 197 s 2.

Sec. 17. RCW 34.05.620 and 1988 c 288 s 602 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, or that an agency may not be adopting a proposed rule in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, the committee shall give the affected agency written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.05.320. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

Sec. 18. RCW 34.05.630 and 1993 c 277 s 1 are each amended to read as follows:

- (1) All rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350, are subject to selective review by the legislature.
- (2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule or whether they are within the intent of the legislature as expressed by the governing statute.
- (3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, (c) that an agency is using a policy statement, guideline, or issuance in place of a rule, or (d) that the policy statement, guideline, or issuance is outside of legislative intent, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule, or (d) whether the policy statement, guideline, or issuance is within the legislative intent.

Sec. 19. RCW 34.05.640 and 1993 c 277 s 2 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.05.620 or 34.05.630, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a committee finding of the agency's failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that an existing rule was not adopted in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, or (c) that the agency is using a policy statement, guideline, or issuance in place of a rule, or that the policy statement, guideline, or issuance is outside of the legislative intent, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a two-thirds vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the appropriate standing committees of the legislature, the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session.

(4) If the governor disapproves the recommendation of the rules review committee to suspend the rule, the transmittal of such decision, along with the findings of the rules review committee, shall be treated by the agency as a petition by the rules review committee to repeal the rule under RCW 34.05.330.

(5) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (1), (2), or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

~~((6))~~ (6) An election by the rules review committee to recommend suspension of a rule, whether or not the suspension is approved by the governor, establishes a presumption in any subsequent judicial review of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.

(7) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 20. RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

Except as provided in RCW 34.05.640(6), it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) RCW 34.05.670 and 1992 c 197 s 3; and
- (2) RCW 34.05.680 and 1992 c 197 s 4.

NEW SECTION. Sec. 22. The department of community, trade, and economic development shall develop a standardized format for reporting information that is commonly required from the public by state and local government agencies for permits, licenses, approvals, and services. In the development of the format, the department shall work in conjunction with representatives from state and local government agencies and representatives of the business community.

The department shall submit the standardized format together with recommendations for implementation to the legislature by December 31, 1994.

NEW SECTION. Sec. 23. A new section is added to chapter 34.05 RCW to read as follows:

(1) This section applies only to the department of revenue, the employment security department, the department of ecology, the department of labor and industries, the department of health, the department of licensing, and the department of fish and wildlife.

(2) An agency listed in subsection (1) of this section may immediately impose a penalty otherwise provided for by law for a violation of a statute or administrative rule by a business entity only if the entity on which the penalty will be imposed has: (a) Previously violated the same statute or rule; or (b) willfully violated the statute or rule. Where a penalty is otherwise provided, but may not be imposed under this subsection, the agency shall issue a statement of deficiency.

(3) A statement of deficiency shall specify: (a) The particular rule violated; (b) the steps the entity must take to comply with the rule; (c) agency personnel designated by the agency to provide technical assistance regarding compliance with the rule; and (d) a date by which the entity is required to comply with the rule. The date specified shall provide a reasonable period of time for the entity to comply with the rule, considering the size of the entity, its available resources, and the threat posed by the violation. If the entity fails to comply with the rule by the date specified, it shall be subject to the penalty otherwise provided in law.

(4) Subsection (2) of this section shall not apply to any violation that places a person in danger of death or substantial bodily harm, is causing or is likely to cause significant environmental harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars. With regard to a statute or rule requiring the payment of a tax, subsection (1) of this section shall not apply when a business entity has paid less than eighty-five percent of the tax actually owed.

(5) The state, the agency, and officers or employees of the state shall not be liable for damages to any person to the extent that liability is asserted to arise from the technical assistance provided under this section, or if liability is asserted to arise from the failure of the agency to supply technical assistance.

(6) Where a state agency has been delegated authority to enforce federal rules, the agency shall submit a written petition to the appropriate federal agency for authorization to comply with this section for all inspections while retaining the state's federal delegation. In such cases, this section applies only to the extent authorized by the appropriate federal agency.

NEW SECTION. Sec. 24. A new section is added to chapter 4.84 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 24 through 26 and 27 of this act.

(1) "Agency" means agency as defined by chapter 34.05 RCW.

(2) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness may be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(3) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(4) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed; (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. Sec. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association; or (c) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization, having not more than one hundred employees at the time the initial petition for judicial review was filed.

(5) "Rule" means a rule as defined by chapter 34.05 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 4.84 RCW to read as follows:

If upon judicial review a rule is declared invalid and the party that challenged the rule is a qualified party, the party shall be awarded fees and other expenses not to exceed fifty thousand dollars. This section does not apply unless all parties to the action challenging the rule are qualified parties. If two or more qualified parties join in an action challenging a rule, the fees and expenses awarded shall not in total exceed fifty thousand dollars.

NEW SECTION. Sec. 26. A new section is added to chapter 4.84 RCW to read as follows:

Fees and other expenses awarded under section 25 of this act shall be paid by the agency that adopted the invalid rule from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to section 25 of this act shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

NEW SECTION. Sec. 27. A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall report annually to the legislature on the amount of fees and other expenses awarded during the preceding fiscal year under section 25 of this act. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

NEW SECTION. Sec. 28. Section 10 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Fraser: "Mr. President, I raise a point of order. I believe that Section 23 of the proposed striking amendment from the committee exceeds the scope and object of the bill. Please look at the title of the bill and its content, and then, specifically, at Section 23. The title of the bill is an act relating to the implementation of the recommendation of the Governor's Task Force on Regulatory Reform.

"The bill as it comes to us from the House fits that title. It implements numerous specific recommendations in the Task Force Report. Section 23 of the striking amendment has as its predecessor Section 16 of the bill that came to us from the House. This section is consistent with the Task Force recommendations. It implements recommendations in the Report that are under the heading of Technical Assistance Without Penalty. In the Report's discussion of this topic, it says that the nature of the problem is as follows: People fear that if they ask the regulatory agencies for assistance and advice, they may receive a citation, fine or immediate compliance orders. This is because regulatory agencies may have rigid guidelines for enforcement in which both the inspector and the public are caught which discourages communication and helpfulness, so the recommendations, one through four, on page nine of the Report address this identified problem. Recommendation four of this set of recommendations clearly indicates that the scope of technical assistance envisioned by this recommendation relates to matters of a physical nature, such as environmental standards or workers safety standards. The language in recommendation four which is also in the house bill refers to vocabulary such as owner or operator of the facility--to inspections, to observe violations, to a violation of places a person is in danger or is likely to cause physical damage to the property of others or cause significant environmental harm. The house bill itself refers to on site consultation at industrial or commercial facilities. That is what Section 23 does.

"Now, the committee striking amendment would add two subjects. First, it adds the new subject of alternative approaches. This is a subject in the Task Force Report in a different section of the Report completely separate from technical assistance. Alternative approaches is found on page thirteen. In the Report, alternative approach refers to compliance with the law,

rather than with technical assistance on how to understand the law. Two different subjects. Specifically, the Report says alternative approaches are defined as alternative to the command and control approach to regulation which is one of directing behavior by setting standards and then having penalties. The Report makes it clear that the Task Force makes no recommendation on this subject of alternative approaches, either to the Governor or the Legislature. It is only recommendations that it create a Task Force to study this further and this is underscored by the transmittal letter to the Governor and the attachment to the Report. This is the reason why the new subject of alternative approachs is not found in the house bill--"

REPLY BY PRESIDENT PRITCHARD

President Pritchard: "Senator Fraser, we are under the three minute rule. Also, when you have--you might be summarizing--"

Senator Fraser: "O.K., my other point is the new subject relates to tax collection. There is nothing in the Task Force Report or the House Bill that gives any indication that they were talking about an entirely new approach to tax collection for fifteen percent of the revenues of major sources in the state. I urge you to consider this point of order."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Second Substitute House Bill No. 2510.

SECOND READING

SENATE BILL NO. 6307, by Senators Talmadge and Winsley (by request of Health Care Authority)

Clarifying health care authority powers and duties.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 6307 was substituted for Senate Bill No. 6307 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 6307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6307.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6307 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, McCaslin, McDonald, Morton, Newhouse, Sellar and Smith, L. - 10.

SUBSTITUTE SENATE BILL NO. 6307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2434, by House Committee on Commerce and Labor (originally sponsored by Representatives Riley and Basich)

Changing a time limit for public works bids.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 2434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2434.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2434 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Nelson, Newhouse and Schow - 12.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1756, by Representatives Veloria, Brumsickle and Casada

Requiring the use of licensed or certified electricians for certain purposes.

The bill was read the second time.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 1, line 11, after "lease" insert "PROVIDED, That nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work on a residential building with up to four units intended for rent, sale, or lease if the person intends to occupy one of the units as his or her residence."

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Sutherland, on line 8, if we had an oral amendment that stated, 'if the person occupies one of the units,' would you support it then?"

Senator Sutherland: "Perhaps, if it stated that the person occupies it for a distinct period of time, let's say a year or so. Then there is some value at looking at that, but just to allow someone--when they apply for an electrical permit to say, 'Oh, I intend on living there,'--they could be saying that to a hundred units a year and they maybe, at one time, did sit in their bedroom or in their kitchen and say, 'Yeh, I might live there.' If we, in fact, said that they have to move in and they must occupy it as their principle residence for a duration of a year, then I think there is a lot more value in looking at this kind of thing."

Senator McCaslin: "You say there is value. Would you support it then if Senator Hochstatter offered that oral amendment to kind of put this together? I am kind of trying to be a peace-maker here, Senator. I would love to see this pass."

Senator Sutherland: "Senator McCaslin, you are always noted as a peace-maker. If your motion is to set the bill down for a while, so that we can take a look at an amendment that might have some match-making support, then let's take a look at that."

MOTION

On motion of Senator McCaslin, and there being no objection, further consideration of Engrossed House Bill No. 1756 was deferred.

MOTION

On motion of Senator Oke, Senator Winsley was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2526, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Chandler, Anderson, Wineberry, Campbell, Casada, Chappell, Morris, Kessler, Dorn, King, Carlson, Conway, G. Cole, R. Meyers, Hansen, Pruitt, Bray, J. Kohl, Jones, Leonard, Holm, Moak, Eide, Roland, Scott, Grant, Quall, Kremen, Schoesler, Talcott and Springer)

Including chiropractic care in health services available under industrial insurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2526.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2526 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 48.

Excused: Senator Winsley - 1.

SUBSTITUTE HOUSE BILL NO. 2526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2170, by House Committee on Education (originally sponsored by Representatives Sommers, Silver, Ogden, Fuhrman, Dunshee, Dorn, Brough, B. Thomas, L. Johnson and J. Kohl) (by request of Legislative Budget Committee)

Extending the duration of special services demonstration projects.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2170.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2170 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 47.

Voting nay: Senator Vognild - 1.

Excused: Senator Winsley - 1.

SUBSTITUTE HOUSE BILL NO. 2170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1561, by House Committee on Human Services (originally sponsored by Representatives Brown, Wolfe, Thibaudeau, Mastin, J. Kohl, H. Myers, Johanson, Romero, Leonard, Karahalios and L. Johnson)

Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1561.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1561 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 40.

Voting nay: Senators Cantu, Deccio, McDonald, Newhouse, Roach and Schow - 6.

Absent: Senator Vognild - 1.

Excused: Senators Moyer and Winsley - 2.

SUBSTITUTE HOUSE BILL NO. 1561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

HOUSE BILL NO. 2338, by Representatives Bray and Long (by request of Utilities and Transportation Commission)

Authorizing late fees and interest for delinquent payment of fees to the Utilities and Transportation Commission.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, House Bill No. 2338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2338.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2338 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, McDonald, Morton, Prince, Roach, Schow, Sellar and Smith, L. - 13.

Excused: Senators Moyer, Vognild and Winsley - 3.

HOUSE BILL NO. 2338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8688

By Senators Rasmussen, Anderson, Amondson, McAuliffe, McCaslin, L. Smith, Sellar, McDonald, Sutherland, Spanel, Roach, Snyder, Morton, West, Pelz, Loveland, Newhouse, Bluechel, Schow, Oke and Haugen

WHEREAS, Washington is home to 1,070 dairy farms and more than a quarter of a million dairy cows; and
WHEREAS, Our state's dairy farmers contributed \$648 million to the state's economy in 1992; and
WHEREAS, Milk production ranks second in dollar value among Washington's agricultural commodities; and
WHEREAS, Our state is ranked ninth nationwide in milk production; and
WHEREAS, The first creamery in Washington state was started at Cheney in 1880, at a time when cattle outnumbered state residents by more than two-to-one; and
WHEREAS, Citizens throughout the state today honor this special industry with the annual Dairy Day celebration at the State Capital; and
WHEREAS, The Washington State Dairy Federation is the proud sponsor of this observance; and
WHEREAS, Sonya Strawder, of Lynnwood, is representing the dairy industry with distinction as the reigning State Dairy Princess; and
WHEREAS, The Benjert family of the Yakima Valley, the Bergsma family of Lynden, and the Kytola family of Brush Prairie are admirably representing the dairy farmers of Washington as the 1994 Washington State Dairy Families of the Year;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and commemorate the men and women whose work on dairy farms throughout Washington has contributed to the economy of our state, the character of our communities, and the well being of our citizens; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Sonya Strawder and to the Benjert, Bergsma, and Kytola families.

Senators Rasmussen and Amondson spoke to Senate Resolution 1994-8688.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and welcomed Sonya Strawder, the Washington State Dairy Ambassador, and the Washington State Dairy Princesses, Karen Rod and Kendi Schilke, who were seated on the rostrum.
With permission of the Senate, business was suspended to permit Dairy Ambassador Sonya to address the Senate.
The President also introduced the Benjert family of the Yakima Valley, the Bergsma family of Lynden and the Kytola family of Brush Prairie, 1994 Washington State Dairy Families of the Year, as well as members of the Dairy Ambassador delegation who were seated in the gallery.
Senators Sutherland and McCaslin gave a special welcome to the members of the Dairy Industry.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2151, by House Committee on Health Care (originally sponsored by Representatives L. Johnson, Ballasiotes, Dellwo, Chappell, Cothorn, Conway, Thibaudeau, Talcott, Wood, Heavey, Sheldon, Van Luven, Campbell, Brough, Dorn, Lemmon, Long, Dyer, Kessler, Holm, Wineberry, Basich, Romero, Springer, Hansen, H. Myers, Leonard and Foreman)

Requiring that victims of felony sex offenses be given notice of HIV test results, whether the results are positive or negative.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 2151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2151.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2151 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.
Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 44.
Absent: Senators Bluechel and Oke - 2.
Excused: Senators Moyer, Vognild and Winsley - 3.
SUBSTITUTE HOUSE BILL NO. 2151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

SECOND READING

HOUSE BILL NO. 2282, by Representatives Holm and Appelwick

Providing that a district court judges salary is not reduced when a pro tempore judge serves due to an affidavit of prejudice.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2282.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2282 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 44.

Absent: Senators Ludwig and Rinehart - 2.

Excused: Senators Bluechel, Moyer and Winsley - 3.

HOUSE BILL NO. 2282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:49 a.m., on motion of Senator Spanel, the Senate recessed until 2:30 p.m.

The Senate was called to order at 3:02 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2517, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 2, 1994

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5154,

SUBSTITUTE SENATE BILL NO. 5819,

SUBSTITUTE SENATE BILL NO. 6006,

SENATE BILL NO. 6030,

SENATE BILL NO. 6067,

SUBSTITUTE SENATE BILL NO. 6098,

SENATE BILL NO. 6135, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5154,

SUBSTITUTE SENATE BILL NO. 5819,

SUBSTITUTE SENATE BILL NO. 6006,
SENATE BILL NO. 6030,
SENATE BILL NO. 6067,
SUBSTITUTE SENATE BILL NO. 6098,
SENATE BILL NO. 6135.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2517 by Representatives Holm, Brumsickle, Roland, Chappell, Romero, Rayburn, Wolfe, Fuhrman, Sheldon, Brown, G. Fisher, Bray, Valle, Dyer, Long, Chandler, Backlund, Cooke and Wood

Making the business and occupation tax on for-profit hospitals equal to the tax on nonprofit hospitals.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

MOTIONS

On motion of Senator Oke, Senator Amondson was excused.
On motion of Senator Loveland, Senator Pelz was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Campbell, Horn, Long, Wood, Appelwick, Ballard, Karahalios, Reams, Wineberry, Foreman, Kessler, Cooke, Dyer, Schoesler, Casada, B. Thomas, Carlson, Van Luven, Silver, Schmidt, Brumsickle, Brough, J. Kohl, King, Flemming, Roland, Kremen, Sheldon, Chandler, Eide, Johanson, Lisk, Sehlin and Springer)

Forbidding juvenile sex offenders from attending the same school as their victims.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 2198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2198.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2198 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Anderson, Bauer, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Absent: Senators Drew, Prince and Rinehart - 3.

Excused: Senators Amondson, Bluechel and Pelz - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 2510 and the pending Committee on Labor and Commerce striking amendment deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Engrossed Second Substitute House Bill No. 2510 is a measure which makes changes in agency rulemaking processes and numerous other changes in regulatory matters, including changes in the compliance procedures for toxic waste and the ability of agencies to assess penalties for violations of rules and statutes.

"The Committee on Labor and Commerce striking amendment would also make numerous changes in regulatory matters, including the conditions under which agencies may assess penalties for violation of law or rule.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510 was ruled in order.

MOTION

Senator Anderson moved that the following amendment by Senator Amondson to the Committee on Labor and Commerce striking amendment be adopted:

On page 2, after line 8 of the amendment, insert the following:

NEW SECTION. Sec. 2. The legislature finds that it has allowed state agencies to adopt administrative rules without sufficient guidance from the legislature, relying on general grants of authority rather than specific legislative policy direction. This has resulted in agency-initiated policy that has been adopted without the benefit of the public dialogue and accountability inherent to the legislative process. It is therefore the intent of the legislature in this act to lessen reliance on general grants of authority, limit agency rule making to those matters specifically authorized by the legislature, and that grants of rule-making authority be narrowly construed.

Sec. 3. RCW 43.70.040 and 1989 1st ex.s. c 9 s 106 are each amended to read as follows:

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules ~~((necessary to carry out the provisions of this act;))~~ or policy statements, other than emergency rules, only;

(a) As specifically required by federal law; or

(b) As specifically authorized, and only to the extent specifically authorized, by the legislature.

(2) Appoint such advisory committees as may be necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.; or

(7) Accept gifts, grants, or other funds.

Sec. 4. RCW 82.01.060 and 1977 c 75 s 92 are each amended to read as follows:

The director of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the director, through the department of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the department, shall:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) ~~((Make, adopt and publish such rules and regulations as he may deem necessary or desirable to carry out the powers and duties imposed upon him or the department by the legislature:—PROVIDED, That))~~ The director of revenue may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only;

(a) As specifically required by federal law; or

(b) As specifically authorized, and only to the extent specifically authorized, by the legislature.

~~((3))~~ (3) Rules ((and regulations)) adopted by the tax commission prior to the effective date of this ((1967 amendatory)) 1994 act shall remain in force until such time as they may be revised or rescinded by the director;

~~((4))~~ (4) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

~~((4))~~ (5) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

~~((5))~~ (6) Recommend to the governor such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

NEW SECTION. Sec. 5. A new section is added to chapter 43.21A RCW to read as follows:

The director of the department of ecology may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

NEW SECTION. Sec. 6. A new section is added to chapter 43.22 RCW to read as follows:

The director of the department of labor and industries may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

NEW SECTION. Sec. 7. A new section is added to chapter 43.24 RCW to read as follows:

The director of the department of licensing may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

(1) As specifically required by federal law; or

(2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

Sec. 8. RCW 46.01.110 and 1979 c 158 s 120 are each amended to read as follows:

The director of licensing is hereby authorized to adopt ~~((and enforce such reasonable rules and regulations as may be consistent with and)), in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:~~

- (1) As specifically required by federal law; or
- (2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

~~The rules shall be necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW.~~

Sec. 9. RCW 50.12.010 and 1977 c 75 s 75 are each amended to read as follows:

The commissioner shall administer this title. He ~~or she~~ shall have the power and authority to ~~((adopt, amend, or rescind such rules and regulations, to))~~ employ ~~((such))~~ persons, make ~~((such))~~ expenditures, require ~~((such))~~ reports, make ~~((such))~~ investigations, and take ~~((such))~~ other action as he ~~or she~~ deems necessary or suitable to that end. ~~((Such rules and regulations shall be effective upon publication and in the manner, not inconsistent with the provisions of this title, which the commissioner shall prescribe.))~~ The commissioner, in accordance with the provisions of this title, shall determine the organization and methods of procedure of the divisions referred to in this title, and shall have an official seal which shall be judicially noticed. The commissioner shall submit to the governor a report covering the administration and operation of this title during the preceding fiscal year, July 1 through June 30, and shall make ~~((such))~~ recommendations for amendments to this title as he ~~or she~~ deems proper. ~~((Such))~~ The report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he ~~or she~~ shall promptly ~~((se))~~ inform the governor and legislature and make recommendations with respect thereto.

NEW SECTION. Sec. 10. A new section is added to chapter 50.12 RCW to read as follows:

The commissioner of the employment security department may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

- (1) As specifically required by federal law; or
- (2) As specifically authorized, and only to the extent specifically authorized, by the legislature.

Sec. 11. RCW 77.04.090 and 1984 c 240 s 1 are each amended to read as follows:

The commission shall adopt ~~((permanent rules and amendments to or repeals of existing rules)), in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:~~

- (1) As specifically required by federal law; or
- (2) As specifically authorized, and only to the extent specifically authorized, by the legislature,

by approval of four members by resolution, entered and recorded in the minutes of the commission. The commission shall adopt emergency rules by approval of four members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

Sec. 12. RCW 43.17.060 and 1965 c 8 s 43.17.060 are each amended to read as follows:

The director of each department may prescribe ~~((rules and regulations,))~~ guidelines not inconsistent with law, for the government of his ~~or her~~ department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto. This section shall not be construed to authorize the adoption of rules under chapter 34.05 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 43.21A.080 and 1970 ex.s. c 62 s 8; and
- (2) RCW 50.12.040 and 1973 1st ex.s. c 158 s 3 & 1945 c 35 s 43."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Amondson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Amondson on page 2, after line 8, to the Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote:
Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, Loveland, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 23.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild, Williams and Wojahn - 26.

MOTION

Senator Ludwig moved that the following amendment to the Committee on Labor and Commerce striking amendment be adopted:

On page 2, after line 8, insert the following:

"Sec. 2. RCW 34.05.310 and 1993 c 202 s 2 are each amended to read as follows:

~~(1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies ~~((are encouraged to:~~~~

~~((4))~~ shall solicit comments from the public on a subject of possible rule making before publication of a notice of proposed rule adoption under RCW 34.05.320. ((This process can be accomplished by having a notice published in the state register of the subject under active consideration and indicating where, when, and how persons may comment; and)) The agency shall prepare a statement of intent that:

(a) States the specific statutory authority for the new rule;

(b) Identifies the reasons the new rule is needed;

(c) Identifies the goals of the new rule;

(d) Describes the process by which the rule will be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; and

(e) Specifies the process by which interested parties can effectively participate in the formulation of the new rule.

The statement of intent shall be filed with the code reviser for publication in the state register and shall be sent to identifiable interested parties. Interested parties may include, but are not limited to, trade associations, interest groups, specific businesses, the business assistance center, chambers of commerce, local governments, labor organizations, environmental groups, consumer protection groups, citizen organizations, state agencies, and any other appropriate entity.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Negotiated rule making which includes:

(i) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;

((#)) (ii) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;

((#)) (iii) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;

((#)) (iv) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;

((#)) (v) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and

((#)) (vi) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement; and

(b) Pilot rule making which includes testing the draft of a proposed rule through the use of volunteer pilot study groups in various areas and circumstances.

(3)(a) Agencies must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) Agencies must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided."

Renumber remaining sections.

Senator Moore demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Ludwig on page 2, after line 8, to the Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Fraser, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prince, Rasmussen, M., Roach, Schow, Sellar, Smith, L., West and Winsley - 28.

Voting nay: Senators Bauer, Drew, Franklin, Gaspard, Hargrove, McAuliffe, Moore, Pelz, Prentice, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 21.

MOTION

On motion of Senator Moore, further consideration of Engrossed Second Substitute House Bill No. 2510 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 2347, by Representatives Morris, Horn, Bray and Springer (by request of Department of Community Development)

Changing the energy building code for glazing, doors, and skylights.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.27A.020 and 1990 c 2 s 3 are each amended to read as follows:

(1) No later than January 1, 1991, the state building code council shall promulgate rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to promulgate rules to be known as the Washington state energy code. The Washington state energy code shall be designed to require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework. The Washington state energy code shall be designed to allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall require:

(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Double glazed windows with values not more than U-0.4;

(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria

of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

(b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the state energy office, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

(c) For log built homes with space heat other than electric resistance, the building code council shall establish equivalent thermal performance standards consistent with the standards and maximum glazing areas of (b) of this subsection.

(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

(5) ~~U-values for glazing shall be determined using the area weighted average of all glazing in the building. ((U-values for glazing are the tested values for thermal transmittance due to conduction resulting from either the American architectural manufacturers' association (AAMA) 1503.1 test procedure or the American society for testing materials (ASTM) C236 or C976 test procedures. Testing shall be conducted under established winter horizontal heat flow test conditions using the fifteen miles per hour wind speed perpendicular to the exterior surface of the glazing as specified under AAMA 1503.1 and product sample sizes specified under AAMA 1503.1. The AAMA 1503.1 testing must be conducted by an AAMA certified testing laboratory. The ASTM C236 or C976 testing U-values include any tested values resulting from a future revised AAMA 1503.1 test procedure.)) U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 ((level)) class A or better. ((The state building code council shall maintain a list of the tested U-values for glazing products available in the state.))~~

(6) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended.

(7)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(8) The state building code council shall consult with the state energy office as provided in RCW 34.05.310 prior to publication of proposed rules. The state energy office shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section. The director of the state energy office shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(9) The state building code council shall conduct a study of county and city enforcement of energy codes in the state. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations, and to the extent possible, hold these meetings in conjunction with adopting rules under this section. The study shall include recommendations as to how code enforcement may be improved. The findings of the study shall be submitted in a report to the legislature no later than January 1, 1991.

(10) If any electric utility providing electric service to customers in the state of Washington purchases at least one percent of its firm energy load from a federal agency, pursuant to section 5.(b)(1) of the Pacific Northwest electric power planning and conservation act (P.L. 96-501), and such utility is unable to obtain from that agency at least fifty percent of the funds for payments required by RCW 19.27A.035, the amendments to this section by chapter 2, Laws of 1990 shall be null and void, and the 1986 state energy code shall be in effect, except that a city, town, or county may enforce a local energy code with more stringent energy requirements adopted prior to March 1, 1990. This subsection shall expire June 30, 1995.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 19.27A.020; and declaring an emergency."

MOTION

On motion of Senator Loveland, Senator Skratek was excused.

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed House Bill No. 2347, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2347, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2347, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Owen - 1.

Excused: Senator Skratek - 1.

ENGROSSED HOUSE BILL NO. 2347, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:39 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:21 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate resumed consideration of Engrossed Second Substitute House Bill No 2510, deferred earlier today after the Committee on Labor and Commerce striking amendment was ruled in order and an amendment to the committee amendment was adopted.

MOTION

Senator Fraser moved that the following amendment to the Committee on Labor and Commerce striking amendment be adopted:

On page 4, line 38 of the amendment, after "federal" strike ", state, or local" and insert "or state"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 4, line 38, to the Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510.

The motion by Senator Fraser failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Anderson moved that the following amendment to the Committee on Labor and Commerce striking amendment be adopted:

On page 4, beginning on line 36 of the amendment, after "(f)" strike all material through "law;" on line 38 and insert "The rule does not, without clear and specific statutory authorization to do so, conflict with, overlap, or duplicate, any other provision of federal, state, or local law regulating the same activity or subject matter. The agency shall survey other federal, state, and local entities that have jurisdiction over the same or similar subject matter to determine whether such conflict, overlap, or duplication exists;"

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Anderson on page 4, beginning on line 36, to the Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

MOTION

Senator Anderson moved that the following amendment to the Committee on Labor and Commerce striking amendment be adopted:

On page 5, beginning on line 1 of the amendment, after "(g)" strike all material through "matter;" on line 3, and insert "The rule does not, without clear and specific statutory authorization to do so, differ from any provision of federal law regulating the same activity or subject matter;"

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Anderson on page 5, beginning on line 1, to the Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Absent: Senator Owen - 1.

MOTION

Senator Deccio moved that the following amendment to the Committee on Labor and Commerce striking amendment be adopted:

On page 17, after line 30 of the amendment, insert the following:

"NEW SECTION. Sec. 22. A new section is added to chapter 34.05 RCW to read as follows:

Before final adoption of a rule, each agency shall file with the chief clerk of the house of representatives and the secretary of the senate a copy of the rule for review by the appropriate standing committees of the legislature. Upon review, if a standing committee determines by majority vote that the rule is within the intent of the legislature as expressed by the statute that the rule implements, the rule is approved and may be adopted by the agency. If not approved, the rule may be modified by the agency so as to conform with the intent of the legislature and resubmitted for approval by the standing committees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Deccio demanded a roll call and the demand was sustained.

MOTIONS

On motion of Senator Oke, Senator Newhouse was excused.

On motion of Senator Drew, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Deccio on page 17, after line 30, to the Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senators Loveland and Newhouse - 2.

MOTION

Senator Fraser moved that the following amendment to the Committee on Labor and Commerce striking amendment be adopted:

On page 18, after line 5 of the amendment, strike all of section 23 and insert the following:

"NEW SECTION. Sec. 23. A new section is added to chapter 43.17 RCW to read as follows:

(1) The governor shall, where appropriate, require state agencies with regulatory enforcement authority to designate one or more technical assistance representatives to coordinate voluntary compliance and provide technical assistance concerning compliance with the agency's laws and rules.

(2) An employee designated by an agency as a technical assistance representative or as a member of a technical assistance unit may not, during the period of the designation, have authority to issue orders or assess penalties on behalf of the agency. Such an employee who provides on-site consultation at an industrial or commercial facility and who observes violations of the law shall inform the owner or operator of the facility of the violations and provide technical assistance concerning compliance. On-site consultation visits by such an employee may not be regarded as inspections or investigations and no notices or citations may be issued or civil penalties assessed during such a visit. However, violations of the law shall be reported to the appropriate officers within the agency. If the owner or operator of the facility does not correct the observed violations within a reasonable time, the agency may reinspect the facility and take appropriate enforcement action. If a technical assistance representative or member of a technical assistance unit observes a violation of the law that places a person in danger of death or substantial bodily harm, is causing or is likely to cause significant environmental harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars, the agency may initiate enforcement action immediately upon observing the violation.

(3) The state, the agency, and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from the performance by technical assistance representatives of their duties, or if liability is asserted to arise from the failure of the agency to supply technical assistance."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 18, after line 5, to the Committee on Labor and Commerce striking amendment to Engrossed Second Substitute House Bill No. 2510.

The motion by Senator Fraser failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2510.

The Committee on Labor and Commerce striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Moore, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 34.05.370, 34.05.350, 34.05.330, 34.05.325, 34.05.355, 19.85.020, 34.05.320, 34.05.620, 34.05.630, 34.05.640, and 34.05.660; reenacting and amending RCW 19.85.030 and 19.85.040; adding a new section to chapter 44.04 RCW; adding new sections to chapter 34.05 RCW; adding new sections to chapter 19.85 RCW; adding a new section to chapter 43.31 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 19.85.010, 19.85.060, 19.85.080, 34.05.670, and 34.05.680; prescribing penalties; and providing an effective date."

On page 21, line 13 of the title amendment, after "RCW" insert "34.05.310,"

On motion of Senator Moore, the rules were suspended, Engrossed Second Substitute House Bill No. 2510, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2510, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2510, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Moyer, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Vognild and Wojahn - 28.

Voting nay: Senators Anderson, Deccio, Fraser, Hochstatter, McDonald, Morton, Niemi, Oke, Prince, Roach, Schow, Sellar, Skratek, Smith, L., Spanel, Sutherland, Talmadge, West, Williams and Winsley - 20.

Excused: Senator Newhouse - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2510, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1756 and the pending amendment by Senator Hochstatter on page 1, line 11, deferred earlier today.

MOTION

On motion of Senator Hochstatter, and there being no objection, the amendment on page 1, line 11, to Engrossed House Bill No. 1756 was withdrawn.

MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter, McCaslin and Sutherland be adopted:

On page 1, line 11, after "lease" insert ": PROVIDED, That nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work on a residential building with up to four units intended for rent, sale, or lease if the person provides a signed affidavit to the department stating that he or she will occupy one of the units as his or her principal residence. An individual shall apply to the department for this exemption and may receive an exemption once every twenty-four months. It is intended that the individual receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units"

Debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Hochstatter, what would be the consequences, if any, if the person who signed this affidavit moved in and then twenty months later sold the building. Would there be any consequences?"

Senator Hochstatter: "None that I know of, Senator."

Senator Williams: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hochstatter, McCaslin and Sutherland on page 1, line 11, to Engrossed House Bill No. 1756.

The motion by Senator Hochstatter carried and the amendment was adopted.

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed House Bill No. 1756, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1756, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1756, as amended by the Senate,² and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild and Winsley - 25.

Voting nay: Senators Anderson, Bluechel, Cantu, Deccio, Hochstatter, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Prince, Roach, Schow, Sellar, Smith, L., West, Williams and Wojahn - 22.

Absent: Senators Amondson and Ludwig - 2.

ENGROSSED HOUSE BILL NO. 1756, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Ludwig was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1955, by House Committee on Local Government (originally sponsored by Representatives Dunshee, H. Myers and Edmondson)

Concerning hearings related to improvement districts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1955.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1955 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Anderson - 1.

Excused: Senator Ludwig - 1.

SUBSTITUTE HOUSE BILL NO. 1955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2511, by Representatives Leonard, Cooke, Thibaudeau, King and Ogden (by request of Department of Social and Health Services)

Petitioning for involuntary treatment.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:

On page 4, after line 3, insert the following:

Sec. 2. RCW 70.96A.070 and 1989 c 270 s 9 are each amended to read as follows:

Pursuant to the provisions of RCW 43.20A.360, there shall be a citizens advisory council composed of not less than seven nor more than fifteen members (~~(, at least two of whom shall be recovered alcoholics or other recovered drug addicts and two of whom shall be members of recognized organizations involved with problems of alcoholism and other drug addiction)~~). It is the intent of the legislature that the citizens advisory council broadly represent citizens who have been recipients of voluntary or involuntary treatment for alcoholism or other drug addiction and who have been in recovery from chemical dependency for a minimum of two years. To meet this intent, at least two-thirds of the council's members shall be former recipients of these services and not employed in an occupation relating to alcoholism or drug addiction. The remaining members shall be broadly representative of the community, shall include representation from business and industry, organized labor, the judiciary, and minority groups, chosen for their demonstrated concern with alcoholism and other drug addiction problems. Members shall be appointed by the secretary. In addition to advising the department in carrying out the purposes of this chapter, the council shall develop and propose to the secretary for his or her consideration the rules for the implementation of the chemical dependency program of the department. Rules and policies governing treatment programs shall be developed in collaboration among the council, department staff, local government, and administrators of voluntary and involuntary treatment programs. The secretary shall thereafter adopt such rules that, in his or her judgment properly implement the chemical dependency program of the department consistent with the welfare of those to be served, the legislative intent, and the public good.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 70.96A.020 and 70.96A.070; and declaring an emergency."

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 2511, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2511, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2511, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2511, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2494, by Representatives Jones, Mielke and Kremen

Requiring moving companies to use a Washington utilities and transportation commission permit number for advertisements.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 2494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Drew, Senator Moore was excused.

POINT OF INQUIRY

Senator West: "Senator Vognild, this relates to advertising in directories, the yellow pages and other advertisements. Is that this bill?"

Senator Vognild: "Any periodicals, yes."

Senator West: "In a similar statute dealing with contractor's registration and contractor's registration publishing their numbers--their license number--the phone company has said that they have to also publish that number in the white pages, not just the yellow pages, because that is considered another directory where advertisement is placed. Is it your intent that we are going to require a line listing in the white pages to also have the contractor's number or is it simply limited to advertising?"

Senator Vognild: "It would be my intent that the companies be required to follow the rules the U.T.C. has laid down for legitimate companies operating in the state today."

Senator West: "Well, I'm trying to get a clarification. Are we going to require people to put this in the white pages or the yellow pages? The yellow pages are fine with me, but the white pages or the yellow pages?"

Senator Vognild: "I do not know. I'm sorry that I cannot answer the question as to what the requirements that are placed on the legitimate companies operating today. If that is the requirement, then, yes, they would be required to meet the same requirements."

Senator West: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2494.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2494 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Morton, Newhouse, Roach, Schow, Sellar and Smith, L. - 16.

Excused: Senator Moore - 1.

HOUSE BILL NO. 2494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2523, by Representatives Rayburn, Schoesler, Chappell, Chandler, Foreman, Hansen, R. Meyers and Mastin (by request of Department of Agriculture)

Regulating custom slaughtering and custom meat facility licenses.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2523.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2523 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 2523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MESSAGE FROM THE GOVERNOR

March 2, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 2, 1994, Governor Lowry approved the following Senate Bills entitled:

Senate Bill No. 6345

Relating to expediting the implementation of the merger of the departments of community development and trade and economic development.

Senate Bill No. 6346

Relating to expediting the implementation of the merger of the departments of fisheries and wildlife into the department of fish and wildlife.

Sincerely,
ED FLEISHER, Legal Counsel to the Governor

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

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5018,
SUBSTITUTE SENATE BILL NO. 5057,
SENATE BILL NO. 5697,
SENATE BILL NO. 6021,
SUBSTITUTE SENATE BILL NO. 6069,
SUBSTITUTE SENATE BILL NO. 6083,
SENATE BILL NO. 6202,
SECOND SUBSTITUTE SENATE BILL NO. 6276,
SUBSTITUTE SENATE BILL NO. 6282,
SUBSTITUTE SENATE BILL NO. 6305,
SENATE BILL NO. 6367,
SENATE JOINT MEMORIAL NO. 8029, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

At 5:58 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, March 3, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, MARCH 2, 1994

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

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 3, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Haugen, Niemi, Prince, Rinehart, Linda Smith, Vognild, West and Wojahn. On motion of Senator Drew, Senators Rinehart and Wojahn were excused. On motion of Senator Oke, Senators Anderson, Prince, Linda Smith and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeff Smith and Keola Eng, presented the Colors. Reverend Gary Gulbranson, pastor of the Westminster Chapel of Bellevue, and a guest of Senator McDonald, offered the prayer.

MOTION

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

**REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT**

March 2, 1994

GA 9437 DR. FRANK B. BROUILLET, appointed January 28, 1994, for a term ending June 30, 1997, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Vice Chair; Cantu, Prince, Quigley, Sheldon and West.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR

March 2, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Turner, appointed March 2, 1994, for a term ending at the Governor's pleasure, as Director of the Department of Fish and Wildlife.

Sincerely,
MIKE LOWRY, Governor

March 2, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mike Fitzgerald, appointed March 2, 1994, for a term ending at the Governor's pleasure, as Director of the Department of Trade and Economic Development.

Sincerely,
MIKE LOWRY, Governor

**SECOND READING
GUBERNATORIAL APPOINTMENT**

MOTION

On motion of Senator Adam Smith, gubernatorial appointment No. 9336, Robert Lasnik, as Chair of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF ROBERT LASNIK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Winsley - 40.

Absent: Senators Haugen, Niemi and Vognild - 3.

Excused: Senators Anderson, Prince, Rinehart, Smith, L., West and Wojahn - 6.

MOTION

On motion of Senator Drew, Senators Haugen and Vognild were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2246, by House Committee on Education (originally sponsored by Representatives B. Thomas, Dorn, Brough, Cothorn, Brumsickle, Pruitt, Dyer, Karahalios, Stevens, L. Thomas, Eide and Basich)

Changing provisions relating to substitute school employees.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2246 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Winsley - 42.

Excused: Senators Anderson, Haugen, Niemi, Prince, Rinehart, Vognild and Wojahn - 7.

SUBSTITUTE HOUSE BILL NO. 2246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182, by House Committee on Education (originally sponsored by Representatives Brumsickle, Karahalios, Dorn, Chandler, Peery, G. Cole, Zellinsky, Chappell, Jacobsen, Basich, Carlson, Wood, B. Thomas, Brough, Cothorn, Van Luven, Johanson, Shin, Jones, Morton, Ballard, Padden, Fuhrman, Sheahan, Talcott, Schoesler, Long, Eide, Flemming, Wang, Horn, Mielke, Tate, Springer, Cooke, Dyer, Leonard, Foreman, Vance, Pruitt and Finkbeiner)

Allowing retired teachers to work in educational institutions for ninety days per school year without a reduction in benefits.

The bill was read the second time.

MOTIONS

On motion of Senator Pelz, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is a shortage of certificated substitute teachers in many regions of the state, and that this shortage will likely increase in the coming years. The legislature further finds that one method of reducing this shortage of substitute teachers is to encourage retired teachers to serve as substitutes by increasing the number of days they can work without affecting their retirement payments.

Sec. 2. RCW 41.32.570 and 1989 c 273 s 29 are each amended to read as follows:

(1) Any retired teacher who enters service in any public educational institution in Washington state shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days per school year without reduction of pension.

(2) In addition to the seventy-five days of service permitted under subsection (1) of this section, a retired teacher may also serve only as a substitute teacher for up to an additional fifteen days per school year without reduction of pension if:

(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers eligible for the additional fifteen days of extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers who have been employed as substitute teachers to the department and may notify the retired teachers included on the list of their right to take advantage of the provisions of this subsection; or

(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers who have been employed as substitute teachers to the department and may notify the retired teachers included on the list of their right to take advantage of the provisions of this subsection.

(3) Subsection (1) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

(4) Subsection (2) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1182, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Winsley: "Senator Pelz, in subsection 2 of the bill, it authorizes the school board or each school board in a multi-district substitute cooperative to pass a resolution which allows substitute teachers who are retired teachers to exceed the seventy-five days of service. Could the board resolution define the shortage of qualified and available substitutes to be in specific areas? For instance, could the shortage be stated as a lack of qualified and available substitute teachers in any one or more grade levels or subject areas, such as secondary mathematics, elementary P.E. etc.?"

Senator Pelz: "Yes, the local school board or each school board in a multi-district substitute cooperative may, through this resolution, define the shortage as they know it to exist. The resolution may declare a shortage in all substitute areas or in specific grade levels or subject areas."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1182, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1182, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Winsley - 43.

Excused: Senators Anderson, Haugen, Niemi, Rinehart, Vognild and Wojahn - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2392, by Representatives Mastin, Ballasiotes, Appelwick, Grant, Kessler, Dorn, Schoesler, Roland, Sheahan, R. Meyers, Wineberry, Long, Talcott, Van Luven, Johanson, Campbell, Fuhrman, Brumsickle, Wood, Silver, Kremen, Dyer, J. Kohl, Conway, Jones, Springer and McMorris

Including residential burglary in crimes of violence.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2392.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2392 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Winsley - 45.

Excused: Senators Anderson, Rinehart, Vognild and Wojahn - 4.

HOUSE BILL NO. 2392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1743, by House Committee on Environmental Affairs (originally sponsored by Representatives Flemming, Horn, Rust, Linville, Valle and J. Kohl)

Establishing a pilot multimedia program for pollution prevention.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

On page 1, line 5, after "follows:" strike everything through "department." on page 2, line 16, and insert the following:

"(1) Not later than January 1, 1995, the department shall designate an industry type and up to ten individual facilities within that industry type to be the focus of a pilot multimedia program. The program shall be designed to coordinate department actions related to environmental permits, plans, approvals, certificates, registrations, technical assistance, and inspections. The program shall also investigate the feasibility of issuing facility-wide permits. The director shall determine the industry type and facilities based on:

(a) A review of at least three industry types; and

(b) Criteria which shall include at least the following factors:

(i) The potential for the industry to serve as a state-wide model for multimedia environmental programs including pollution prevention;

(ii) Whether the industry type is subject to regulatory requirements relating to at least two of the following subject areas: Air quality, water quality, or hazardous waste management;

(iii) The existence within the industry type of a range of business sizes; and

(iv) Voluntary participation in the program.

(2) Not later than January 1, 1997, the department shall submit to the governor and the appropriate standing committees of the legislature:

(a) A report evaluating the pilot multimedia program. The report shall consider the program's effect on the efficiency and effectiveness of program delivery and shall evaluate the feasibility of expanding the program to other industry types; and

(b) A report analyzing the feasibility of a facility-wide permit program.

(3) In developing the program, the department shall consult with and seek the cooperation of the environmental protection agency.

(4) For purposes of this section, "facility-wide permit" means a single multimedia permit issued by the department to the owner or operator of a facility incorporating the permits and any other relevant department approvals previously issued to the owner or operator or currently required by the department."

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

On page 2, after line 16, insert the following:

NEW SECTION. Sec. 2. The purpose of sections 2 through 6 of this act is to establish a pilot program to encourage environmental permit program efficiency and pollution prevention through increased private sector participation in the preparation of wastewater discharge permits and performance of wastewater discharge permit compliance assurance activities currently administered by the department of ecology.

The legislature recognizes that pollution prevention can often be accomplished through cooperative partnerships between government and industry and through voluntary changes in industrial production methods. By utilizing expertise available in the private sector, the pilot program provided for in sections 2 through 6 of this act is intended to reduce the backlog of expired wastewater discharge permits and increase the frequency of compliance assurance activities in order to better protect the water quality of the state.

The legislature intends that the pilot program be implemented without an increase in government expenditures. The legislature also intends that the pilot program be implemented through the use of technical assistance and administrative guidelines. It is not the intent of this act to authorize additional rule making.

The provisions in this act do not affect the authority of the department to bring enforcement actions, nor do they affect provisions in existing law for public participation and rights of appeal of permit decisions.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) For the period beginning July 1, 1994, and ending July 1, 1996, the department shall conduct a pilot program to test the feasibility and effectiveness of allowing certain industries which require a permit, renewal, or modification under RCW 90.48.260 to submit a draft permit and fact sheet in lieu of an application form.

(2) In implementing the pilot program, the department shall:

(a) Establish criteria for types of applicants that are eligible to submit draft permits and fact sheets. Such criteria shall include:

(i) Consideration of the applicant's compliance history; and

(ii) The potential for the industry to serve as a model for increased private sector participation in permit preparation;

(b) Develop guidelines specifying the elements of a complete draft permit and fact sheet;

(c) Make available a list of approved contractors with whom applicants may contract for draft permit preparation; and

(d) Document cost and time savings resulting from draft permit preparation by applicants and reflect these savings in the next revision of permit fees for such applicants. Any reduction in fees for permittees participating in the pilot program shall not cause an increase in fees for other permittees.

Nothing in this section affects the requirements for public participation and right of appeal under RCW 90.48.260 and chapter 43.21B RCW. The department shall retain full authority under this chapter to approve, modify, or disapprove any draft permit or fact sheet submitted under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW to read as follows:

(1) Beginning July 1, 1994, and ending July 1, 1996, the department shall conduct a pilot program to test the feasibility and effectiveness of allowing industrial permittees to contract with private consultants for the performance of annual compliance inspections required of major dischargers under federal law. As part of the program, the department shall allow at least ten major dischargers to contract directly with a consultant identified pursuant to subsection (2) of this section for the performance of annual compliance inspections.

(2) The department shall:

(a) Upon request of a permittee, approve individual permittees who are eligible to hire contractors for compliance inspections. In making this determination, the department shall consider the permittee's compliance history and the potential for the facility to serve as a model for private sector cooperation in pollution prevention;

(b) Make available a list of approved contractors with whom permittees may contract for compliance inspections. Before receiving approval from the department, such firms shall sign an agreement with the department stating that: (i) They will be available to participate in any legal proceedings that may arise as a result of conducting such inspections for four years after the inspection; and (ii) they will not accept employment for purposes other than conducting inspections with any firm they or their business have inspected for four years after the final report of the inspection; and

(c) Document the time and cost savings resulting from privately contracted inspections and reflect these savings in the next revision of permit fees for such permittees. Any reduction in fees for permittees participating in the pilot program shall not cause an increase in fees for other permittees.

(3) To be eligible under this section, the discharger shall agree that the information obtained as part of compliance inspections contracted pursuant to this section shall not be subject to attorney-client privilege. The report of such inspections shall be submitted concurrently to both the permittee and the department.

(4) Nothing in this section affects the authority of the department to bring enforcement actions under this chapter.

NEW SECTION. Sec. 5. By July 1, 1995, the department shall provide an interim report to the legislature evaluating the effectiveness of the pilot program authorized in sections 3 and 4 of this act. A final report shall be submitted by December 1, 1996.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned."

MOTION

Senator Franklin moved that the following amendment by Senators Franklin, Talmadge, Fraser, Prentice and Pelz be adopted:

On page 2, line 16, after "department" insert the following:

"NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 4 of this act.

(1) "Environmental facility" means a facility that has:

(a) Reported under the toxic release inventory (section 313) of the federal emergency planning and community right-to-know act (P.L. 99-499, Title III); or

(b) Been placed on the hazardous sites list, as maintained by the department of ecology, pursuant to RCW 70.105D.030;

or

(c) Interim status or a final permit from either the department of ecology or the environmental protection agency as a treatment, storage, or disposal facility.

(2) "Low-income community" means any census tract or subdivision thereof in which thirty percent or more of the population lives below the federal poverty level.

(3) "Minority community" means any census tract or subdivision thereof that includes twenty-five percent or more of any racial or ethnic group.

(4) "Toxic chemicals" means any substance reported under the toxic release inventory (section 313) of the federal emergency planning and community right-to-know act (P.L. 99-499, Title III) on the effective date of this section.

(5) "Tract" means any census tract or block numbering area identified and designated in the state by the United States census bureau in the latest census available.

NEW SECTION. Sec. 3. By June 30, 1995, the department of ecology and the department of health shall jointly prepare a report to the legislature providing information on the distribution of reported toxic chemical releases and environmental facilities in relation to minority and low-income census tracts. The report shall include the following elements:

(1) A breakdown of the population by race and ethnicity, and the percentage of persons below the federal poverty level for each census tract;

(2) A survey indicating the location and types of permitted environmental facilities located within each census tract in the state;

(3) A list of tracts ranked in order of the amount of toxic chemicals released during the most recent five years based on information reported in the toxic release inventory required under the federal emergency planning and community right-to-know act. For the purposes of this study, the fifty tracts with the highest total toxic releases shall be referred to as "environmental high impact areas"; and

(4) Recommendations on further studies and/or actions that could be taken by the legislature or the departments of ecology and health to address environmental equity concerns.

NEW SECTION. Sec. 4. The study authorized under section 3 of this act shall not apply to toxic substances releases or environmental facilities associated with agricultural operations, including those that use, store, or dispose of pesticides or herbicides."

POINT OF ORDER

Senator Amondson: "I would like to raise the scope and object on this amendment. On New Section 3, as I understand the bill, the bill is to establish a multimedia program for pollution prevention and Section 3 expands the scope with respect to a survey indicating the location and types of permitted environmental facilities located within each census tract in the state. New Section 4 says that it does not apply to agricultural operations, but it would apply to ports and other facilities, so I think it does expand the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 1743.

MOTION

At 9:40 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:32 a.m. by President Pritchard.

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

REPORTS OF STANDING COMMITTEES

March 2, 1994

SB 6608 Prime Sponsor, Senator Rinehart: Relating to the business and occupation taxation of moneys received by health and social welfare organizations from governmental entities for health or social welfare services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6608 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1994

SHB 2235 Prime Sponsor, House Committee on Revenue: Clarifying the business and occupation tax on periodicals and magazines. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1994

SHB 2341 Prime Sponsor, House Committee on Revenue: Exempting from the sales tax certain personal services provided by nonprofit youth organizations and government agencies. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1994

ESHB 2663 Prime Sponsor, House Committee on Revenue: Providing tax credits and deferrals for high-technology businesses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bluechel, Gaspard, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1994

EHB 2664 Prime Sponsor, Representative Springer: Modifying provisions for tax deferrals for investment projects in distressed areas. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Pelz, Snyder, Spanel, Sutherland and West.

Passed to Committee on Rules for second reading.

March 2, 1994

EHB 2670 Prime Sponsor, Representative G. Fisher: Increasing senior citizen property tax relief. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1994

SHB 2671 Prime Sponsor, House Committee on Revenue: Reducing gross receipts taxes for small businesses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, Moyer, Pelz, Sutherland and Williams.

Passed to Committee on Rules for second reading.

March 2, 1994

E2SHB 2798 Prime Sponsor, House Committee on Appropriations: Making major changes to the welfare system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Quigley, Vice Chair; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Roach, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

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

MESSAGES FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed:
ENGROSSED SENATE BILL NO. 5692,
SENATE BILL NO. 6141,
SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6195,
SENATE BILL NO. 6215,
SENATE BILL NO. 6254,
SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6371,
ENGROSSED SENATE BILL NO. 6404,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6461,
SUBSTITUTE SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6561, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 2, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 6481,
SENATE BILL NO. 6491,
SUBSTITUTE SENATE BILL NO. 6492,
SUBSTITUTE SENATE BILL NO. 6505,
SENATE BILL NO. 6582,
SECOND SUBSTITUTE SENATE JOINT MEMORIAL NO. 8003,
SENATE JOINT MEMORIAL NO. 8013,
SENATE JOINT MEMORIAL NO. 8027, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 2, 1994

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8422, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5692,
SENATE BILL NO. 6141,
SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6195,
SENATE BILL NO. 6215,
SENATE BILL NO. 6254,
SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6371,
ENGROSSED SENATE BILL NO. 6404,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6461,
SUBSTITUTE SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6561.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6481,
SENATE BILL NO. 6491,
SUBSTITUTE SENATE BILL NO. 6492,
SUBSTITUTE SENATE BILL NO. 6505,
SENATE BILL NO. 6582,
SECOND SUBSTITUTE SENATE JOINT MEMORIAL NO. 8003,
SENATE JOINT MEMORIAL NO. 8013,
SENATE JOINT MEMORIAL NO. 8027,
SENATE CONCURRENT RESOLUTION NO. 8422.

There being no objection, the President advanced the Senate to the sixth order of business.
There being no objection, the Senate resumed consideration of Substitute House Bill No. 1743 and the pending amendment by Senators Franklin, Talmadge, Fraser, Prentice and Pelz on page 2, line 16, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Amondson, the President finds that Substitute House Bill No. 1743 is a measure which establishes pilot programs in the Department of Ecology for pollution prevention for specified industries and improved efficiency for wastewater discharge permits.

"The amendment proposed by Senators Franklin, Talmadge, Fraser, Prentice and Pelz on page 2, line 16, would direct the Departments of Health and Ecology to conduct a joint study on the relationship of toxic waste discharges and minority and low-income census tracts.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Franklin, Talmadge, Fraser, Prentice and Pelz on page 2, line 16, to Substitute House Bill No. 1743 was ruled out of order.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "adding a new section to chapter 70.95C RCW; adding new sections to chapter 90.48 RCW; and creating new sections."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1743, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Drew, Senators Gaspard, Loveland and Snyder were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1743, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1743, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Gaspard, Loveland, Rinehart and Snyder - 4.

SUBSTITUTE HOUSE BILL NO. 1743, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2629, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Appelwick, Campbell, Sommers, Edmondson and Dorn)

Revising the definition of junk vehicle.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild and Nelson was adopted:

On page 5, after line 15, insert the following:

"Sec. 3. RCW 46.63.030 and 1987 c 66 s 2 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; or

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120 an officer shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle."

Senator Erwin moved that the following amendment be adopted:

On page 5, after line 15, insert the following:

"NEW SECTION. Sec. 3. (1) The legislature recognizes that (a) some significantly damaged vehicles are being rebuilt and sold to the public in an unsafe condition; (b) buyers of used vehicles have a right to know if a vehicle has sustained significant damage as the result of a collision or other occurrence; (c) vehicle and part numbers from significantly damaged vehicles are being used to market stolen vehicles and parts; and (d) the federal government may require states to conform to a uniform system of titling and registration under the federal Anti-Car Theft Act of 1992.

(2) The department of licensing, in cooperation with the state patrol, representatives of industries engaged in selling or buying significantly damaged vehicles, and representatives of other appropriate groups, shall develop a plan for unique titling and registration of significantly damaged vehicles and propose any other measures that are consistent with federal requirements and address the issues identified in subsection (1) of this section. The plan and any proposals shall be submitted to the legislative transportation committee by November 15, 1994.

Sec. 4. RCW 46.12.050 and 1993 c 307 s 1 are each amended to read as follows:

The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of ownership thereof in the applicant's name, shall issue an appropriate electronic record of ownership or a written certificate of ownership, over the director's signature, authenticated by seal, and if required, a new written certificate of license registration if certificate of license registration is required.

The certificates of ownership and the certificates of license registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it ~~((is less than four years old and))~~ has been rebuilt after having been ~~((totaled out by an insurance carrier))~~ reported to the department as a total loss, such fact shall be clearly shown thereon.

All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a transfer of ownership.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

NEW SECTION. Sec. 5. A new section is added to chapter 46.12 RCW to read as follows:

It is a misdemeanor for a person to sell or convey a vehicle certificate of ownership except in conjunction with the sale or transfer of the vehicle for which the certificate was originally issued.

Sec. 6. RCW 46.12.310 and 1975-76 2nd ex.s. c 91 s 2 are each amended to read as follows:

(1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, ~~((there being reasonable grounds to believe that such was done for the purpose of concealing or misrepresenting identity, shall))~~ may be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or articles, the

requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles.

Sec. 7. RCW 46.80.005 and 1977 ex.s. c 253 s 1 are each amended to read as follows:

The legislature finds and declares that the distribution and sale of vehicle parts in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare and in the exercise of its police power, it is necessary to regulate and license ((motor)) vehicle wreckers and dismantlers, the buyers-for-resale, and the sellers of second-hand vehicle components doing business in Washington, in order to prevent the sale of stolen vehicle parts, to prevent frauds, impositions, and other abuses, and to preserve the investments and properties of the citizens of this state.

Sec. 8. RCW 46.80.010 and 1977 ex.s. c 253 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "~~(Motor)~~ Vehicle wrecker~~((s))~~" ~~((whenever used in this chapter, shall))~~ means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of ~~((any motor))~~ a vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or in part, or who deals in second-hand ~~((motor))~~ vehicle parts. (2) "Established place of business~~((s))~~" ~~((whenever used in this chapter, shall))~~ means a building or enclosure which the ~~((motor))~~ vehicle wrecker occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with zoning regulations.

(3) "Major component part"~~((whenever used in this chapter, shall))~~ includes at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; ~~((and))~~ (l) bumper; ~~and~~ (m) fender. The director may supplement this list by rule.

(4) "Wrecked vehicle"~~((whenever used in this chapter, shall))~~ means a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state.

Sec. 9. RCW 46.80.020 and 1979 c 158 s 192 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for ~~((any motor))~~ a vehicle wrecker~~((, as defined herein,))~~ to engage in the business of wrecking ~~((motor))~~ vehicles ~~((or trailers))~~ without having first applied for and received a license from the department of licensing authorizing ~~((him))~~ the wrecker so to do. A person or firm engaged in the unlawful activity is guilty of a gross misdemeanor. A second or subsequent offense is a class C felony.

Sec. 10. RCW 46.80.040 and 1971 ex.s. c 7 s 3 are each amended to read as follows:

~~((Such))~~ The application, together with a fee of twenty-five dollars, and a surety bond as ~~((hereinafter))~~ provided in RCW 46.80.070, shall be forwarded to the department. Upon receipt of the application the department shall, if the application ~~((be))~~ is in order, issue a ~~((motor))~~ vehicle wrecker's license authorizing ~~((him))~~ the wrecker to do business as such and forward the fee~~((, together with an itemized and detailed report,))~~ to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in ~~((his))~~ the place of business, where it may be inspected by an investigating officer at any time.

Sec. 11. RCW 46.80.050 and 1985 c 109 s 7 are each amended to read as follows:

A license issued on this application ~~((shall))~~ remains in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ten dollars. ~~((Any motor))~~ A vehicle wrecker who fails or neglects to renew ~~((his))~~ the license before the assigned expiration date shall ~~((be required to))~~ pay the fee for an original ~~((motor))~~ vehicle wrecker license as provided in this chapter.

Whenever a ~~((motor))~~ vehicle wrecker ceases to do business as such or ~~((his))~~ the license has been suspended or revoked, ~~((he))~~ the wrecker shall immediately surrender ~~((such))~~ the license to the department.

Sec. 12. RCW 46.80.060 and 1961 c 12 s 46.80.060 are each amended to read as follows:

The ~~((motor))~~ vehicle wrecker shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles ~~((which shall))~~. The special plates must be displayed on vehicles owned and/or operated by ~~((him))~~ the wrecker and used in the conduct of ~~((his))~~ the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

Sec. 13. RCW 46.80.070 and 1977 ex.s. c 253 s 5 are each amended to read as follows:

Before issuing a ~~((motor))~~ vehicle wrecker's license, the department shall require the applicant to file with ~~((said))~~ the department a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. ~~((Such))~~ The bond shall be approved as to form by the attorney general and conditioned that ~~((such))~~ the wrecker shall conduct ~~((his))~~ the business in conformity with the provisions of this chapter. Any person who ~~((shall have))~~ has suffered any loss or damage by reason of fraud, carelessness, neglect, violation of the terms of this chapter, or misrepresentation on the part of the wrecking company, ~~((shall have the right to))~~ may institute an action for recovery against ~~((such motor))~~ the vehicle wrecker and surety upon ~~((such))~~ the bond~~((--PROVIDED, That))~~. However, the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Sec. 14. RCW 46.80.080 and 1977 ex.s. c 253 s 6 are each amended to read as follows:

(1) Every ~~((motor))~~ vehicle wrecker shall maintain books or files in which ~~((he))~~ the wrecker shall keep a record and a description of:
(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by ~~((him))~~ the wrecker; and
(b) Every major component part acquired by ~~((him))~~ the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom ~~((he))~~ the wrecker purchased the vehicle or part~~((--PROVIDED, That))~~. Major component parts shall be further identified by the vehicle identification number of the vehicle from which the part came.
(2) ~~((Such))~~ The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle ~~((which))~~ that is the source of a major component part:
(a) The certificate of title number (if previously titled in this or any other state);
(b) Name of state where last registered;
(c) Number of the last license number plate issued;
(d) Name of vehicle;
(e) Motor or identification number and serial number of the vehicle;
(f) Date purchased;
(g) Disposition of the motor and chassis;
(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part;

and

(i) Such other information as the department may require.

(3) ~~((Such))~~ The records shall also contain a bill of sale signed by the seller for other minor component parts acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) ~~((Such))~~ The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

(5) ~~((Such record shall be))~~ The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

(6) A ~~((motor))~~ vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

(7) Failure to comply with this section is a gross misdemeanor.

Sec. 15. RCW 46.80.090 and 1979 c 158 s 194 are each amended to read as follows:

Within thirty days after acquiring a vehicle ~~((has been acquired by the motor vehicle wrecker it shall be the duty of such motor))~~, the vehicle wrecker ~~((to))~~ shall furnish a written report to the department ~~((on forms furnished by the department))~~. This report shall be in such form as the department shall prescribe and shall be accompanied by ~~((the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title))~~ evidence of ownership as determined by the department. No ~~((motor))~~ vehicle wrecker ~~((shall))~~ may acquire a vehicle without first obtaining ~~((such record or title. It shall be the duty of the motor))~~ evidence of ownership as determined by the department. The vehicle wrecker ~~((to))~~ shall furnish a monthly report of all acquired vehicles ~~((wrecked, dismantled, disassembled, or substantially changed in form by him))~~. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the ~~((motor))~~ vehicle wrecker or ~~((his))~~ an authorized representative and the facts therein sworn to before a notary public, or before an officer or employee of the department ~~((of licensing))~~ designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180.

Sec. 16. RCW 46.80.100 and 1977 ex.s. c 253 s 8 are each amended to read as follows:

If, after issuing a ~~((motor))~~ vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the department shall immediately notify the principal covered by ~~((such))~~ the bond by ~~((registered))~~ certified mail and afford ~~((him))~~ the principal the opportunity of obtaining another bond before the termination of the original ~~((and should such)).~~ If the principal fails, neglects, or refuses to obtain ((such)) a replacement, the director may cancel or suspend the ~~((motor))~~ vehicle wrecker's license ~~((which has been issued to him under the provisions of this chapter)).~~

Sec. 17. RCW 46.80.110 and 1989 c 337 s 17 are each amended to read as follows:

(1) The director or a designee may, pursuant to the provisions of chapter 34.05 RCW, by order deny, suspend, or revoke the license of ((any motor)) a vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if the director finds that the applicant or licensee has:

~~((4))~~ (a) Acquired a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;

~~((2))~~ (b) Willfully misrepresented the physical condition of any motor or integral part of a ~~((motor))~~ vehicle;

~~((3))~~ (c) Sold, had in ~~((his))~~ the wrecker's possession, or disposed of a ~~((motor))~~ vehicle ~~((or trailer))~~ or any part thereof when he or she knows that ~~((such))~~ the vehicle or part has been stolen, or appropriated without the consent of the owner;

~~((4))~~ (d) Sold, bought, received, concealed, had in ~~((his))~~ the wrecker's possession, or disposed of a ~~((motor))~~ vehicle ~~((or trailer))~~ or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

~~((5))~~ (e) Committed forgery or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

~~((6))~~ (f) Committed any dishonest act or omission ~~((which))~~ that the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a ~~((motor))~~ vehicle ~~((or trailer))~~ or part thereof;

~~((7))~~ (g) Failed to comply with any of the provisions of this chapter or with any of the rules adopted under it, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

~~((8))~~ (h) Procured a license fraudulently or dishonestly ~~((or that such license was erroneously issued));~~

~~((9))~~ (i) Been convicted of a crime that directly relates to the business of a vehicle wrecker and the time elapsed since conviction is less than ten years, or suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, conviction means in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended.

(2) In addition to actions by the department under this section, it is a gross misdemeanor to violate subsection (1) (a) through (e) or (h) of this section.

NEW SECTION. Sec. 18. A new section is added to chapter 46.80 RCW to read as follows:

If a person whose license has previously been canceled for cause by the department files an application for a license to conduct business as a vehicle wrecker, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department may refuse to issue the person a license to conduct business as a vehicle wrecker.

Sec. 19. RCW 46.80.130 and 1971 ex.s. c 7 s 9 are each amended to read as follows:

(1) It ((shall be)) is unlawful for ~~((any motor))~~ a vehicle wrecker to keep ~~((any motor))~~ a vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department.

(2) All premises containing ((such motor)) vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department ((shall have the right to)) may establish specifications or standards for ((said)) the fence or wall ~~((PROVIDED, HOWEVER, That such)).~~ The wall or fence shall be painted or stained a neutral shade ~~((which shall))~~ that blends in with the surrounding premises, and ~~((that such))~~ the wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of ~~((such))~~ the hedge shall be replaced.

(3) Beginning July 1, 1995, vehicles and parts may be displayed outside the fence or building during business hours if the display is not in conflict with applicable county or city regulations.

(4) Violation of subsection (1) or (3) of this section is a gross misdemeanor.

Sec. 20. RCW 46.80.150 and 1983 c 142 s 9 are each amended to read as follows:

It shall be the duty of the chiefs of police, or the Washington state patrol, in cities having a population of over five thousand persons, and in all other cases the Washington state patrol, to make periodic inspection of the ~~((motor))~~ vehicle wrecker's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department in such manner as may be determined by the department ~~((PROVIDED, That the above inspection))~~ In any instance ((can be made by)), an authorized representative of the department may make the inspection.

Sec. 21. RCW 46.80.160 and 1961 c 12 s 46.80.160 are each amended to read as follows:

Any municipality or political subdivision of this state ~~((which))~~ that now has or subsequently makes provision for the regulation of ~~((automobile))~~ vehicle wreckers shall comply strictly with the provisions of this chapter.

Sec. 22. RCW 46.80.170 and 1977 ex.s. c 253 s 11 are each amended to read as follows:

~~((It shall be))~~ Unless otherwise provided in this chapter, it is a ((gross)) misdemeanor for any person to violate any of the provisions of this chapter or the rules ~~((and regulations promulgated as provided))~~ adopted under this chapter ~~((and any person so convicted shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars)).~~

NEW SECTION. Sec. 23. A new section is added to chapter 46.80 RCW to read as follows:

(1) If it appears to the director that an unlicensed person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. The director shall give the person reasonable notice of and opportunity for a hearing. The director may issue a temporary order pending a hearing. The temporary order remains in effect until ten days after the hearing is held and becomes final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

(2) The director may assess a fine of up to one thousand dollars with the final order for each act or practice constituting a violation of this chapter.

NEW SECTION. Sec. 24. A new section is added to chapter 46.80 RCW to read as follows:

The department of licensing or its authorized agent may examine or subpoena any persons, books, papers, records, data, vehicles, or vehicle parts bearing upon the investigation or proceeding under this chapter.

The persons subpoenaed may be required to testify and produce any books, papers, records, data, vehicles, or vehicle parts that the director deems relevant or material to the inquiry.

The director or an authorized agent may administer an oath to the person required to testify, and a person giving false testimony after the administration of the oath is guilty of perjury in the first degree.

A court of competent jurisdiction may, upon application by the director, issue to a person who fails to comply, an order to appear before the director or officer designated by the director, to produce documentary or other evidence touching the matter under investigation or in question.

Sec. 25. RCW 46.80.900 and 1977 ex.s. c 253 s 13 are each amended to read as follows:

The provisions of this chapter shall be liberally construed to the end that traffic in stolen vehicle parts may be prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of wrecking ((møter)) vehicles or selling used vehicle parts in this state and reliable persons may be encouraged to engage in businesses of wrecking or reselling vehicle parts in this state.

NEW SECTION. Sec. 26. RCW 46.80.055 and 1985 c 109 s 8 are each repealed."

POINT OF ORDER

Senator Vognild: "Mr. President, I rise to the question of scope and object. The bill that we are dealing with is a bill that deals totally with junk vehicles. In fact, the requirements within the bill are that they are junk and cannot be used for any other purpose. The amendment by Senator Erwin deals with what you do with significant damaged vehicles. It talks about how you use the parts, how can you repair them, how can you title them. In other words, the amendment is an amendment that deals with wrecked vehicles and the bill deals with junk vehicles. There is a major difference between those two factors. Junk vehicles are just that. They are a nuisance, they are an eyesore and they are something that people can't get rid of. Wrecked vehicles have value and one of the pieces in the bill is that the junk vehicle must not have any value."

MOTION

On motion of Senator Erwin, and there being no objection, the amendment on page 5, after line 15, to Substitute House Bill No. 2629 was withdrawn.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted;

On line 1 of the title, after "46.55.010" strike "and 46.55.240" and insert ", 46.55.240, and 46.63.030."

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2629, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Nelson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2629, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2629, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Roach - 1.

Excused: Senators Gaspard, Nelson, Rinehart and Snyder - 4.

SUBSTITUTE HOUSE BILL NO. 2629, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2327, by Representatives Jacobsen, Brumsickle, Quall, Basich, Ogden, Kessler, Mastin, Wood, Casada, Shin, Orr, Rayburn, Romero and Anderson

Requiring appropriate services for disabled students at institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed House Bill No. 2327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2327.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2327 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Smith, L. - 1.

Excused: Senators Gaspard, Nelson, Rinehart and Snyder - 4.

ENGROSSED HOUSE BILL NO. 2327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2540, by House Committee on Corrections (originally sponsored by Representatives Long, Appelwick, Morris, Johanson, Padden, Brough, Sheahan, B. Thomas, Dyer, Brumsickle, Kremen, Forner, Springer and Reams)

Releasing information concerning sex offenders.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2540.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2540 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Smith, L. - 1.

Excused: Senators Gaspard, Nelson, Rinehart and Snyder - 4.

SUBSTITUTE HOUSE BILL NO. 2540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2508, by Representatives Dellwo, Dyer and L. Johnson (by request of Department of Health)

Modifying the health professional temporary resource pool.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 2508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2508.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2508 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Owen - 1.

Excused: Senators Gaspard and Snyder - 2.

HOUSE BILL NO. 2508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:46 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8679

By Senators Talmadge, Bauer, Rinehart, Williams, Drew, Spanel, Snyder, A. Smith, Ludwig, Loveland, McAuliffe, Franklin, Haugen, Hargrove, Owen, Vognild, Moore and McDonald

WHEREAS, Patrick Fitzsimons has been Chief of Police in Seattle since 1979; and

WHEREAS, Chief Fitzsimons is retiring after fifteen years as police chief; and

WHEREAS, The average tenure for a police chief in a major United States city is only three and one-half years; and

WHEREAS, Chief Fitzsimons' tenure as Chief of Police in Seattle is the longest in the city's history; and

WHEREAS, Chief Fitzsimons is credited with creating a police force that is recognized as one of the best in the nation;

and

WHEREAS, Chief Fitzsimons is respected for innovations like the bicycle patrol and community policing and his work at the national level of police organizations; and

Seattle; WHEREAS, Chief Fitzsimons has participated in church and community groups, not just as police chief but as a citizen of

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Patrick Fitzsimons for his accomplishments as Chief of Police in Seattle; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Chief Fitzsimons.

Senators Talmadge, Moore and McDonald spoke to Senate Resolution 1994-8679.

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

MOTION

On motion of Senator Bluechel, Senator Amondson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2760, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Zellinsky, Schmidt, Wood, Sheldon, R. Meyers, Jones, Sehlin and Kessler)

Authorizing sales tax equalization for transit systems.

The bill was read the second time.

MOTIONS

Senator Vognild moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.44.150 and 1993 c 491 s 2 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and section 2 of this act.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under section 2 of this act; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under section 2 of this act.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under section 2 of this act. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and section 2 of this act shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

Beginning with distributions made to municipalities under RCW 82.44.150 on January 1, 1996, municipalities as defined in RCW 35.58.272 imposing local transit taxes, which for purposes of this section include the sales and use tax under RCW 82.14.045, the business and occupation tax

under RCW 35.95.040, and excise taxes under RCW 35.95.040, shall be eligible for sales and use tax equalization payments from motor vehicle excise taxes distributed under RCW 82.44.150 as follows:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each municipality imposing local transit taxes and the state-wide weighted average per capita level of sales and use tax revenues imposed under chapters 82.08 and 82.12 RCW, for the previous calendar year calculated for a tax rate of one-tenth percent. The actual tax rate for local transit taxes collected under RCW 82.14.045 shall be the sales and use tax rate. The actual tax rate for local transit taxes collected under RCW 35.95.040 shall be the sales and use tax rate that would generate an amount of revenue equivalent to the amount collected under RCW 35.95.040, or six-tenths percent, whichever is less.

(2) For each tenth of one percent of local transit taxes the state treasurer shall apportion to each municipality receiving less than eighty percent of the state-wide weighted average per capita level of sales and use tax revenues imposed under chapters 82.08 and 82.12 RCW as determined by the department of revenue under subsection (1) of this section, an amount when added to the per capita level of revenues received the previous calendar year by the municipality, to equal eighty percent of the state-wide weighted average per capita level of revenues determined under subsection (1) of this section. In no event may the sales and use tax equalization distribution to a municipality in a single calendar year exceed fifty percent of the amount of local transit taxes collected during the prior calendar year.

(3) For a municipality established after January 1, 1995, sales and use tax equalization distributions shall be made according to the procedures in this subsection. Sales and use tax equalization distributions to eligible new municipalities shall be made at the same time as distributions are made under subsection (2) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new municipality has received a full year's worth of revenues as of the January sales and use tax equalization distribution.

(a) Whether a newly established municipality determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October sales and use tax equalization distribution shall depend on the date the system first imposes local transit taxes.

(i) A newly established municipality imposing local transit taxes taking effect during the first calendar quarter shall be eligible to receive funds under this subsection beginning with the July sales and use tax equalization distribution of that year.

(ii) A newly established municipality imposing local transit taxes taking effect during the second calendar quarter shall be eligible to receive funds under this subsection beginning with the October sales and use tax equalization distribution of that year.

(iii) A newly established municipality imposing local transit taxes taking effect during the third calendar quarter shall be eligible to receive funds under this subsection beginning with the January sales and use tax equalization distribution of the next year.

(iv) A newly established municipality imposing local transit taxes taking effect during the fourth calendar quarter shall be eligible to receive funds under this subsection beginning with the April sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new municipality should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from local transit taxes that the new municipality would have received had the municipality received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (2) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the local transit taxes are imposed.

(c) The department of revenue shall advise the state treasurer of the amounts calculated under (b) of this subsection and the state treasurer shall distribute these amounts to the new municipality from the motor vehicle excise tax distributed under RCW 82.44.150(2)(d).

(d) Revenues estimated under this subsection shall not affect the calculation of the state-wide weighted average per capita level of revenues for all municipalities made under subsection (1) of this section.

(4) For an existing municipality imposing local transit taxes to take effect after January 1, 1995, sales and use tax equalization payments shall be made according to the procedures for newly established municipalities in subsection (3) of this section.

(5) A municipality that reduces the rate of local transit taxes after January 1, 1994, may not receive distributions under this section."

On motion of Senator Vognild, the following amendments to the Committee on Transportation striking amendment were considered simultaneously and were adopted:

On page 5, line 13 of the amendment, strike ", or six-tenths percent, whichever is less"

On page 5, line 24 of the amendment, after "exceed" insert "(i)"

On page 5, line 25 of the amendment, after "year" insert ", or (ii) the maximum amount of sales and use tax that could have been collected at a sales and use tax rate of three-tenths percent in the prior calendar year"

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Substitute House Bill No. 2760.

The motion by Senator Vognild carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 82.44.150; and adding a new section to chapter 82.14 RCW."

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2760, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2760, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2760, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Morton, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Cantu, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Roach, Schow, Sellar, Smith, L. and West - 12.

Absent: Senator Rinehart - 1.

Excused: Senator Amondson - 1.

SUBSTITUTE HOUSE BILL NO. 2760, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6601, by Senators Gaspard, Sellar, Quigley, Rinehart, Oke, Winsley, Ludwig, Drew, Franklin, Skratek and M. Rasmussen

Providing for government performance and accountability.

The bill was read the second time.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 2, after line 13, insert the following:

"NEW SECTION. Sec. 2. (1) The state auditor shall undertake a comprehensive, state-wide performance audit of state agencies and programs, services, and activities operated by those agencies. For the purposes of this section, "state agency" includes a board, commission, department, committee, institution, agency, or office within the legislative, executive, and judicial branch of state government, including any institution of higher education.

(2) The audit must include:

(a) An evaluation of the efficiency with which state agencies operate the programs under their jurisdictions and fulfill the duties assigned to them by law;

(b) A determination of methods to maximize the amount of federal funds received by the state in order to better ensure that the people of Washington receive a greater share of the taxes levied on them by the federal government;

(c) Identification of potential cost savings and of any state agency or any program or service now offered by an agency that can be eliminated or transferred to the private sector without injury to the public good and well-being;

(d) Recommendations for the elimination of or reduction in funding to various agencies, programs, or services based on the results of the performance audit; and

(e) Analysis of gaps and overlaps in programs offered by state agencies and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps.

(3) The state auditor may require any state agency to provide information required for completion of the audit, and each state agency shall fully and completely cooperate with the state auditor for the purposes of this section.

(4) The office of the state auditor shall provide the staff necessary for the audit. The state auditor shall involve private sector auditors in conducting the audit, and may contract with private sector auditors for that purpose.

(5) The state auditor shall solicit suggestions for improving government performance from both front-line public employees and government service recipients in the conduct of the audit. The state auditor shall establish a toll-free telephone number at which the public may make suggestions and report government waste, in order to aid the identification of both waste and innovation.

(6) The state auditor shall present an audit work plan to the legislative budget committee within sixty days of the effective date of this act. The state auditor shall present the audit report to the legislature and the governor by December 1, 1995.

Sec. 3. RCW 43.88.160 and 1993 c 500 s 7, 1993 c 406 s 4, and 1993 c 194 s 6 are each reenacted and amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(h) Adopt rules to effectuate provisions contained in (a) through (g) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance audits (only as expressly authorized by the legislature in the omnibus biennial appropriations acts). A performance audit for the purpose of this section is ~~((the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature))~~ an audit that determines the following: Whether a government entity is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; whether the entity has complied with laws and rules applicable to the program; the extent to which the desired results or benefits established by the legislature are being achieved; and the effectiveness of organizations, programs, activities, or functions. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW, may report to the legislative budget committee or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee, on facts relating to the management or performance of governmental programs ~~((where such facts are discovered incidental to the legal and financial audit. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts)).~~

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 4. RCW 43.88.090 and 1993 c 406 s 3 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates

for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates shall include consideration of recommendations made by the state auditor pursuant to a performance audit of the agency.

(2) It is the policy of the state that each state agency define its mission and establish measurable goals for achieving desirable results for those who receive its services. This section shall not be construed to require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. State agencies should involve affected groups and individuals in developing their missions and goals.

(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives shall be consistent with the missions and goals developed under this section. The objectives shall be expressed to the extent practicable in outcome-based, objective, and measurable form unless permitted by the office of financial management to adopt a different standard.

(4) In concert with legislative and executive agencies, the office of financial management shall develop a plan for using these outcome-based objectives in the evaluation of agency performance for improved accountability of state government. Any elements of the plan requiring legislation shall be submitted to the legislature no later than November 30, 1994.

(5) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 2, after line 13, to Senate Bill No. 6601.

The motion by Senator Cantu failed and the amendment was not adopted.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 2, after line 13, insert the following:

"NEW SECTION. Sec. 2. It is the intent of the legislature that:

(1) All agencies, departments, offices of elective or appointed state officers, state institutions, colleges, universities, community colleges, technical colleges, college districts, public school districts, the supreme court, the court of appeals and any other entity receiving appropriations from the legislature deliver high quality services to the people of the state of Washington in the most efficient and cost-effective manner possible.

(2) The director of general administration, through the state purchasing and material control director established in RCW 43.19.180, be provided the highest level of flexibility in the purchase of all materials, supplies, services, and equipment necessary for the efficient support, maintenance, repair, and use of all agencies and departments under RCW 43.19.190.

(3) Primary deliberation regarding the purchase or delivery of services by state agencies, departments, and institutions focus upon strategies that foster cost controls and increased quality or service levels through the use of free market enterprise competition.

Sec. 3. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any department)) An agency, as defined in RCW 41.06.020, ((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract)) may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906.~~

NEW SECTION. Sec. 4. A new section is added to chapter 28A.400 RCW to read as follows:

Nothing in this chapter shall be construed as prohibiting the procurement or provision of nonacademic services. Directors of school districts may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1994."

POINT OF ORDER

Senator Gaspard: "Mr. President, I rise to a point of order to question the scope and object of the amendment as presented by Senator McDonald. The bill in front of us is a performance bill and I think that it does not directly or indirectly provide for contracting out of privatization, so I would ask for a ruling on scope and object."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 6601.

MOTION

On motion of Senator Anderson, Senator Cantu was excused.

SECOND READING

HOUSE BILL NO. 2849, by Representatives Linville and King

Exempting nonsalmon delivery license holders from United States residency requirements.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2849.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2849 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Amondson and Cantu - 2.

HOUSE BILL NO. 2849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6601 and the pending amendment by Senator McDonald on page 2, after line 13, deferred earlier today.

MOTION

On motion of Senator Gaspard, and there being no objection, the point of order on the amendment by Senator McDonald on page 2, after line 13, was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 2, after line 13, to Senate Bill No. 6601.

The motion by Senator McDonald failed and the amendment was not adopted.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard and Sellar be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. STATEMENT OF PURPOSE. The state of Washington expects to be the most effective and best performing state government in the United States, measured in terms of quality of customer service, accountability for cost-effective services, and productivity.

NEW SECTION. Sec. 2. STATEMENT OF INTENT. It is the intent of the governor and the legislature to accomplish the purpose of section 1 of this act through a commitment to continuous improvement of Washington state government and not through a one-time or short-term effort that would largely serve to redefine problems rather than identify solutions.

The governor, the legislature, and the public expect Washington state government to focus on the citizens of Washington as valued customers of state government. State government will accomplish what its citizens truly expect of it, and operate as its customers expect.

Washington state government will be a government where state employees are recognized as our most valuable improvement resource in solving problems and delivering quality services, where employees play the most significant role in developing and implementing strategies to accomplish the purposes of this chapter, and where people want to work and are proud to serve. Washington state government will place a high priority on investment in its employees and the systems necessary to support those people.

We will have a state government where, regardless of the different responsibilities assumed under the constitutional separation of powers, the governor and the legislature operate in partnership to improve the whole of state government, including themselves and their processes; where the governor and legislature act in partnership with state employees and employee organizations; and where all government officials and employees act in partnership with the citizens of Washington, who are the customers for state government.

Washington state government will have clear measures of performance that will result in quality customer service, accountability for cost-effective services, and improved productivity. Quality and performance standards will improve service delivery from all suppliers of government services.

NEW SECTION. Sec. 3. PERFORMANCE PARTNERSHIP COUNCIL--ESTABLISHED--POWERS AND DUTIES. (1) The Washington performance partnership council is established. The council shall consist of:

- (a) The governor;
- (b) The majority leader of the senate;
- (c) The speaker of the house of representatives;
- (d) The minority leader of the senate;
- (e) The minority leader of the house of representatives; and
- (f) Two state-wide elected officials to be appointed by the governor.

(2) To the extent necessary to accomplish the purposes of this chapter, the council shall meet monthly. The council shall invite the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations to attend and participate in the meetings of the council as necessary and appropriate. The council may also invite the chairs of other legislative committees to participate in meetings of the council.

(3) The governor, majority leader of the senate, and speaker of the house of representatives shall serve as co-chairs of the council.

(4) The council shall work in partnership to assure that the purposes and intent of this chapter are being met. The council shall establish clear expectations and measures of performance regarding implementation of the purpose and intent of this chapter. The council has decision-making

authority to authorize programs to accomplish the purposes of this chapter. The council will review recommendations from the operating committee established under section 4 of this act and make appropriate recommendations regarding statutory changes to the legislature.

(5) The council shall have the authority and responsibility to provide adequate resources to accomplish the objectives of this chapter, including the hiring of staff or the reassignment of existing staff. Decisions to reallocate existing staff from any agency shall be made only with the approval of the director of the agency.

(6) Within forty-five days of the effective date of this act, the council will appoint a full-time person to coordinate and facilitate the effort.

NEW SECTION. Sec. 4. PERFORMANCE PARTNERSHIP OPERATING COMMITTEE--ESTABLISHED--POWERS AND DUTIES. (1)

Within thirty days of the effective date of this act, the performance partnership council shall appoint the performance partnership operating committee, with no more than twelve members, comprised of:

- (a) The director of financial management;
- (b) Directors of state agencies, including independent agencies and agencies that report directly to the governor;
- (c) State employees and representatives of state employees;
- (d) Representatives of the legislature; and
- (e) Representatives of the private sector with expertise in organizational improvement strategies.

(2) Representatives of the private sector shall be appointed in equal number to representatives of the public sector. The director of financial management and a representative of the private sector, to be selected by the council, shall serve as cochair of the operating committee.

(3) The operating committee shall focus on the day-to-day operations of the improvement process and the allocation of necessary staff resources. The committee shall assure the planning, initiation, and implementation of the functions necessary to accomplish the purposes of this chapter, monitor assigned tasks, and consider and recommend short- and long-term improvement strategies to the performance partnership council.

(4) The operating committee shall ensure that the strategies and recommendations to accomplish the purposes of this chapter are developed primarily by front-line state employees and the customers of state government services. That assurance will be provided, in part, by facilitating work teams and design teams comprised of state employees, state employee organizations, customers, managers, legislators or legislative employees, and experts from outside government to develop the strategies and accomplish the tasks required under sections 5, 6, and 7 of this act.

(5) Within sixty days of the effective date of this act, the operating committee shall recommend to the council a work plan and budget to accomplish the purposes of this chapter, with particular detail regarding the first twelve months. The operating committee shall also develop a thorough and effective internal and external communication plan necessary to inform and activate the participants essential to the success of the effort.

NEW SECTION. Sec. 5. STATEMENT OF STRATEGIC INTENT. Working through the operating committee, the performance partnership council shall initiate a two-tracked process toward the long-term improvement of state government.

The first area of effort shall focus on clarifying and stating the strategic intent for Washington state government: What Washington state government should be doing at this current period in time. Included in the strategic intent for state government shall be a clear statement of the basic services that Washington state citizens desire, and the priorities and values which are centered on the customers of state government. The statement of intent, priorities, and values shall be developed within the context of revenue and expenditure limitations.

The council shall establish a process which effectively involves the customers and suppliers of state government services. The suppliers are primarily state employees, but might also include local government, private vendors of goods and services, and others as appropriate. The process shall be ongoing. The council shall prepare its initial statement of strategic intent for Washington state government by September 1, 1994, for recommendation to the 1995 legislature. The legislature shall either accept or reject, but cannot amend, the statement of strategic intent. The legislature shall take action on the initial recommendation by March 15, 1995. If the statement of strategic intent is not approved by the legislature, it shall be amended by the council and resubmitted.

The council shall recommend to the legislature an updated statement of strategic intent by September 1 of each even-numbered year for action by the legislature by March 15 in the following legislative session.

NEW SECTION. Sec. 6. IMPROVEMENT OF GOVERNMENT SERVICES--DESIGN TEAMS--INITIAL PROJECTS. (1) The second area of effort by the performance partnership council shall focus on continuous improvement of state government services by developing successful strategies to:

(a) Clearly identify the intended result of each state government service or program, and measure and communicate performance toward the intended result;

(b) Assess each activity and function of government to identify the value added toward the general strategic intent of state government and the specific result intended from the program or service, eliminate or redesign activities so that each function or activity makes a cost-effective contribution toward intended results, and design organizations that match the functions and processes of state government;

(c) Redesign the internal systems that support state government to be more consistent with a priority-driven, results-oriented, performance-based system of government, with highest priority to redesign of the budget system and the accounting system; and

(d) Identify and remove barriers to performance and create incentives for better performance and cost-effectiveness.

(2) The operating committee shall formulate design teams consisting of front-line employees, employee representatives, managers, customers, outside experts where appropriate, legislators or legislative staff, representatives of local government, vendors and other suppliers of state services, and any other persons deemed necessary or appropriate by the operating committee, to develop successful prototypes with application throughout the executive and legislative branches of government for implementation of the improvement principles described in subsection (1) of this section. The composition of the design teams shall be flexible and shall reflect the expertise required for the initial projects.

(3) Initial projects shall be undertaken to design strategies for successful implementation of each of the principles described in subsection (1) of this section and any others identified by the council as being essential to accomplish the purposes of this chapter. In developing successful strategies, the design teams shall also examine the best practices used in the public and private sectors to accomplish the objectives of subsection (1) of this section. The initial projects shall be designed to demonstrate definitive results, including effective methods for employee participation and empowerment techniques to facilitate and implement creative problem solving from all employees, effective means of customer involvement, consistent definitions and instructions, effective training plans and identification of resources required, successful project management strategies, and effective communication plans.

(4) The work plan described in section 4 of this act shall identify the initial projects to be undertaken. The initial projects shall be designed to develop effective performance improvement strategies that can be replicated in other areas of state government. Initial projects should be identified in an effort to demonstrate early success and immediate improvement in state government performance. It is not necessary at the outset to initiate projects for each of the principal government improvement strategies described in subsection (1) of this section. Rather, the work plan should describe an orderly schedule that will allow for integration of each of the initial projects in a way that will result in coordinated strategies for continuous improvement. The initial projects for improvement should be consistent with efforts to define the strategic intent for Washington state government.

(5) The council shall determine when an initiative has resulted in successful strategies that should be expanded to a broader portion, or the whole, of state government. The council shall recommend statutory changes to the legislature when such changes are required to accomplish the purposes of this chapter. The council shall also develop legislation to alter statutes, rules, and regulations necessary for initial agencies and programs to accomplish the purposes of this chapter, and to expand projects to a broader portion of state government at the appropriate time. The legislation shall be based on the work of project teams designed to identify and address barriers to performance and create incentives.

(6) The performance partnership council and operating committee shall ensure the work of the design teams is supported by committed leadership that provides clear vision and motivation and facilitates effective communication. State employees shall be recognized and supported as the single resource most effective in identifying and solving problems and delivering effective state government services. Employees shall be well supported by the provision of necessary resources, particularly an investment in employee training, and shall be provided with the flexibility and incentives necessary to successfully implement their assigned tasks. The ultimate goal of the design teams shall be to develop strategies to improve state government in regard to the customers' expectations for quality services delivered in the most cost-effective means possible.

NEW SECTION. Sec. 7. BUDGET PROCESS--PERFORMANCE MEASUREMENT. The current operating budget process for state government has been generally based on the presumption of continuing current service levels and giving careful consideration only to marginal changes. It is not well understood or supported by the public or state government policymakers. Consequently, work on initial projects for performance measurement and budget redesign must progress sufficiently to result in expansion to additional programs for the 1995-1997 biennium. Beginning no later than the 1997-1999 biennium, the state operating budget and the process used to develop that budget shall, to the fullest extent possible and based on the recommendations of the council, be redesigned to reflect an effective state-wide system of performance measurement, shall be based on a clear statement of state-wide priorities (strategic intent) as well as clear priorities within each agency, and shall incorporate incentives for performance and cost-effectiveness.

NEW SECTION. Sec. 8. COLLECTIVE BARGAINING AGREEMENTS. Nothing in this chapter shall supersede or modify in any manner the provisions of any public employee collective bargaining agreement under Title 41 RCW, or any rights established thereunder.

Sec. 9. RCW 43.88.020 and 1993 c 406 s 2 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(27) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(28) "Performance (audit) verification" means an (audit that determines the following: (a) Whether a government entity is acquiring, protecting, and using its resources economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; (c) whether the entity has complied with laws and rules applicable to the program; (d) the extent to which the desired results or benefits established by the legislature are being achieved; and (e) the effectiveness of organizations, programs, activities, or functions)) analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(29) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.

Sec. 10. RCW 43.88.090 and 1993 c 406 s 3 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

~~(2) ((It is the policy of the state that each state agency define its mission and establish measurable goals for achieving desirable results for those who receive its services. This section shall not be construed to require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. State agencies should involve affected groups and individuals in developing their missions and goals.~~

~~(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives shall be consistent with the missions and goals developed under this section. The objectives shall be expressed to the extent practicable in outcome-based, objective, and measurable form unless permitted by the office of financial management to adopt a different standard.~~

~~(4) In concert with legislative and executive agencies, the office of financial management shall develop a plan for using these outcome-based objectives in the evaluation of agency performance for improved accountability of state government. Any elements of the plan requiring legislation shall be submitted to the legislature no later than November 30, 1994.~~

~~(5))~~ In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 11. RCW 43.88.160 and 1993 c 500 s 7, 1993 c 406 s 4, and 1993 c 194 s 6 are each reenacted and amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(h) Adopt rules to effectuate provisions contained in (a) through (g) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance ((audits)) verifications only as expressly authorized by the legislature in the omnibus biennial appropriations acts. ~~((A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature.))~~ The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the legislative budget committee or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 12. 1993 c 406 s 1 (uncodified) is repealed.

NEW SECTION. Sec. 13. Captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 14. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Gaspard and Sellar to Senate Bill No. 6601.

The motion by Senator Gaspard carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 1 of the title, after "accountability;" strike the remainder of the title and insert "amending RCW 43.88.020 and 43.88.090; reenacting and amending RCW 43.88.160; adding a new chapter to Title 43 RCW; creating a new section; repealing 1993 c 406 s 1 (uncodified); and declaring an emergency."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 6601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Drew, Senator Loveland was excused.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6601.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6601 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yeas: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Owen - 1.

Excused: Senators Amondson and Loveland - 2.

ENGROSSED SENATE BILL NO. 6601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2593, by Representatives R. Fisher and Springer (by request of Department of Transportation)

Funding highway improvements.

The bill was read the second time.

MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Vognild was adopted:

On page 2, after line 36, insert the following:

"Sec. 2. RCW 47.42.020 and 1993 c 430 s 10 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the Washington state department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. An area that previously qualified as a commercial and industrial area under this subsection, but no longer qualifies due to commercial or industrial closures that are a direct result of the timber crisis, shall maintain its former status as a commercial and industrial area. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(11) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place."

Renumber the section following consecutively.

On motion of Senator Vognild, the following title amendment was adopted:

On line 2 of the title, after "development;" insert "amending RCW 47.42.020;"

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 2593, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2593, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2593, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2593, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2743, by Representatives Sommers, Silver, Dorn and King (by request of Superintendent of Public Instruction and Office of Financial Management)

Changing provisions relating to health services provided by school districts.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 74.09.5243 and 1993 c 149 s 2 are each amended to read as follows:

~~((For the purposes of))~~ Unless the context clearly requires otherwise, the following definitions apply throughout RCW 74.09.5241 through 74.09.5253 ~~((and 28A.155-150, the terms))~~ and sections 5 through 7 of this act.

(1) "District" means a school district, educational service district, or educational cooperatives offering special education services under chapter 28A.155 RCW.

(2) "Medical assistance" and "medicaid" means federal and state-funded programs under which medical ((care)) services are provided under Title XIX of the federal social security act.

(3) "Medical services" means district services that qualify for medicaid funding.

Sec. 2. RCW 74.09.5247 and 1993 c 149 s 4 are each amended to read as follows:

(1) Chapter 149, Laws of 1993 does not apply to contracts between individual ((school)) districts and private firms entered into for the purpose of billing either medicaid or private insurers, or both, for ~~((health))~~ medical services and agreed to before April 30, 1993, except as provided in RCW 28A.155.150(2).

(2) A ((school)) district may elect to act as its own billing agent as of the start of any school year. For a ((school)) district being served by the state-wide billing agent, the district shall notify the billing agent in writing, no less than thirty days before the start of the school year, of its intent to terminate the agency relationship. A district that acts as its own billing agent ~~((may retain))~~ or a district with a preexisting contract under subsection (1) of this section is entitled to an administrative fee ((proportional)) equivalent to that of the state-wide billing agent.

Sec. 3. RCW 74.09.5249 and 1993 c 149 s 5 are each amended to read as follows:

(1) The agency awarded the contract under RCW 74.09.5245 shall:

(a) Enroll all ~~((school))~~ districts in this state, except those with preexisting contracts under RCW 74.09.5247, as medicaid providers ~~((by))~~ effective the beginning of the 1993-94 school year;

(b) Develop a state-wide system of billing the department and private insurers for medical services provided in special education programs;

(c) Train health care practitioners employed by or contracting with ~~((school))~~ districts in medicaid and insurer billing;

(d) Verify the medicaid eligibility of students enrolled in special education programs in each ~~((educational service))~~ district;

(e) Provide ongoing technical assistance to practitioners and districts; and

(f) Process and forward all medicaid claims to the department and all other claims to private insurers.

(2) For each student, individual ~~((school))~~ districts may, in consultation with the billing agent, deliver to the student's parent or guardian a letter, prepared by the billing agent, requesting the consent of the parent or guardian to bill the student's health insurance carrier for services provided through the special education program. If a district chooses to do this, the letter must be accompanied by a consent form, on which the parent may identify the student's health insurance carrier so that the billing agent may bill the carrier for medical services provided to the student. The letter must clearly state the following:

(a) That the billing program is designed in part to raise additional funds to improve education services;

(b) That under no circumstances will the parent or guardian be personally charged for any portion of the bill not paid by the insurer, including copayments, deductibles, or uncovered services;

(c) That the amount of the billing will apply to the policy's annual deductible even though the parent will not be billed for the amount of the deductible;

(d) That the amount of the billing, will, however, apply towards annual or lifetime benefit caps if these are included in the policy;

(e) That it is possible that their premiums would be increased as a result of their consent;

(f) That if any of the possible negative consequences of consent were to affect them, they are free to withdraw their consent at any time;

and

(g) That their consent is entirely voluntary and that the services the student receives through the ((school)) district will not be affected by their willingness or refusal to consent to the billing of their private insurer.

Sec. 4. RCW 74.09.5253 and 1993 c 149 s 7 are each amended to read as follows:

(1) Each ((educational-service)) district ((in-the-state)) shall participate in the program of billing for medical services ((under RCW 74.09.5249 and) provided in the district's special education program. Each participating district shall provide the ((billing-agent)) superintendent of public instruction with a list, ((at the start of each academic quarter)) as of the first school day in October, December, and May of each year, of all students enrolled in special education programs within the area served by the ((educational-service)) district, for purposes of verifying the medicaid eligibility of the students.

(2) A person employed by or contracting with a ((school)) district who provides ((services within the categories established by the)) medical ((assistance administration under RCW 74.09.5254)) services shall provide the billing agent with information necessary to promptly complete monthly billings for each medicaid-eligible student he or she serves as part of the district's special education program.

(3) The superintendent of public instruction shall submit to the legislature at the beginning of each legislative session a report indicating the district-by-district participation and the medicaid and private insurance payment receipts during the preceding fiscal year. The report must further indicate for each district the total number of special education students, and the number eligible for medicaid ((eligibility rate)), as determined by the medical assistance administration. The superintendent may require a letter of explanation from any district whose ((receipts)) billings for medical assistance under the program, in the judgment of the superintendent, indicate nonparticipation or underparticipation.

NEW SECTION. Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

(1) Each district that has elected to act as its own billing agent under RCW 74.09.5247(2) and each firm that is a party to a preexisting contract under RCW 74.09.5247(1) shall, at times designated by the superintendent of public instruction, provide the office of the superintendent of public instruction with a report indicating the total amount of medicaid and private insurance moneys billed by the district.

(2) The state billing agent shall, at times designated by the superintendent of public instruction, provide the superintendent of public instruction with a report for each district enrolled by the billing agent, indicating the total amount of medicaid and private insurance moneys billed through medicaid and private insurer billing.

NEW SECTION. Sec. 6. A new section is added to chapter 74.09 RCW to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, twenty percent, after deduction for billing fees, shall be for incentive payments to districts. Incentive payments shall only be used by districts for children with disabilities.

NEW SECTION. Sec. 7. A new section is added to chapter 74.09 RCW to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.0.5253, sections 5 and 6 of this act, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to school districts equal to twenty percent of the federal portion of medicaid payments after deduction for billing fees;

and

(d) The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to the districts by eighty percent of the amount received, after deduction for billing fees.

Sec. 8. RCW 28A.150.390 and 1993 c 149 s 9 are each amended to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for handicapped programs. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW 28A.150.250, 28A.150.260, federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and sections 5 through 7 of this act, and other state and local funds, excluding special excess levies. ((However, the superintendent of public instruction shall reimburse the department of social and health services from state appropriations for handicapped education programs for the state-funded portion of any medical assistance payment made by the department for services provided under an individualized education program established pursuant to RCW 28A.155.010 through 28A.155.100. The amount of such interagency reimbursement shall be deducted by the superintendent of public instruction in determining additional allocations to districts for handicapped education programs under this section.))

NEW SECTION. Sec. 9. RCW 28A.155.150 and 1993 c 149 s 8 are each repealed.

NEW SECTION. Sec. 10. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 74.09.5243, 74.09.5247, 74.09.5249, 74.09.5253, and 28A.150.390; adding new sections to chapter 74.09 RCW; creating a new section; and repealing RCW 28A.155.150."

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 2743, as amended by the Senate, was advanced to third Reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2743, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2743, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2743, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2153, by House Committee on Education (originally sponsored by Representatives J. Kohl, Foreman, Thibaudeau, Ballasiotes, L. Johnson, Cooke, Valle, R. Johnson, Ogden, H. Myers, Heavey, Cothorn, Appelwick, Anderson, Roland, Forner, Campbell, Kremen, Pruitt, Johanson, Kessler, Holm, King, Wineberry, Basich, Romero, Springer and Leonard)

Requiring the superintendent of public instruction to develop sexual harassment policy criteria for school districts.

The bill was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. RCW 28A.640.020 and 1975 1st ex.s. c 226 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

((1)) (a) Specifically with respect to public school employment, all schools shall be required to:

((a)) (i) Maintain credential requirements for all personnel without regard to sex;

((b)) (ii) Make no differentiation in pay scale on the basis of sex;

((c)) (iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed(-);

((d)) (iv) Provide the same opportunities for advancement to males and females; and

((e)) (v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

((2)) (b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally.

All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

((3)) (c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

((4)) (d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex:

PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

((5)) (e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee and volunteer. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment."

On motion of Senator Pelz, the following amendment to the Committee on Education striking amendment was adopted:
On page 3, line 14 of the amendment, after "employee" strike "and volunteer"
The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Substitute House Bill No. 2153.
The motion by Senator Pelz carried and the Committee on Education striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:
On page 1, line 2 of the title, after "criteria;" strike the remainder of the title and insert "and amending RCW 28A.640.020."
On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2153, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTION

On motion of Senator Loveland, Senator Vognild was excused.
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2153, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2153, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Snyder, Spanel, Talmadge, West, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Morton, Newhouse, Owen, Schow, Sellar, Smith, A., Smith, L. and Sutherland - 17.

Excused: Senator Vognild - 1.

SUBSTITUTE HOUSE BILL NO. 2153, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole)

Regulating the non-Puget Sound coastal commercial crab fishery.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:
Strike everything after the enacting clause and insert the following:
NEW SECTION. Sec. 1. The legislature finds that the commercial crab fishery in coastal and offshore waters is overcapitalized. The legislature further finds that this overcapitalization has led to the economic destabilization of the coastal crab industry, and can cause excessive harvesting pressures on the coastal crab resources of Washington state. In order to provide for the economic well-being of the Washington crab industry and to protect the livelihood of Washington crab fishers who have historically and continuously participated in the coastal crab fishery, the legislature finds that it is in the best interests of the economic well-being of the coastal crab industry to reduce the number of fishers taking crab in coastal waters, to reduce the number of vessels landing crab taken in offshore waters, to limit the number of future licenses, and to limit fleet capacity by limiting vessel size.
NEW SECTION. Sec. 2. (1) Effective January 1, 1995, it is unlawful to fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license.
(2) A Dungeness crab--coastal fishery license is transferable. Such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel on the qualifying license that meets the following criteria:
(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (4) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:
(i) Crab pot—Non-Puget Sound license, issued under RCW 75.28.130(1)(b);
(ii) Nonsalmon delivery license, issued under RCW 75.28.125;
(iii) Salmon troll license, issued under RCW 75.28.110;
(iv) Salmon delivery license, issued under RCW 75.28.113;

(v) Food fish trawl license, issued under RCW 75.28.120; or

(vi) Shrimp trawl license, issued under RCW 75.28.130; or

(b) Made a minimum of four landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings.

(3) A Dungeness crab--coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab--coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel that made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab--coastal class B fishery licenses cease to exist after December 31, 2000, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(4) The four qualifying seasons for purposes of this section are:

(a) December 1, 1988, through September 15, 1989;

(b) December 1, 1989, through September 15, 1990;

(c) December 1, 1990, through September 15, 1991; and

(d) December 1, 1991, through September 15, 1992.

(5) For purposes of this section and section 6 of this act, "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

NEW SECTION. Sec. 3. The legislature finds that some persons may have seriously planned to enter the commercial crab fishery, but were unable to fulfill the landing requirements because the vessel under construction was not completed in sufficient time to make the qualifying landings.

(1) A person who cannot demonstrate participation in the coastal crab fishery under section 2 of this act shall be awarded a Dungeness crab--coastal fishery license if:

(a) The person, after December 31, 1993, has designated a vessel on the qualifying license that was in the process of being constructed for the purpose of being employed in the Washington coastal crab fishery on September 15, 1992. For purposes of this section, "construction" means having the keel laid, and "for the purpose of being employed in the Washington coastal crab fishery" means the vessel is designed to retrieve crab pots mechanically and has a live well; and

(b) The vessel landed both five thousand pounds of coastal crab into a Washington port before September 15, 1993, and five thousand pounds of coastal crab in eight landings between December 1, 1993, and September 15, 1994; or

(c) The vessel under construction is a replacement vessel for a lost vessel that, had it not been lost, would have met eligibility requirements for the applicant for a Dungeness crab--coastal fishery license.

(2) All applications for Dungeness crab--coastal fishery licenses under this section shall be subject to review by the advisory review board in accordance with RCW 75.30.060. The board shall recommend to the director whether such applications should be accepted.

NEW SECTION. Sec. 4. For the purpose of purchasing Dungeness crab--coastal class B fishery licenses, a temporary surcharge of two hundred dollars shall be collected with each Dungeness crab--coastal fishery license, and each Dungeness crab--coastal class B fishery license issued under RCW 75.28.130. The surcharge shall be in effect from December 1, 1994, until sufficient funds are collected to buy back the number of crab licenses to reduce the number to two hundred licenses, or until September 15, 1999. The moneys shall be deposited in the coastal crab account which is hereby created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used only for license purchase as defined in section 5 of this act. The fiscal committees of the legislature shall review the status and expenditures from the coastal crab account yearly to determine if repeal of the fee is appropriate given the purpose of license reduction under the license moratorium. Funds remaining in the coastal crab account after November 30, 1999, shall revert to the general fund.

NEW SECTION. Sec. 5. Expenditures from the coastal crab account may be made by the department of fish and wildlife to purchase Dungeness crab--coastal class B fishery licenses during the following time periods:

(1) June 1, 1995, to November 30, 1995, at a price not to exceed five thousand dollars per license;

(2) December 1, 1995, to November 30, 1996, at a price not to exceed three thousand five hundred dollars per license;

(3) December 1, 1996, to November 30, 1997, at a price not to exceed two thousand five hundred dollars per license;

(4) December 1, 1997, to November 30, 1998, at a price not to exceed one thousand five hundred dollars per license; or

(5) December 1, 1998, to November 30, 1999, at a price not to exceed five hundred dollars per license.

The department shall establish rules governing the purchase of class B licenses. Dungeness crab--coastal class B fishery licensees may apply to the department for the purposes of selling their license on a willing-seller basis. Licenses will be purchased in the order applications are received, or as funds allow.

NEW SECTION. Sec. 6. (1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident Non-Puget Sound crab pot license issued under RCW 75.28.130 each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in section 2(4) of this act as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident Dungeness crab--coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

NEW SECTION. Sec. 7. (1) The following restrictions apply to vessel designations and substitutions on Dungeness crab--coastal fishery licenses and Dungeness crab--coastal class B fishery licenses:

(a) The holder of the license may not designate on the license a vessel the hull length of which exceeds ninety-nine feet, nor may the holder change vessel designation if the hull length of the vessel proposed to be designated exceeds the hull length of the currently designated vessel by more than ten feet;

(b) If the hull length of the vessel proposed to be designated is comparable to or exceeds by up to one foot the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any two consecutive Washington state coastal crab seasons unless the currently designated vessel is lost or in disrepair such that it does not safely operate, in which case the department may allow a change in vessel designation;

(c) If the hull length of the vessel proposed to be designated exceeds by between one and ten feet the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any five consecutive Washington state coastal crab seasons, unless a request is made by the license holder during a Washington state coastal crab season for an emergency change in vessel designation. If such an emergency request is made, the director may allow a temporary change in designation to another vessel, if the hull length of the other vessel does not exceed by more than ten feet the hull length of the currently designated vessel.

(2) For the purposes of this section, "hull length" means the length of a vessel's hull as shown by United States coast guard documentation or marine survey, or for vessels that do not require United States coast guard documentation, by manufacturer's specifications or marine survey.

Sec. 8. RCW 75.28.044 and 1993 sp.s. c 17 s 45 are each amended to read as follows:

This section applies to all commercial fishery licenses, delivery licenses, and charter licenses, except for emergency salmon delivery licenses.

(1) The holder of a license subject to this section may substitute the vessel designated on the license or designate a vessel if none has previously been designated if the license holder:

(a) Surrenders the previously issued license to the department;

(b) Submits to the department an application that identifies the currently designated vessel, the vessel proposed to be designated, and any other information required by the department; and

(c) Pays to the department a fee of thirty-five dollars.

(2) Unless the license holder owns all vessels identified on the application described in subsection (1)(b) of this section or unless the vessel is designated on a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license, the following restrictions apply to changes in vessel designation:

(a) The department shall change the vessel designation on the license no more than four times per calendar year.

(b) The department shall change the vessel designation on the license no more than once in any seven-day period.

Sec. 9. RCW 75.28.046 and 1993 c 340 s 9 are each amended to read as follows:

This section applies to all commercial fishery licenses, delivery licenses, and charter licenses, except for whiting--Puget Sound fishery licenses and emergency salmon delivery licenses.

(1) The license holder may engage in the activity authorized by a license subject to this section. With the exception of Dungeness crab--coastal fishery class B licensees licensed under section 2(3) of this act, the holder of a license subject to this section may also designate up to two alternate operators for the license. Dungeness crab--coastal fishery class B licensees may not designate alternate operators. A person designated as an alternate operator must possess an alternate operator license issued under section 23 of this act and RCW 75.28.048.

(2) The fee to change the alternate operator designation is twenty-two dollars.

NEW SECTION. Sec. 10. Except as provided under section 14 of this act, the director shall issue no new Dungeness crab--coastal fishery licenses after December 31, 1995. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person. Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

Sec. 11. RCW 75.28.130 and 1993 sp.s. c 17 s 40 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

| | Fishery | Annual Fee | Vessel Limited |
|-------|--|------------------------|----------------------------|
| | (Governing section(s)) Resident Nonresident Required? Entry? | | |
| (a) | Burrowing shrimp | \$185 \$295 | Yes No |
| (b) | Crab pot | \$295 \$520 | Yes No |
| (c) | Crab pot | \$130 \$185 | Yes No |
| | Puget Sound | | |
| (d)) | Crab ring net | \$130 \$185 | Yes No |
| | Non-Puget Sound | | |
| ((e)) | (c) Crab ring net | \$130 \$185 | Yes No |
| | Puget Sound | | |
| ((f)) | (d) Dungeness crab | \$295 \$520 | Yes Yes |
| | coastal (section 2 of this act) | | |
| (e) | Dungeness crab | \$295 \$520 | Yes Yes |
| | coastal, class B (section 2 of this act) | | |
| (f) | Dungeness crab | \$130 \$185 | Yes Yes |
| | Puget Sound (RCW 75.30.130) | | |
| (g) | Emerging commercial fishery (RCW 75.30.220 and 75.28.740) | \$185 \$295 | Determined by rule by rule |
| (h) | Geoduck (RCW 75.30.280) | \$ 0 \$ 0 | Yes Yes |
| (i) | Hardshell clam mechanical harvester (RCW 75.28.280) | \$530 \$985 | Yes No |
| (j) | Oyster reserve (RCW 75.28.290) | \$130 \$185 | No No |
| (k) | Razor clam | \$130 \$185 | No No |
| (l) | Sea cucumber dive (RCW 75.30.250) | \$130 \$185 | Yes Yes |
| (m) | Sea urchin dive (RCW 75.30.210) | \$130 \$185 | Yes Yes |
| (n) | Shellfish dive ((\$25) (\$1045)) | Yes No \$130 \$185 | |
| (o) | Shellfish pot | \$130 \$185 | Yes No |
| (p) | Shrimp pot | \$325 \$575 | Yes No |
| | Hood Canal | | |
| (q) | Shrimp trawl | \$240 \$405 | Yes No |
| | Non-Puget Sound | | |
| (r) | Shrimp trawl | \$185 \$295 | Yes No |
| | Puget Sound | | |
| (s) | Squid | \$185 \$295 | Yes No |

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

NEW SECTION. Sec. 12. A surcharge of fifty dollars shall be collected with each Dungeness crab--coastal fishery license issued under RCW 75.28.130 until June 30, 2000, and with each Dungeness crab--coastal class B fishery license issued under RCW 75.28.130 until December 31, 1997. Moneys collected under this section shall be placed in the Dungeness crab appeals account hereby created in the state treasury. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used for processing appeals related to the issuance of Dungeness crab--coastal fishery licenses.

NEW SECTION. Sec. 13. (1) It is unlawful for Dungeness crab--coastal fishery licensees to take Dungeness crab in the waters of the exclusive economic zone westward of the states of Oregon or California and land crab taken in those waters into Washington state unless the licensee also holds the licenses, permits, or endorsements, required by Oregon or California to land crab into Oregon or California, respectively.

(2) This section becomes effective only upon reciprocal legislation being enacted by both the states of Oregon and California. For purposes of this section, "exclusive economic zone" means that zone defined in the federal fishery conservation and management act (16 U.S.C. Sec. 1802) as of the effective date of this section or as of a subsequent date adopted by rule of the director.

NEW SECTION. Sec. 14. If fewer than one hundred seventy-five persons are eligible for Dungeness crab--coastal fishery licenses, the director may accept applications for new licenses. Additional licenses issued shall be sufficient to maintain a maximum of one hundred seventy-five licenses in the Washington coastal crab fishery. If additional licenses are to be issued, the director shall adopt rules governing the notification, application, selection, and issuance procedures for new Dungeness crab--coastal fishery licenses, based on recommendations of the review board established under RCW 75.30.050.

Sec. 15. RCW 75.30.050 and 1993 c 376 s 9 and 1993 c 340 s 27 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

- (a) The salmon charter boat fishing industry in cases involving salmon charter licenses or angler permits;
- (b) The commercial salmon fishing industry in cases involving commercial salmon fishery licenses;
- (c) The commercial crab fishing industry in cases involving dungeness crab--Puget Sound fishery licenses;
- (d) The commercial herring fishery in cases involving herring fishery licenses;
- (e) The commercial Puget Sound whiting fishery in cases involving whiting--Puget Sound fishery licenses;
- (f) The commercial sea urchin fishery in cases involving sea urchin dive fishery licenses;
- (g) The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses; ~~(and)~~
- (h) The commercial ocean pink shrimp industry (Pandalus jordani) in cases involving ocean pink shrimp delivery licenses; and
- (i) The commercial coastal crab industry in cases involving Dungeness crab--coastal and Dungeness crab--coastal class B fishery licenses.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

NEW SECTION. Sec. 16. The director may reduce the landing requirements established under section 2 of this act upon the recommendation of an advisory review board established under RCW 75.30.050, but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

NEW SECTION. Sec. 17. The department, with input from Dungeness crab--coastal fishery licensees and processors, shall prepare a resource plan to achieve even-flow harvesting and long-term stability of the coastal Dungeness crab resource. The plan may include pot limits, further reduction in the number of vessels, individual quotas, trip limits, area quotas, or other measures as determined by the department. The plan shall be submitted to the appropriate standing committees of the legislature by December 1, 1995.

Sec. 18. RCW 75.28.125 and 1993 sp.s. c 17 s 39 and 1993 c 376 s 3 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to deliver with a commercial fishing vessel food fish or shellfish taken in offshore waters to a port in the state without a ~~((non-salmon))~~ nonlimited entry delivery license. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp or coastal crab. The annual license fee for a ~~((non-salmon))~~ nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab pot fishery licenses issued under RCW 75.28.130, food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120, Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 may deliver food fish or shellfish taken in offshore waters without a ~~((non-salmon))~~ nonlimited entry delivery license.

(3) A ~~((non-salmon))~~ nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

(4) Coastal crab, as defined in section 2 of this act, taken in offshore waters with a commercial fishing vessel may be delivered to a port in this state without a nonlimited entry delivery license.

Sec. 19. RCW 75.28.113 and 1993 sp.s. c 17 s 36 are each amended to read as follows:

(1) It is unlawful to deliver salmon taken in offshore waters to a place or port in the state without a salmon delivery license from the director. The annual fee for a salmon delivery license is three hundred eighty dollars for residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 is one hundred dollars for each license. Holders of ~~((non-salmon))~~ nonlimited entry delivery licenses issued under RCW 75.28.125 may apply the ~~((non-salmon))~~ nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

NEW SECTION. Sec. 20. (1) Section 12 of this act is added to chapter 75.28 RCW.

(2) Sections 2 through 7, 10, 13, 14, 16, and 17 of this act are each added to chapter 75.30 RCW.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 1 through 16 and 18 through 21 of this act shall take effect January 1, 1995."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "fishery;" strike the remainder of the title and insert "amending RCW 75.28.044, 75.28.046, 75.28.130, and 75.28.113; reenacting and amending RCW 75.30.050 and 75.28.125; adding a new section to chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Owen, the rules were suspended, Reengrossed Substitute House Bill No. 1471, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Loveland, Senator Skratek was excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1471, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1471, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, West, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Moore, Spanel, Sutherland, Talmadge and Williams - 6.

Excused: Senators Skratek and Vognild - 2.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2188, by Representatives Kremen, Chandler, Wineberry, Linville, Schoesler, Quall, Forner, Wood, Campbell and Rayburn

Revising provisions relating to international trade through Washington ports.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, House Bill No. 2188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2188.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2188 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

HOUSE BILL NO. 2188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2641, by Representatives Thibaudeau, Chandler, Conway, Anderson, Heavey and Campbell

Revising provisions relating to collective bargaining for employees of the Washington state bar association.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 2641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2641.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2641 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Schow, Sellar, Smith, L. and West - 17.

Excused: Senator Vognild - 1.

HOUSE BILL NO. 2641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2811, by Representatives Caver, Anderson, Wolfe, Reams, Ballard, Pruitt, Jones, Dunshee, Quall, Karahalios and Springer (by request of Department of General Administration)

Eliminating obsolete practices in state procurement.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Loveland, Senator Ludwig was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2811.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2811 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Hochstatter - 1.

Excused: Senators Ludwig and Vognild - 2.

HOUSE BILL NO. 2811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2197, by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Appelwick, Wood, Kessler, Ballard, Karahalios, Reams, Wineberry, Foreman, Dyer, Jones, Casada, B. Thomas, Long, Campbell, Van Luven, Silver, Schmidt, Brumsickle, Brough, Edmondson, Cooke, J. Kohl, King, Flemming, Roland, Kremen, Sheldon, Chandler, Eide, Johanson, Springer and Mastin)

Providing notice of inmate release.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2197.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2197 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Sutherland - 1.

Excused: Senators Ludwig and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 2197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2147, by Representatives Carlson, Talcott, Wood, Chandler, Forner, Van Luven, Sehlin, Schoesler, B. Thomas and Cooke

Exempting institutions of higher education from certain expenditure requirements.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 2147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2147.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2147 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Ludwig and Vognild - 2.

HOUSE BILL NO. 2147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Rinehart was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2180, by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Ogden, Thibaudeau and J. Kohl)

Revising provisions relating to appointment of guardians ad litem.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 2180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2180.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Rinehart and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 2180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Pelz was excused.

SECOND READING

HOUSE BILL NO. 2583, by Representatives Voloria, Reams, Anderson, J. Kohl, Wood and Campbell

Concerning documents that are exempt from public inspection.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 2, line 5, after "advocacy," insert "or"

On page 2, line 5, after "counseling" strike ", or other"

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2583, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2583, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2583, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Pelz, Rinehart and Vognild - 3.

HOUSE BILL NO. 2583, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644, by House Committee on Appropriations (originally sponsored by Representatives Sommers and Silver (by request of Department of Retirement Systems)

Making retirement contributions and payments.

The bill was read the second time.

MOTION

Senator Snyder moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Whenever employer or member contributions are not made at the time service is rendered, the state retirement system trust funds lose investment income which is a major source of pension funding. The department of retirement systems has broad authority to charge interest to compensate for the loss to the trust funds, subject only to explicit statutory provisions to the contrary.

(2) The inherent authority of the department to recover all overpayments and unauthorized payments from the retirement trust funds, for the benefit of members and taxpayers, should be established clearly in statute.

NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

The department may charge interest, as determined by the director, on member or employer contributions owing to any of the retirement systems listed in RCW 41.50.030. The department's authority to charge interest shall extend to all optional and mandatory billings for contributions where member or employer contributions are paid other than immediately after service is rendered. Except as explicitly limited by statute, the director may delay the imposition of interest charges on late contributions under this section if the delay is necessary to implement required changes in the department's accounting and information systems.

Sec. 3. RCW 41.50.130 and 1987 c 490 s 1 are each amended to read as follows:

(1) The director may at any time correct errors appearing in the records of the retirement systems listed in RCW 41.50.030. Should any error in such records result in any member ~~((or)), beneficiary, or other person or entity~~ receiving more or less than he or she would have been entitled to had the records been correct, the director, subject to the conditions set forth in this section, shall adjust the payment in such a manner that the benefit to which such member ~~((or)), beneficiary, or other person or entity~~ was correctly entitled shall be paid in accordance with the following:

(a) In the case of underpayments to a member or beneficiary, the retirement system shall correct all future payments from the point of error detection, and shall compute the additional payment due for the allowable prior period which shall be paid in a lump sum by the appropriate retirement system.

(b) In the case of overpayments to a member or beneficiary, the retirement system shall adjust the payment in such a manner that the benefit to which such member or beneficiary was correctly entitled shall be reduced by an amount equal to the actuarial equivalent of the amount of overpayment. Alternatively the member shall have the option of repaying the overpayment in a lump sum within ninety days of notification and receive the proper benefit in the future. In the case of overpayments to a member ~~((or)), beneficiary, or other person or entity~~ resulting from actual fraud on the part of the member ~~((or)), beneficiary, or other person or entity~~, the benefits shall be adjusted to reflect the full amount of such overpayment, plus interest at the ~~((maximum rate allowed under RCW 49.52.020(4) as it was in effect the first month the overpayment occurred))~~ rate of one percent per month on the outstanding balance.

(c) In the case of overpayments to a person or entity other than a member or beneficiary, the overpayment shall constitute a debt from the person or entity to the department, recovery of which shall not be barred by laches or statute of limitations.

(2) Except in the case of actual fraud, in the case of overpayments to a member or beneficiary, the benefits shall be adjusted to reflect only the amount of overpayments made within three years of discovery of the error, notwithstanding any provision to the contrary in chapter 4.16 RCW.

(3)(a) The employer shall elicit on a written form from all new employees as to their having been retired from a retirement system listed in RCW 41.50.030.

(b) In the case of overpayments which result from the failure of an employer to report properly to the department the employment of a retiree from information received in subparagraph (a), the employer shall, upon receipt of a billing from the department, pay into the appropriate retirement system the amount of the overpayment plus interest as determined by the director. However, except in the case of actual employer fraud, the overpayments charged to the employer under this subsection shall not exceed five thousand dollars for each year of overpayments received by a retiree. The retiree's benefits upon rereirement shall not be reduced because of such overpayment except as necessary to recapture contributions required for periods of employment.

(c) The provision of this subsection regarding the reduction of retirees' benefits shall apply to recovery actions commenced on or after January 1, 1986, even though the overpayments resulting from retiree employment were discovered by the department prior to that date. The provisions of this subsection regarding the billing of employers for overpayments shall apply to overpayments made after January 1, 1986.

(4) Except in the case of actual fraud, no monthly benefit shall be reduced by more than fifty percent of the member's or beneficiary's corrected benefit. Any overpayment not recovered due to the inability to actuarially reduce a member's benefit due to: (a) The provisions of this subsection; or (b) the fact that the retiree's monthly retirement allowance is less than the monthly payment required to effectuate an actuarial reduction, shall constitute a claim against the estate of a member, beneficiary, or other person or entity in receipt of an overpayment.

(5) Except as provided in subsection (2) of this section, obligations of employers or members until paid to the department shall constitute a debt from the employer or member to the department, recovery of which shall not be barred by laches or statutes of limitation.

NEW SECTION. Sec. 4. A new section is added to chapter 41.50 RCW to read as follows:

(1) If a person receives a withdrawal of accumulated contributions from any of the retirement systems listed in RCW 41.50.030 in contravention of the restrictions on withdrawal for the particular system, the member shall no longer be entitled to credit for the period of service represented by the withdrawn contributions. The erroneous withdrawal shall be treated as an authorized withdrawal, subject to all conditions imposed by the member's system for restoration of withdrawn contributions. Failure to restore the contributions within the time permitted by the system shall constitute a waiver by the member of any right to receive a retirement allowance based upon the period of service represented by the withdrawn contributions.

(2) All erroneous withdrawals occurring prior to the effective date of this section shall be subject to the provisions of this section. The deadline for restoring the prior erroneous withdrawals shall be five years from the effective date of this section for members who are currently active members of a system.

Sec. 5. RCW 41.32.500 and 1991 c 35 s 57 are each amended to read as follows:

(1) Membership in the retirement system is terminated when a member retires for service or disability, dies, or withdraws ~~((the))~~ his or her accumulated contributions ~~((or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving the accumulated contributions in the teachers' retirement fund under one of the following conditions:~~

~~((a) If he or she is eligible for retirement;~~

~~((b) If he or she is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;~~

~~((c) If he or she is not eligible for retirement but has established five or more years of Washington membership service credit.))~~

The prior service certificate becomes void when a member dies ~~((;))~~ or withdraws the accumulated contributions ~~((or does not establish service credit with the retirement system for five consecutive years)), and any prior administrative interpretation of the board of trustees, consistent with this section, is hereby ratified, affirmed and approved.~~

~~((2) ((Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director.~~

~~((3))~~ Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

Sec. 6. RCW 41.32.510 and 1982 1st ex.s. c 52 s 15 are each amended to read as follows:

Should a member cease to be employed by an employer and request upon a form provided by the department a refund of the member's accumulated contributions with interest, this amount shall be paid to the individual less any withdrawal fee which may be assessed by the director which shall be deposited in the department of retirement systems expense fund. The amount withdrawn, together with interest as determined by the director must be paid if the member desires to reestablish the former service credits. ~~((Termination of employment with one employer for the specific purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer, whether for the same school year or for the ensuing school year, shall not qualify a member for a refund of the member's accumulated contributions. A member who files an application for a refund of the member's accumulated contributions and subsequently enters into a contract for or resumes public school employment before a refund payment has been made shall not be eligible for such payment.))~~ A member who files a request for a refund and subsequently enters into employment with an employer prior to the refund being made shall not be eligible for a refund. For purposes of this section, a written or oral employment agreement shall be considered entering into employment.

Sec. 7. RCW 41.40.280 and 1991 c 35 s 86 are each amended to read as follows:

The department may, in its discretion, withhold payment of all or part of a member's contributions for not more than six months after a member has ceased to be an employee. ~~((Termination of employment with one employer for the purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify a member for a refund of his or her accumulated contributions. In addition, a member who files an application for a refund of his or her accumulated contributions and subsequently becomes employed in an eligible position before the expiration of thirty days or before a refund payment has been made, shall not be eligible for the refund payment.))~~ A member who files a request for a refund and subsequently enters into employment with an employer prior to the refund being made shall not be eligible for a refund. For purposes of this section, a written or oral employment agreement shall be considered entering into employment.

Sec. 8. RCW 41.40.010 and 1993 c 95 s 8 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer(~~(- PROVIDED, That))~~). Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2). Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit(~~(- PROVIDED FURTHER, That))~~). If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay(~~(- PROVIDED, That))~~). Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2). Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit(~~(- PROVIDED FURTHER, That))~~). In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

((#)) (A) The compensation earnable the member would have received had such member not served in the legislature; or

((#)) (B) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined.

Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve service credit months of service during any calendar year: PROVIDED FURTHER, That where an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve service credit months of service for such calendar year: PROVIDED, That when an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.023: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

NEW SECTION. Sec. 9. (1) Notwithstanding RCW 41.50.130, the department is not required to correct, nor to cause any employer to correct the reporting error described in subsection (2) of this section.

(2) Standby pay and other similar forms of compensation that are not pay for time worked were not salary or wages for personal services within the meaning of RCW 41.40.010(8). Contrary to RCW 41.40.010(8), some employers have been reporting standby pay to the department as compensation earnable. To avoid unduly impacting the retirement allowances of persons who have retired on or before the effective date of this act, the department is not required to correct, nor cause to be corrected, any misreporting of amounts identified as standby pay through the effective date of this act. Any erroneous reporting of amounts identified as standby pay to the department on or after the effective date of this act shall be corrected as an error under RCW 41.50.130.

(3) The forgiveness of past misreporting under subsection (2) of this section constitutes a benefit enhancement for those individuals for whom amounts received as standby pay were misreported to the department. Prior to the effective date of this act no retirement system member had any right, contractual or otherwise, to have amounts identified as standby pay included as compensation earnable.

Sec. 10. 1990 c 274 s 18 (uncodified) is amended to read as follows:

(1) The 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 are intended by the legislature to effect administrative, rather than substantive, changes to the affected retirement plan. The legislature therefore reserves the right to revoke or amend the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450. No member is entitled to have his or her service credit calculated under the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 as a matter of contractual right.

(2) The department's retroactive application of the changes made in RCW 41.32.010(27)(b) to all service rendered between October 1, 1977, and August 31, 1990, is consistent with the legislative intent of the 1990 changes to RCW 41.32.010(27)(b).

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2644.

The motion by Senator Snyder carried and the Committee on Ways and Means striking amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "overpayments;" strike the remainder of the title and insert "amending RCW 41.50.130, 41.32.500, 41.32.510, 41.40.280, and 41.40.010; amending 1990 c 274 s 18 (uncodified); adding new sections to chapter 41.50 RCW; and creating new sections."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 2644, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2644, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2644, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognlid, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Pelz and Rinehart - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Adam Smith was excused.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on the following measures: Engrossed Substitute House Bill No. 2224, Substitute House Bill No. 2456, Engrossed Substitute House Bill No. 2401, as amended by the Senate, and House Bill No. 2157.

I would have voted 'yes' on all the measures.

SENATOR ADAM SMITH, 33rd District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Zellinsky, Forner and Cothorn) (by request of Department of Licensing)

Regulating licensing of motor vehicles and vessels.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 2224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2224.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2224 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Anderson - 1.

Absent: Senators Bluechel and Hargrove - 2.

Excused: Senators Rinehart and Smith, A. - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2456, by House Committee on Revenue (originally sponsored by Representatives Valle, Silver, Morris, Talcott, Wolfe, Romero and Van Luven)

Eliminating references to reclassified reforestation lands.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2456.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2456 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Franklin - 1.

Excused: Senators Rinehart and Smith, A. - 2.

SUBSTITUTE HOUSE BILL NO. 2456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2401, by House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn, Rust, Quall, L. Johnson, Foreman, Wood and J. Kohl)

Disposing of residential sharps waste.

The bill was read the second time.

MOTIONS

Senator Fraser moved that the following Committee on Ecology and Parks amendment be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the improper disposal and labeling of sharps waste from residences poses a potential health risk and perceived threat to the waste generators, public, and workers in the waste and recycling industry. The legislature further finds that a uniform method for handling sharps waste generated at residences will reduce confusion and injuries, and enhance public and waste worker confidence.

It is the purpose and intent of this act that residential generated sharps waste be contained in easily identified containers and separated from the regular solid waste stream to ensure worker safety and promote proper disposal of these wastes in a manner that is environmentally safe and economically sound.

Sec. 2. RCW 70.95K.010 and 1992 c 14 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Biomedical waste" means, and is limited to, the following types of waste:

(a) "Animal waste" is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

(b) "Biosafety level 4 disease waste" is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the centers for disease control, national institute of health, biosafety in microbiological and biomedical laboratories, current edition.

(c) "Cultures and stocks" are wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

(d) "Human blood and blood products" is discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

(e) "Pathological waste" is waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste" is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

(2) "Local government" means city, town, or county.

(3) "Local health department" means the city, county, city-county, or district public health department.

(4) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, or local government.

(5) "Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease.

(6) "Residential sharps waste" has the same meaning as "sharps waste" in subsection (1) of this section except that the sharps waste is generated and prepared for disposal at a residence, apartment, dwelling, or other noncommercial habitat.

(7) "Sharps waste container" means a leak-proof, rigid, puncture-resistant red container that is taped closed or tightly lidded to prevent the loss of the residential sharps waste.

(8) "Mail programs" means those programs that provide sharps users with a multiple barrier protection kit for the placement of a sharps container and subsequent mailing of the wastes to an approved disposal facility.

(9) "Pharmacy return programs" means those programs where sharps containers are returned by the user to designated return sites located at a pharmacy to be transported by a biomedical or solid waste collection company approved by the utilities and transportation commission.

(10) "Drop-off programs" means those program sites designated by the solid waste planning jurisdiction where sharps users may dispose of their sharps containers.

(11) "Source separation" has the same meaning as in RCW 70.95.030.

(12) "Unprotected sharps" means residential sharps waste that are not disposed of in a sharps waste container.

NEW SECTION. Sec. 3. A new section is added to chapter 70.95K RCW to read as follows:

It is a class 3 infraction under chapter 7.80 RCW to intentionally place unprotected sharps or a sharps waste container into: (1) Recycling containers provided by a city, county, or solid waste collection company, or any other recycling collection site unless that site is specifically designated by a local health jurisdiction as a drop-off site for sharps waste containers; or (2) cans, carts, drop boxes, or other containers in which refuse, trash, or solid waste has been placed for collection if a source separated collection service is provided for residential sharps waste. Local health departments shall enforce this penalty provision.

It is not a violation of this section to place a sharps waste container into a household refuse receptacle if the utilities and transportation commission determines that such placement is necessary to reduce the potential for theft of the sharps waste container.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95K RCW to read as follows:

(1) A public or private provider of solid waste collection service may provide a program to collect source separated residential sharps waste containers in conjunction with regular collection services.

(2) A company collecting source separated residential sharps waste containers shall notify the public, in writing, on the availability of this service. Notice shall occur at least forty-five days prior to the provision of this service and shall include the following information: (a) How to properly dispose of residential sharps waste; (b) how to obtain sharps waste containers; (c) the cost of the program; (d) options to home collection of sharps waste; and (e) the legal requirements of residential sharps waste disposal.

(3) A company under the jurisdiction of the utilities and transportation commission may provide the service authorized under subsection (1) of this section only under tariff.

The commission may require companies collecting sharps waste containers to implement practices that will protect the containers from theft.

NEW SECTION. Sec. 5. A new section is added to chapter 70.95 RCW to read as follows:

(1) A solid waste planning jurisdiction may designate sharps waste container drop-off sites.

(2) A pharmacy return program shall not be considered a solid waste handling facility and shall not be required to obtain a solid waste permit. A pharmacy return program is required to register, at no cost, with the department. To facilitate designation of sharps waste drop-off sites, the department shall share the name and location of registered pharmacy return programs with jurisdictional health departments and local solid waste management officials.

(3) A public or private provider of solid waste collection service may provide a program to collect source separated residential sharps waste containers as provided in chapter 70.95K RCW.

(4) For the purpose of this section, "sharps waste", "sharps waste container", and "pharmacy return program" shall have the same meanings as provided in RCW 70.95K.010.

NEW SECTION. Sec. 6. Section 3 of this act shall take effect July 1, 1995."

Senator Franklin moved that the following amendments to the Committee on Ecology and Parks striking amendment be considered simultaneously and be adopted:

On page 3, line 14 of the committee amendment, strike "It is a class 3 infraction under chapter 7.80 RCW to" and insert "A person shall not"

On page 3, line 15 of the committee amendment, after "into:" strike "(1)" and insert "(a)"

On page 3, line 18 of the committee amendment, after "health" strike "jurisdiction" and insert "department"

On page 3, line 19 of the committee amendment, after "or" strike "(2)" and insert "(b)"

On page 3, line 22 of the committee amendment, after "waste." strike "Local health departments shall enforce this penalty provision." and insert "(2) Local health departments shall enforce this section, primarily through an educational approach regarding proper disposal of residential sharps. On the first and second violation, the health department shall provide a warning to the person that includes information on proper disposal of residential sharps. A subsequent violation shall be a class 3 infraction under chapter 7.80 RCW."

On page 3, line 24 of the committee amendment, insert "(3)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Franklin on page 3, lines 14, 15, 18, 19, 22 and 24, to the Committee on Ecology and Parks striking amendment to Engrossed Substitute House Bill No. 2401.

The motion by Senator Franklin carried and the amendments to the Committee on Ecology and Parks striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ecology and Parks striking amendment, as amended, to Engrossed Substitute House Bill No. 2401.

The motion by Senator Fraser carried and the Committee on Ecology and Parks striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "waste;" strike the remainder of the title and insert "amending RCW 70.95K.010; adding new sections to chapter 70.95K RCW; adding a new section to chapter 70.95 RCW; creating a new section; prescribing penalties; and providing an effective date."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2401, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2401, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2401, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Ludwig - 1.

Excused: Senators Rinehart and Smith, A. - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2401, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2157, by Representatives King and Orr (by request of Department of Wildlife)

Repealing the termination dates for provisions relating to migratory waterfowl.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2157.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2157 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse,

Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Rinehart and Smith, A. - 2.

HOUSE BILL NO. 2157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2190, by Representatives Ogden and H. Myers (by request of Department of Community Development)

Modifying limitations of housing-related capital bond proceeds.

The bill was read the second time.

MOTIONS

On motion of Senator Prentice, the following Committee on Labor and Commerce amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.185.050 and 1991 c 356 s 4 are each amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department (~~of community development~~). If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds (~~and moneys from repayment of loans from appropriations from capital bond proceeds~~) may be used only for the costs of projects authorized under subsection (2) (a), (i), and (j) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program.

Sec. 2. RCW 43.185.060 and 1991 c 295 s 1 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, regional support networks established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

Sec. 3. RCW 43.185A.030 and 1991 c 356 s 12 are each amended to read as follows:

(1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds (~~and moneys from repayment of loans from appropriations from capital bond proceeds~~) may be used only for the costs of projects authorized under subsection (2)(a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

Sec. 4. RCW 43.185A.040 and 1991 c 356 s 13 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

NEW SECTION. Sec. 5. The senate labor and commerce committee shall conduct an interim study of successful models for the seamless delivery of social and health services to individuals and families living on the streets, in shelters, in transitional housing, and other publicly subsidized housing units in this state."

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 43.185.050, 43.185.060, 43.185A.030, and 43.185A.040; and creating a new section."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 2190, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2190, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2190, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke, Quigley, Schow and Sellar - 17.

Excused: Senator Rinehart - 1.

ENGROSSED HOUSE BILL NO. 2190, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1457, by House Committee on Education (originally sponsored by Representatives Peery, Dorn, Brough, Brumsickle, Chappell, Leonard, Jones, Pruitt, Ogden, Basich, Rayburn, Karahalios, G. Cole, Springer, Locke, Eide, Mastin, Cothorn, G. Fisher, Morris and H. Myers)

Raising the minimum dollar amount requiring competitive bidding by school districts.

The bill was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.335.190 and 1990 c 33 s 362 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of ~~((twenty))~~ fifty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of ~~((seventy-five hundred))~~ fifteen thousand dollars. The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment or supplies, except books, the cost of which is estimated to be in excess of ~~((seventy-five hundred))~~ fifteen thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from ~~((seventy-five hundred))~~ fifteen thousand dollars up to ~~((twenty))~~ fifty thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of ~~((twenty))~~ fifty thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of ~~((seventy-five hundred))~~ fifteen thousand dollars, shall be on a competitive bid process. All such projects estimated to be less than ~~((twenty))~~ fifty thousand dollars may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of directors shall establish a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster who have indicated the capability of performing the kind of public works being contracted. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the district. Responsible contractors shall be added to the list at any time they submit a written request. Whenever the estimated cost of a public works project is ~~((twenty))~~ fifty thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed.

(4) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911 but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(5) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action."

On motion of Senator Pelz, the following amendments to the Committee on Education striking amendment were considered simultaneously and were adopted:

On page 1, beginning on line 22 of the amendment, strike "~~((seventy-five hundred)) fifteen thousand~~ dollars" and insert "~~((seventy-five hundred dollars))~~ (a) fifteen thousand dollars, for districts with fifteen thousand five hundred or more full-time equivalent students; and (b) for districts with fewer than fifteen thousand five hundred full-time equivalent students, fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or ten thousand dollars if a single craft or trade is involved with the school district improvement or repair"

On page 2, beginning on line 7 of the amendment, strike "~~((seventy-five hundred)) fifteen thousand~~ dollars" and insert "~~((seventy-five hundred dollars))~~ (a) fifteen thousand dollars, for districts with fifteen thousand five hundred or more full-time equivalent students; and (b) for districts with fewer than fifteen thousand five hundred full-time equivalent students, fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or ten thousand dollars if a single craft or trade is involved with the school district improvement or repair"

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Second Substitute House Bill No. 1457.

The motion by Senator Pelz carried and the Committee on Education striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "bidding," strike the remainder of the title and insert "and amending RCW 28A.335.190."

On motion of Senator Pelz, the rules were suspended, Second Substitute House Bill No. 1457, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1457, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1457, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Nelson, Newhouse, Roach, Schow and Smith, L. - 15.

Excused: Senator Rinehart - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1457, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Ludwig was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2718, by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Fuhrman, Foreman, Brown, Bray and Kremen)

Excepting utility-related real estate tax affidavits from certain verification requirements.

The bill was read the second time.

MOTION

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 2718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2718 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Ludwig and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 2718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2270, by House Committee on Judiciary (originally sponsored by Representatives Johanson, Padden and Appelwick)

Revising provisions about probate and trust matters.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.02.005 and 1993 c 73 s 1 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the ~~((intestate's))~~ deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.

(5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020 ~~((and includes all codicils))~~.

(9) "Codicil" means ~~((an instrument that is validly executed in the manner provided by this title for a will and that refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto))~~ a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account or security, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity.

(16) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on July 25, 1993.

~~((46))~~ Words that import the singular number may also be applied to the plural of persons and things.

~~((47))~~ Words importing the masculine gender only may be extended to females also.

Sec. 2. RCW 11.07.010 and 1993 c 236 s 1 are each amended to read as follows:

(1) This section applies to all nonprobate assets, wherever situated, held at the time of entry by a superior court of this state of a decree of dissolution of marriage or a declaration of invalidity.

(2)(a) If a marriage is dissolved or invalidated, a provision made prior to that event that relates to the payment or transfer at death of the decedent's interest in a nonprobate asset in favor of or granting an interest or power to the decedent's former spouse is revoked. A provision affected by this section must be interpreted, and the nonprobate asset affected passes, as if the former spouse failed to survive the decedent, having died at the time of entry of the decree of dissolution or declaration of invalidity.

(b) This subsection does not apply if and to the extent that:

(i) The instrument governing disposition of the nonprobate asset expressly provides otherwise;

(ii) The decree of dissolution or declaration of invalidity requires that the decedent maintain a nonprobate asset for the benefit of a former spouse or children of the marriage, payable on the decedent's death either outright or in trust, and other nonprobate assets of the decedent fulfilling such a requirement for the benefit of the former spouse or children of the marriage do not exist at the decedent's death; or

(iii) If not for this subsection, the decedent could not have effected the revocation by unilateral action because of the terms of the decree or declaration, or for any other reason, immediately after the entry of the decree of dissolution or declaration of invalidity.

(3)(a) A payor or other third party in possession or control of a nonprobate asset at the time of the decedent's death is not liable for making a payment or transferring an interest in a nonprobate asset to a decedent's former spouse whose interest in the nonprobate asset is revoked under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the nonprobate asset, before the payor or other third party has actual knowledge of the dissolution or other invalidation of marriage. A payor or other third party is liable for a payment or transfer made or other action taken after the payor or other third party has actual knowledge of a revocation under this section.

(b) This section does not require a payor or other third party to pay or transfer a nonprobate asset to a beneficiary designated in a governing instrument affected by the dissolution or other invalidation of marriage, or to another person claiming an interest in the nonprobate asset, if the payor or third party has actual knowledge of the existence of a dispute between the former spouse and the beneficiaries or other persons concerning rights of ownership of the nonprobate asset as a result of the application of this section among the former spouse and the beneficiaries or among other persons, or if the payor or third party is otherwise uncertain as to who is entitled to the nonprobate asset under this section. In such a case, the payor or third party may, without liability, notify in writing all beneficiaries or other persons claiming an interest in the nonprobate asset of either the existence of the dispute or its uncertainty as to who is entitled to payment or transfer of the nonprobate asset. The payor or third party may also, without liability, refuse to pay or transfer a nonprobate asset in such a circumstance to a beneficiary or other person claiming an interest until the time that either:

(i) All beneficiaries and other interested persons claiming an interest have consented in writing to the payment or transfer; or

(ii) The payment or transfer is authorized or directed by a court of proper jurisdiction.

(c) Notwithstanding subsections (1) and (2) of this section and (a) and (b) of this subsection, a payor or other third party having actual knowledge of the existence of a dispute between beneficiaries or other persons concerning rights to a nonprobate asset as a result of the application of this section may condition the payment or transfer of the nonprobate asset on execution, in a form and with security acceptable to the payor or other third party, of a bond in an amount that is double the fair market value of the nonprobate asset at the time of the decedent's death or the amount of an adverse claim, whichever is the lesser, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset.

(d) As used in this subsection, "actual knowledge" means, for a payor or other third party in possession or control of the nonprobate asset at or following the decedent's death, written notice to the payor or other third party, or to an officer of a payor or third party in the course of his or her employment, received after the decedent's death and within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge. The notice must identify the nonprobate asset with reasonable specificity. The notice also must be sufficient to inform the payor or other third party of the revocation of the provisions in favor of the decedent's spouse by reason of the dissolution or invalidation of marriage, or to inform the payor or third party of a dispute concerning rights to a nonprobate asset as a result of the application of this section. Receipt of the notice for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(4)(a) A person who purchases a nonprobate asset from a former spouse or other person, for value and without actual knowledge, or who receives from a former spouse or other person payment or transfer of a nonprobate asset without actual knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the nonprobate asset. However, a former spouse or other person who, with actual knowledge, not for value, or not in satisfaction of a legally enforceable obligation, receives payment or transfer of a nonprobate asset to which that person is not entitled under this section is obligated to return the payment or nonprobate asset, or is personally liable for the amount of the payment or value of the nonprobate asset, to the person who is entitled to it under this section.

(b) As used in this subsection, "actual knowledge" means, for a person described in (a) of this subsection who purchases or receives a nonprobate asset from a former spouse or other person, personal knowledge or possession of documents relating to the revocation upon dissolution or invalidation of marriage of provisions relating to the payment or transfer at the decedent's death of the nonprobate asset, received within a time after the decedent's death and before the purchase or receipt that is sufficient to afford the person purchasing or receiving the nonprobate asset reasonable opportunity to act upon the knowledge. Receipt of the personal knowledge or possession of the documents for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(5) As used in this section, "nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under only the following written instruments or arrangements other than the decedent's will:

(a) A payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account;

(b) A payable-on-death, trust, or joint with right of survivorship bank account;

(c) A trust of which the person is a grantor and that becomes effective or irrevocable only upon the person's death; or

(d) Transfer on death beneficiary designations of a transfer on death or pay on death security, if such designations are authorized under Washington law.

(6) This section is remedial in nature and applies as of July 25, 1993, to decrees of dissolution and declarations of invalidity entered after July 24, 1993, and this section applies as of the effective date of this act to decrees of dissolution and declarations of invalidity entered before July 25, 1993.

Sec. 3. RCW 11.08.170 and 1990 c 225 s 1 are each amended to read as follows:

Escheat property may be probated under the provisions of the probate laws of this state. Whenever such probate proceedings are instituted, whether by special administration or otherwise, the petitioner shall promptly notify the department of revenue in writing thereof on forms furnished by the department of revenue to the county clerks. Thereafter, the department of revenue shall be served with written notice at least twenty days prior to any hearing on proceedings involving the valuation or sale of property, on any petition for the allowance of fees, and on all interim reports, final accounts or petitions for the determination of heirship. Like notice shall be given of the presentation of any claims to the court for allowance. Failure to furnish such notice shall be deemed jurisdictional and any order of the court entered without such notice shall be void. The department of revenue may waive the provisions of this section in its discretion. The department shall be deemed to have waived its right to administer in such probate proceedings under RCW 11.28.120((3)) (5) unless application for appointment of the director or the director's designee is made within forty days immediately following receipt of notice of institution of proceedings.

NEW SECTION. Sec. 4. This chapter applies in all instances in which no other abatement scheme is expressly provided.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, property of a decedent abates, without preference as between real and personal property, in the following order:

- (a) Intestate property;
- (b) Residuary gifts;
- (c) General gifts;
- (d) Specific gifts.

For purposes of abatement a demonstrative gift, defined as a general gift charged on any specific property or fund, is deemed a specific gift to the extent of the value of the property or fund on which it is charged, and a general gift to the extent of a failure or insufficiency of that property or fund. Abatement within each classification is in proportion to the amounts of property each of the beneficiaries would have received if full distribution of the property had been made in accordance with the terms of the will.

(2) If the will expresses an order of abatement, or if the testamentary plan or the express or implied purpose of the devise would be defeated by the order of abatement stated in subsection (1) of this section, a gift abates as may be found necessary to give effect to the intention of the testator.

(3) If the subject of a preferred gift is sold, diminished, or exhausted incident to administration, not including satisfaction of debts or liabilities according to their community or separate status under section 7 of this act, abatement must be achieved by appropriate adjustments in, or contribution from, other interests in the remaining assets.

(4) To the extent that the whole of the community property is subject to abatement, the shares of the decedent and of the surviving spouse in the community property abate equally.

(5) If required under section 8 of this act, nonprobate assets must abate with those disposed of under the will and passing by intestacy.

NEW SECTION. Sec. 6. To the extent that a gift is to be satisfied out of a source that consists of both separate and community property, unless otherwise indicated in the will it is presumed to be a gift from separate and community property in proportion to their relative value in the property or fund from which the gift is to be satisfied.

NEW SECTION. Sec. 7. (1) A community debt or liability is charged against the entire community property, with the surviving spouse's half and the decedent spouse's half charged equally.

(2) A separate debt or liability is charged first against separate property, and if that is insufficient against the balance of decedent's half of community property remaining after community debts and liabilities are satisfied.

(3) A community debt or liability that is also the separate debt or liability of the decedent is charged first against the whole of the community property and then against the decedent's separate property.

(4) An expense of administration is charged against the separate property and the decedent's half of the community property in proportion to the relative value of the property, unless a different charging of expenses is shown to be appropriate under the circumstances including against the surviving spouse's share of the community property.

(5) Property of a similar type, community or separate, is appropriated in accordance with the abatement priorities of section 5 of this act.

(6) Property that is primarily chargeable for a debt or liability is exhausted, in accordance with the abatement priorities of section 5 of this act, before resort is had, also in accordance with section 5 of this act, to property that is secondarily chargeable.

NEW SECTION. Sec. 8. (1) If abatement is necessary among takers of a nonprobate asset, the court shall adopt the abatement order and limitations set out in sections 5, 6, and 7 of this act, assigning categories in accordance with subsection (2) of this section.

(2) A nonprobate transfer must be categorized for purposes of abatement, within the list of priorities set out in section 5(1) of this act, as follows:

(a) All nonprobate forms of transfer under which an identifiable nonprobate asset passes to a beneficiary or beneficiaries on the event of the decedent's death, such as, but not limited to, joint tenancies and payable-on-death accounts, are categorized as specific bequests.

(b) With respect to all other interests passing under nonprobate forms of transfer, each must be categorized in the manner that is most closely comparable to the nature of the transfer of that interest.

(3) If and to the extent that a nonprobate asset is subject to the same obligations as are assets disposed of under the decedent's will, the nonprobate assets abate ratably with the probate assets, within the categories set out in subsection (2) of this section.

(4) If the nonprobate instrument of transfer or the decedent's will expresses a different order of abatement, or if the decedent's overall dispositive plan or the express or implied purpose of the transfer would be defeated by the order of abatement stated in subsections (1) through (3) of this section, the nonprobate assets abate as may be found necessary to give effect to the intention of the decedent.

NEW SECTION. Sec. 9. A new section is added to chapter 11.12 RCW to read as follows:

(1) If a will fails to name or provide for a child of the decedent who is born or adopted by the decedent after the will's execution and who survives the decedent, referred to in this section as an "omitted child", the child must receive a portion of the decedent's estate as provided in subsection (3) of this section, unless it appears either from the will or from other clear and convincing evidence that the failure was intentional.

(2) In determining whether an omitted child has been named or provided for, the following rules apply:

(a) A child identified in a will by name is considered named whether identified as a child or in any other manner.

(b) A reference in a will to a class described as the children, descendants, or issue of the decedent who are born after the execution of the will, or words of similar import, constitutes a naming of a person who falls within the class. A reference to another class, such as a decedent's heirs or family, does not constitute such a naming.

(c) A nominal interest in an estate does not constitute a provision for a child receiving the interest.

(3) The omitted child must receive an amount equal in value to that which the child would have received under RCW 11.04.015 if the decedent had died intestate, unless the court determines on the basis of clear and convincing evidence that a smaller share, including no share at all, is more in keeping with the decedent's intent. In making the determination, the court may consider, among other things, the various elements of the decedent's dispositive scheme, provisions for the omitted child outside the decedent's will, provisions for the decedent's other children under the will and otherwise, and provisions for the omitted child's other parent under the will and otherwise.

(4) In satisfying a share provided by this section, the bequests made by the will abate as provided in chapter 11.-- RCW (sections 4 through 8 of this act).

NEW SECTION. Sec. 10. A new section is added to chapter 11.12 RCW to read as follows:

(1) If a will fails to name or provide for a spouse of the decedent whom the decedent marries after the will's execution and who survives the decedent, referred to in this section as an "omitted spouse", the spouse must receive a portion of the decedent's estate as provided in subsection (3) of this section, unless it appears either from the will or from other clear and convincing evidence that the failure was intentional.

(2) In determining whether an omitted spouse has been named or provided for, the following rules apply:

(a) A spouse identified in a will by name is considered named whether identified as a spouse or in any other manner.

(b) A reference in a will to the decedent's future spouse or spouses, or words of similar import, constitutes a naming of a spouse whom the decedent later marries. A reference to another class such as the decedent's heirs or family does not constitute a naming of a spouse who falls within the class.

(c) A nominal interest in an estate does not constitute a provision for a spouse receiving the interest.

(3) The omitted spouse must receive an amount equal in value to that which the spouse would have received under RCW 11.04.015 if the decedent had died intestate, unless the court determines on the basis of clear and convincing evidence that a smaller share, including no share at all, is more in keeping with the decedent's intent. In making the determination the court may consider, among other things, the spouse's property interests under applicable community property or quasi-community property laws, the various elements of the decedent's dispositive scheme, and a marriage settlement or other provision and provisions for the omitted spouse outside the decedent's will.

(4) In satisfying a share provided by this section, the bequests made by the will abate as provided in chapter 11.-- RCW (sections 4 through 8 of this act).

NEW SECTION. Sec. 11. A new section is added to chapter 11.12 RCW to read as follows:

(1) If, after making a will, the testator's marriage is dissolved or invalidated, all provisions in the will in favor of or granting any interest or power to the testator's former spouse are revoked, unless the will expressly provides otherwise. Provisions affected by this section must be interpreted, and property affected passes, as if the former spouse failed to survive the testator, having died at the time of entry of the decree of dissolution or declaration of invalidity. Provisions revoked by this section are revived by the testator's remarriage to the former spouse. Revocation of certain nonprobate transfers is provided under RCW 11.07.010.

(2) This section is remedial in nature and applies to decrees of dissolution and declarations of invalidity entered before, on, or after the effective date of this act.

Sec. 12. RCW 11.12.040 and 1965 c 145 s 11.12.040 are each amended to read as follows:

(1) A will, or any part thereof, can be revoked;

~~((+)) (a) By a (written) subsequent will that revokes, or partially revokes, the prior will expressly or by inconsistency; or~~

~~((+)) (b) By being burnt, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking the same, by the testator (himself) or by another person in (his) the presence and by ((his)) the direction of the testator.~~ If such act is done by any person other than the testator, the direction of the testator and the facts of such injury or destruction must be proved by two witnesses.

~~(2) Revocation of a will in its entirety revokes its codicils, unless revocation of a codicil would be contrary to the testator's intent.~~

Sec. 13. RCW 11.12.080 and 1965 c 145 s 11.12.080 are each amended to read as follows:

(1) If, after making any will, the testator shall ~~((duly make and)) execute a ((second)) later will that wholly revokes the former will, the destruction, cancellation, or revocation of ((such second)) the later will shall not revive the ((first)) former will, unless it was the testator's intention to revive it.~~

(2) Revocation of a codicil shall revive a prior will or part of a prior will that the codicil would have revoked had it remained in effect at the death of the testator, unless it was the testator's intention not to revive the prior will or part.

(3) Evidence that revival was or was not intended includes, in addition to a writing by which the later will or codicil is revoked, the circumstances of the revocation or contemporary or subsequent declarations of the testator.

Sec. 14. RCW 11.12.110 and 1965 c 145 s 11.12.110 are each amended to read as follows:

~~Unless otherwise provided, when any ((estate shall be devised or bequeathed to any child, grandchild, or other relative of the testator, and such devisee or legatee shall die before the testator, having lineal descendants who survive the testator, such descendants shall take the estate, real and personal, as such devisee or legatee would have done in the case he had survived the testator; if such descendants are all in the same degree of kinship to the predeceased devisee or legatee)) property shall be given under a will, or under a trust of which the decedent is a grantor and which by its terms becomes irrevocable upon the grantor's death, to any issue of a grandparent of the decedent and that issue dies before the decedent leaving descendants who survive the decedent, those descendants shall take that property as the predeceased issue would have done if the predeceased issue had survived the decedent. If those descendants are all in the same degree of kinship to the predeceased issue they shall take equally((-)) or, if of unequal degree, then those of more remote degree shall take by representation with respect to ((such)) the predeceased ((devisee or legatee.-- A spouse is not a relative under the provisions of this section)) issue.~~

Sec. 15. RCW 11.12.120 and 1974 ex.s. c 117 s 51 are each amended to read as follows:

~~((Whenever any person having died leaving)) (1) If a will ((which has been admitted to probate or established by an adjudication of testacy, shall by said will have given, devised or bequeathed unto any person, a legacy or a devise upon the condition that said person survive him, and not otherwise; such legacy or devise shall lapse and fall into the residue of said estate to be distributed according to the residuary clause, if there be one, of said will, and if there be none then according to the laws of descent, unless said legatee or devisee, as the case may be, or his heirs, personal representative, or someone in behalf of such legatee or devisee, shall appear before the court which is administering said estate within three years from and after the date the said will was admitted to probate or established by an adjudication of testacy, and prove to the satisfaction of the court that the said legatee or devisee, as the case may be, did in fact survive the testator)) makes a gift to a person on the condition that the person survive the testator and the person does not survive the testator, then, unless otherwise provided, the gift lapses and falls into the residue of the estate to be distributed under the residuary clause of the will, if any, but otherwise according to the laws of descent and distribution.~~

(2) If the will gives the residue to two or more persons, the share of a person who does not survive the testator passes, unless otherwise provided, and subject to RCW 11.12.110, to the other person or persons receiving the residue, in proportion to the interest of each in the remaining part of the residue.

(3) The personal representative of the testator, a person who would be affected by the lapse or distribution of a gift under this section, or a guardian ad litem or other representative appointed to represent the interests of a person so affected may petition the court for a determination under this section, and the petition must be heard under the procedures of chapter 11.96 RCW.

Sec. 16. RCW 11.12.160 and 1965 c 145 s 11.12.160 are each amended to read as follows:

~~((All beneficial devises, legacies, and gifts whatever, made or given in any will to a subscribing witness thereto, shall be void unless there are two other competent witnesses to the same; but a mere charge on the estate of the testator for the payment of debts shall not prevent his creditors from being competent witnesses to his will. If such witness, to whom any beneficial devise, legacy or gift may have been made or given, would have been entitled to any share in the testator's estate in case the will is not established, then so much of the estate as would have descended or would have been distributed to such witness shall be saved to him as will not exceed the value of the devise or bequest made to him in the will; and he may recover the same from the devisees or legatees named in the will in proportion to and out of the parts devised and bequeathed to him.)) (1) An interested witness to a will is one who would receive a gift under the will.~~

(2) A will or any of its provisions is not invalid because it is signed by an interested witness. Unless there are at least two other subscribing witnesses to the will who are not interested witnesses, the fact that the will makes a gift to a subscribing witness creates a rebuttable presumption that the witness procured the gift by duress, menace, fraud, or undue influence.

(3) If the presumption established under subsection (2) of this section applies and the interested witness fails to rebut it, the interested witness shall take so much of the gift as does not exceed the share of the estate that would be distributed to the witness if the will were not established.

(4) The presumption established under subsection (2) of this section has no effect other than that stated in subsection (3) of this section.

Sec. 17. RCW 11.12.180 and 1965 c 145 s 11.12.180 are each amended to read as follows:

~~((If any person, by last will, devise any real estate to any person for the term of such person's life, such devise vests in the devisee an estate for life, and unless the remainder is specially devised, it shall revert to the heirs at law of the testator.)) The Rule in Shelley's Case is abolished as a rule of law and as a rule of construction. If an applicable statute or a governing instrument calls for a future distribution to or creates a future interest in a designated individual's "heirs," "heirs at law," "next of kin," "relatives," or "family," or language of similar import, the property passes to those persons, including the state under chapter 11.08 RCW, that would succeed to the designated individual's estate under chapter 11.04 RCW. The property must pass to those persons as if the designated individual had died when the distribution or transfer of the future interest was to take effect in possession or enjoyment. For purposes of this section and section 18 of this act, the designated individual's surviving spouse is deemed to be an heir, regardless of whether the surviving spouse has remarried.~~

NEW SECTION. Sec. 18. A new section is added to chapter 11.12 RCW to read as follows:

The Doctrine of Worthier Title is abolished as a rule of law and as a rule of construction. However, the Doctrine of Worthier Title is preserved as a rule of construction if:

- (1) A grantor has established in inter vivos trust of real property;
- (2) The grantor has expressly reserved a reversion to himself or herself; and

(3) The words "heirs" or "heirs at law" are used by the grantor to describe the quality of the grantor's title in the reversion as an estate in fee simple in the event that the property reverts to the grantor. In all other cases, language in a governing instrument describing the beneficiaries of a donative disposition as the transferor's "heirs," "heirs at law," "next of kin," "distributees," "relatives," or "family," or language of similar import, does not create or presumptively create a reversionary interest in the transferor.

NEW SECTION. Sec. 19. (1) Unless expressly exempted by statute, a beneficiary of a nonprobate asset that was subject to satisfaction of the decedent's general liabilities immediately before the decedent's death takes the asset subject to liabilities, claims, estate taxes, and the fair share of expenses of administration reasonably incurred by the personal representative in the transfer of or administration upon the asset. The beneficiary of such an asset is liable to account to the personal representative to the extent necessary to satisfy liabilities, claims, the asset's fair share of expenses of administration, and the asset's share of estate taxes under chapter 83.110 RCW. Before making demand that a beneficiary of a nonprobate asset account to the personal representative, the personal representative shall give notice to the beneficiary, in the manner provided in chapter 11.96 RCW, that the beneficiary is liable to account under this section.

(2) The following rules govern in applying subsection (1) of this section:

(a) A beneficiary of property passing at death under a community property agreement takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section. However, assets existing as community or separate property immediately before the decedent's death under the community property agreement are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate.

(b) A beneficiary of property held in joint tenancy form with right of survivorship, including without limitation United States savings bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(c) A beneficiary of payable-on-death or trust bank accounts, bonds, securities, or similar obligations, including without limitation United States bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(d) A beneficiary of deeds or conveyances made by the decedent if possession has been postponed until the death of the decedent takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(e) A trust for the decedent's use of which the decedent is the grantor is subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the same extent as the trust was subject to claims of the decedent's creditors immediately before death under RCW 19.36.020.

(f) A trust not for the use of the grantor but of which the decedent is the grantor and that becomes effective or irrevocable only upon the decedent's death is subject to the decedent's claims, liabilities, estate taxes, and expenses of administration as described in subsection (1) of this section.

(g) Anything in this section to the contrary notwithstanding, nonprobate assets that existed as community property immediately before the decedent's death are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate.

(h) The liability of a beneficiary of life insurance is governed by chapter 48.18 RCW.

(i) The liability of a beneficiary of pension or retirement employee benefits is governed by chapter 6.15 RCW.

(j) An inference may not be drawn from (a) through (i) of this subsection that a beneficiary of nonprobate assets other than those assets specifically described in (a) through (i) of this subsection does or does not take the assets subject to claims, liabilities, estate taxes, and administration expenses as described in subsection (1) of this section.

(3) Nothing in this section derogates from the rights of a person interested in the estate to recover tax under chapter 83.110 RCW or from the liability of any beneficiary for estate tax under chapter 83.110 RCW.

Sec. 20. RCW 11.20.070 and 1965 c 145 s 11.20.070 are each amended to read as follows:

~~(Whenever any will is lost or destroyed, the court may take proof of the execution and validity of such will and establish it, notice to all persons interested having been first given. Such proof shall be reduced to writing and signed by the witnesses and filed with the clerk of the court.~~

~~No will shall be allowed to be proved as a lost or destroyed will unless it is proved to have been in existence at the time of the death of the testator, or is shown to have been destroyed, canceled or mutilated in whole or in part as a result of actual or constructive fraud or in the course of an attempt to change the will in whole or in part, which attempt has failed, or as the result of a mistake of fact, nor unless its provisions are clearly and distinctly proved by at least two witnesses, and when any such will is so established, the provisions thereof shall be distinctly stated in the judgment establishing it, and such judgment shall be recorded as wills are required to be recorded. Executors of such will or administrators with the will annexed) (1) If a will has been lost or destroyed under circumstances such that the loss or destruction does not have the effect of revoking the will, the court may take proof of the execution and validity of the will and establish it, notice to all persons interested having been first given. The proof must be reduced to writing and signed by any witnesses who have testified as to the execution and validity, and must be filed with the clerk of the court.~~

~~(2) The provisions of a lost or destroyed will must be proved by clear, cogent, and convincing evidence, consisting at least in part of a witness to either its contents or the authenticity of a copy of the will.~~

~~(3) When a lost or destroyed will is established under subsections (1) and (2) of this section, its provisions must be distinctly stated in the judgment establishing it, and the judgment must be recorded as wills are required to be recorded. A personal representative may be appointed by the court in the same manner as is herein provided with reference to original wills presented to the court for probate.~~

Sec. 21. RCW 11.24.010 and 1971 c 7 s 1 are each amended to read as follows:

~~If any person interested in any will shall appear within four months immediately following the probate or rejection thereof, and by petition to the court having jurisdiction contest the validity of said will, or appear to have the will proven which has been rejected, he or she shall file a petition containing his or her objections and exceptions to said will, or to the rejection thereof. ((Issue shall be made up, tried and determined in said court respecting the competency of the deceased to make a last will and testament, or respecting the execution by a deceased of such last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of such will.)) Issues respecting the competency of the deceased to make a last will and testament, or respecting the execution by a deceased of the last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of the will or a part of it, shall be tried and determined by the court.~~

~~If no person shall appear within the time ((aforesaid)) under this section, the probate or rejection of such will shall be binding and final.~~

Sec. 22. RCW 11.24.040 and 1965 c 145 s 11.24.040 are each amended to read as follows:

~~If, upon the trial of said issue, it shall be decided that the will or a part of it is for any reason invalid, or that it is not sufficiently proved to have been the last will of the testator, the will or part and probate thereof shall be annulled and revoked((, and thereupon and thereafter the powers of the executor or administrator with the will annexed shall cease, but such executor or administrator)) and to that extent the powers of the personal representative shall cease, but the personal representative shall not be liable for any act done in good faith previous to such annulling or revoking.~~

Sec. 23. RCW 11.28.120 and 1985 c 133 s 1 are each amended to read as follows:

~~Administration of ((the)) an estate ((of)) if the ((person dying)) decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:~~

~~(1) The surviving ((husband or wife)) spouse, or such person as he or she may request to have appointed.~~

~~(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.~~

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian of the person or estate of the decedent, or attorney in fact appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

~~((4))~~ (6) One or more of the principal creditors.

~~((5))~~ (7) If the persons so entitled shall fail for more than forty days after the death of the ~~((intestate))~~ decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there ~~((are))~~ is no ~~((relatives or))~~ next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

Sec. 24. RCW 11.28.237 and 1977 ex.s. c 234 s 6 are each amended to read as follows:

Within twenty days after appointment, the personal representative of the estate of a decedent shall cause written notice of his or her appointment and the pendency of said probate proceedings, to be served personally or by mail to each heir, legatee and devisee of the estate and each beneficiary or transferee of a nonprobate asset of the decedent whose names and addresses are known to him or her, and proof of such mailing or service shall be made by affidavit and filed in the cause.

Sec. 25. RCW 11.40.010 and 1991 c 5 s 1 are each amended to read as follows:

Every personal representative shall, after appointment and qualification, give a notice to the creditors of the deceased, stating such appointment and qualification as personal representative and requiring all persons having claims against the deceased to serve the same on the personal representative or the estate's attorney of record, and file an executed copy thereof with the clerk of the court, within four months after the date of the first publication of such notice described in this section or within four months after the date of the filing of the copy of such notice with the clerk of the court, whichever is the later, or within the time otherwise provided in RCW 11.40.013. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of such notice with the clerk of the court is referred to in this chapter as the "four-month time limitation." Such notice shall be given as follows:

(1) The personal representative shall give actual notice, as provided in RCW 11.40.013, to such creditors who become known to the personal representative within such four-month time limitation;

(2) The personal representative shall cause such notice to be published once in each week for three successive weeks in the county in which the estate is being administered; and

(3) The personal representative shall file a copy of such notice with the clerk of the court.

Except as otherwise provided in RCW 11.40.011 or 11.40.013, any claim not filed within the four-month time limitation shall be forever barred, if not already barred by any otherwise applicable statute of limitations. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets as described in section 19 of this act. Proof by affidavit of the giving and publication of such notice shall be filed with the court by the personal representative.

Acts of a notice agent in complying with chapter Laws of 1994 (this act) may be adopted and ratified by the personal representative as if done by the personal representative in complying with this chapter, except that if at the time of the appointment and qualification of the personal representative a notice agent had commenced nonprobate notice to creditors under chapter 11.-- RCW (sections 31 through 48 of this act), the personal representative shall give published notice as provided in section 48 of this act.

Sec. 26. RCW 11.40.013 and 1989 c 333 s 4 are each amended to read as follows:

The actual notice described in RCW 11.40.010(1), as to creditors becoming known to the personal representative within the four-month time limitation, shall be given the creditors by personal service or regular first class mail, addressed to the creditor's last known address, postage prepaid. The actual notice shall be given before the later of the expiration of the four-month time limitation or thirty days after any creditor became known to the personal representative within the four-month time limitation. Any known creditor is barred unless the creditor has filed a claim, as otherwise provided in this chapter, within the four-month time limitation or within thirty days following the date of actual notice to that creditor, whichever is later. If notice is given by mail, the date of mailing shall be the date of notice. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets.

Sec. 27. RCW 11.40.015 and 1989 c 333 s 6 are each amended to read as follows:

Notice under RCW 11.40.010 shall be in substantially the following form:

CAPTION) No.)
OF CASE))
) NOTICE TO CREDITORS
)
)

The personal representative named below has been appointed and has qualified as personal representative of this estate. Persons having claims against the ~~((deceased))~~ decedent must, prior to the time such claims would be barred by any otherwise applicable statute of limitations, serve their claims on the personal representative or the attorneys of record at the address stated below and file an executed copy of the claim with the Clerk of this Court within four months after the date of first publication of this notice or within four months after the date of the filing of the copy of this Notice with the Clerk of the Court, whichever is later or, except under those provisions included in RCW 11.40.011 or 11.40.013, the claim will be forever barred. This bar is effective as to claims against both the probate assets and nonprobate assets of the decedent.

DATE OF FILING COPY OF NOTICE TO CREDITORS with Clerk of Court:

DATE OF FIRST PUBLICATION:

Personal Representative

Address

Attorney for Estate:

Address:

Telephone:

Sec. 28. RCW 11.40.040 and 1974 ex.s. c 117 s 36 are each amended to read as follows:

Every claim which has been allowed by the personal representative shall be ranked among the acknowledged debts of the estate to be paid expeditiously in the course of administration.

Sec. 29. RCW 11.40.080 and 1988 c 64 s 22 are each amended to read as follows:

No holder of any claim against a decedent shall maintain an action thereon, unless the claim shall have been first presented as ~~((herein))~~ provided in this chapter. Nothing in this chapter affects ~~((the notice under))~~ RCW 82.32.240.

Sec. 30. RCW 11.48.010 and 1965 c 145 s 11.48.010 are each amended to read as follows:

It shall be the duty of every personal representative to settle the estate, including the administration of any nonprobate assets within control of the personal representative under section 19 of this act, in his or her hands as rapidly and as quickly as possible, without sacrifice to the probate or nonprobate estate. ((He)) The personal representative shall collect all debts due the deceased and pay all debts as hereinafter provided. ((He)) The personal representative shall be authorized in his or her own name to maintain and prosecute such actions as pertain to the management and settlement of the estate, and may institute suit to collect any debts due the estate or to recover any property, real or personal, or for trespass of any kind or character.

NEW SECTION. Sec. 31. (1) Subject to the conditions stated in this section and if no personal representative has been appointed and qualified in the decedent's estate in Washington, the following members of a group, defined as the "qualified group", are qualified to give "nonprobate notice to creditors" of the decedent:

(a) Decedent's surviving spouse;
(b) The person appointed in an agreement made under chapter 11.96 RCW to give nonprobate notice to creditors of the decedent;
(c) The trustee, except a testamentary trustee under the will of the decedent not probated in another state, having authority over any of the property of the decedent; and

(d) A person who has received any property of the decedent by reason of the decedent's death.

(2) The "included property" means the property of the decedent that was subject to satisfaction of the decedent's general liabilities immediately before the decedent's death and that either:

(a) Constitutes a nonprobate asset; or

(b) Has been received, or is entitled to be received, either under chapter 11.62 RCW or by the personal representative of the decedent's probate estate administered outside the state of Washington, or both.

(3) The qualified person shall give the nonprobate notice to creditors. The "qualified person" must be:

(a) The person in the qualified group who has received, or is entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property; or

(b) If there is no person in (a) of this subsection, then the person who has been appointed by those persons, including any successors of those persons, in the qualified group who have received, or are entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property.

(4) The requirement in subsection (3) of this section of the receipt of all, or substantially all, of the included property is satisfied if:

(a) The person described in subsection (3)(a) of this section at the time of the filing of the declaration and oath referred to in subsection (5) of this section in reasonable good faith believed that the person had received, or was entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property; or

(b) The persons described in subsection (3)(b) of this section at the time of their entry into the agreement under chapter 11.96 RCW in which they appoint the person to give the nonprobate notice to creditors in reasonable good faith believed that they had received, or were entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property.

(5) The "notice agent" means the qualified person who:

(a) Files a declaration and oath with the clerk of the superior court in a county in which probate may be commenced regarding the decedent as provided in RCW 11.96.050(2);

(b) Pays a filing fee to the clerk equal in amount to the filing fee charged by the clerk for the probate of estates; and

(c) Receives from the clerk a cause number.

The county in which the notice agent files the declaration is the "notice county." The declaration and oath must be made in affidavit form or under penalty of perjury under the laws of the state in the form provided in RCW 9A.72.085 and must state that the person making the declaration believes in reasonable good faith that the person is qualified under this chapter to act as the notice agent and that the person faithfully will execute the duties of the notice agent as provided in this chapter.

(6) The following persons may not act as notice agent:

(a) Corporations, trust companies, and national banks, except:

(i) Professional service corporations that are regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys; and

(ii) Other corporations, trust companies, and national banks that are authorized to do trust business in this state;

(b) Minors;

(c) Persons of unsound mind; or

(d) Persons who have been convicted of a felony or of a misdemeanor involving moral turpitude.

(7) A person who has given notice under this chapter and who thereafter becomes of unsound mind or is convicted of a crime or misdemeanor involving moral turpitude is no longer qualified to act as notice agent under this chapter. The disqualification does not bar another person, otherwise qualified, from acting as notice agent under this chapter.

(8) A nonresident may act as notice agent if the nonresident appoints an agent who is a resident of the notice county or who is attorney of record for the notice agent upon whom service of all papers may be made. The appointment must be made in writing and filed by the clerk of the notice county with the other papers relating to the notice given under this chapter.

(9) The powers and authority of a notice agent cease, and the office of notice agent becomes vacant, upon the appointment and qualification of a personal representative for the estate of the decedent. Except as provided in section 48 of this act, the cessation of the powers and authority does not affect a published notice under this chapter if the publication commenced before the cessation and does not affect actual notice to creditors given by the notice agent before the cessation.

NEW SECTION. Sec. 32. (1) The notice agent may give nonprobate notice to the creditors of the decedent if:

(a) As of the date of the filing of a copy of the notice with the clerk of the superior court for the notice county, the notice agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of another person becoming a notice agent; and

(b) According to the records of the clerk of the superior court for the notice county as of 8:00 a.m. on the date of the filing, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other notice agent by the clerk under section 31 of this act.

(2) The notice must state that all persons having claims against the decedent shall: (a) Serve the same on the notice agent if the notice agent is a resident of the state of Washington upon whom service of all papers may be made, or on the nonprobate resident agent for the notice agent, if any, or on the attorneys of record of the notice agent at their respective address in the state of Washington; and (b) file an executed copy of the notice with the clerk of the superior court for the notice county, within: (i) (A) Four months after the date of the first publication of the notice described in this section; or (B) four months after the date of the filing of the copy of the notice with the clerk of the superior court for the notice county, whichever is later; or (ii) the time otherwise provided in section 35 of this act. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of the notice with the clerk of the court is referred to in this chapter as the "four-month time limitation."

(3) The notice agent shall declare in the notice in affidavit form or under the penalty of perjury under the laws of the state of Washington as provided in RCW 9A.72.085 that: (a) The notice agent is entitled to give the nonprobate notice under subsection (1) of this section; and (b) the notice is being given by the notice agent as permitted by this section.

(4) The notice agent shall sign the notice and file it with the clerk of the superior court for the notice county. The notice must be given as follows:

(a) The notice agent shall give actual notice as to creditors of the decedent who become known to the notice agent within the four-month time limitation as required in section 35 of this act;

(b) The notice agent shall cause the notice to be published once in each week for three successive weeks in the notice county; and

(c) The notice agent shall file a copy of the notice with the clerk of the superior court for the notice county.

(5) A claim not filed within the four-month time limitation is forever barred, if not already barred by an otherwise applicable statute of limitations, except as provided in section 33 or 35 of this act. The bar is effective to bar claims against both the probate estate of the decedent and nonprobate assets that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death. If a notice to the creditors of a decedent is published by more than one notice agent and the notice agents are not acting jointly, the four-month time limitation means the four-month time limitation that applies to the notice agent who first publishes the notice. Proof by affidavit or perjury declaration made under RCW 9A.72.085 of the giving and publication of the notice must be filed with the clerk of the superior court for the notice county by the notice agent.

NEW SECTION. Sec. 33. The time limitations under this chapter for serving and filing claims do not accrue to the benefit of a liability or casualty insurer as to claims against either the decedent or the marital community of which the decedent was a member, or both, and:

(1) The claims, subject to applicable statutes of limitation, may at any time be: (a) Served on the duly acting notice agent, the duly acting resident agent for the notice agent, or on the attorney for either of them; and (b) filed with the clerk of the superior court for the notice county; or

(2) If there is no duly acting notice agent or resident agent for the notice agent, the claimant as a creditor shall proceed as provided in chapter 11.40 RCW. However, if no personal representative ever has been appointed for the decedent, a personal representative must be appointed as provided in chapter 11.28 RCW and the estate opened, in which case the claimant then shall proceed as provided in chapter 11.40 RCW.

A claim may be served and filed as provided in this section, notwithstanding that there is no duly acting notice agent and that no personal representative previously has been appointed. However, the amount of recovery under the claim may not exceed the amount of applicable insurance coverages and proceeds, and the claim so served and filed may not constitute a cloud or lien upon the title to the assets of the decedent or delay or prevent the transfer or distribution of assets of the decedent. This section does not serve to extend the applicable statute of limitations regardless of whether a declaration and oath has been filed by a notice agent as provided in section 31 of this act.

NEW SECTION. Sec. 34. The notice agent shall exercise reasonable diligence to discover, within the four-month time limitation, reasonably ascertainable creditors of the decedent. The notice agent is deemed to have exercised reasonable diligence to ascertain the creditors upon:

(1) Conducting, within the four-month time limitation, a reasonable review of the decedent's correspondence including correspondence received after the date of death and financial records including checkbooks, bank statements, income tax returns, and similar materials, that are in the possession of, or reasonably available to, the notice agent; and

(2) Having made, with regard to claimants, inquiry of the nonprobate takers of the decedent's property and of the presumptive heirs, devisees, and legatees of the decedent, all of whose names and addresses are known, or in the exercise of reasonable diligence should have been known, to the notice agent.

If the notice agent conducts the review and makes an inquiry, the notice agent is presumed to have exercised reasonable diligence to ascertain creditors of the decedent, and creditors not ascertained in the review or in an inquiry are presumed not reasonably ascertainable. These presumptions may be rebutted only by clear, cogent, and convincing evidence. The notice agent may evidence the review and inquiry by filing an affidavit or declaration under penalty of perjury form as provided in RCW 9A.72.085 to the effect in the nonprobate proceeding in the notice county. The notice agent also may petition the superior court of the notice county for an order declaring that the notice agent has made a review and inquiry and that only creditors known to the notice agent after the review and inquiry are reasonably ascertainable. The petition and hearing must be under the procedures provided in chapter 11.96 RCW, and the notice specified under RCW 11.96.100 must also be given by publication.

NEW SECTION. Sec. 35. The actual notice described in section 32(4)(a) of this act, as to a creditor becoming known to the notice agent within the four-month time limitation, must be given the creditor by personal service or regular first class mail, addressed to the creditor's last known address, postage prepaid. The actual notice must be given before the later of the expiration of the four-month time limitation or thirty days after a creditor became known to the notice agent within the four-month time limitation. A known creditor is barred unless the creditor has filed a claim, as provided in this chapter, within the four-month time limitation or within thirty days following the date of actual notice to that creditor, whichever is later. If notice is given by mail, the date of mailing is the date of notice. This bar is effective as to claims against the included property as defined in section 31 of this act.

NEW SECTION. Sec. 36. (1) Whether or not notice under section 32 of this act has been given or should have been given, if no personal representative has been appointed and qualified, a person having a claim against the decedent who has not filed the claim within eighteen months from the date of the decedent's death is forever barred from making a claim against the decedent, or commencing an action against the decedent, if the claim or action is not already barred by any otherwise applicable statute of limitations. However, this eighteen-month limitation does not apply to:

(a) Claims described in section 33 of this act;

(b) A claim if, during the eighteen-month period following the date of death, partial performance has been made on the obligation underlying the claim, and the notice agent has not given the actual notice described in section 32(4)(a) of this act; or

(c) Claims if, within twelve months after the date of death:

(i) No notice agent has given the published notice described in section 32(4)(b) of this act; and

(ii) No personal representative has given the published notice described in RCW 11.40.010(2).

Any otherwise applicable statute of limitations applies without regard to the tolling provisions of RCW 4.16.190.

(2) Claims referred to in this section must be filed if there is no duly appointed, qualified, and acting personal representative and there is a duly declared and acting notice agent or resident agent for the notice agent. The claims, subject to applicable statutes of limitation, may at any time be served on the duly declared and acting notice agent or resident agent for the notice agent, or on the attorney for either of them.

(3) A claim to be filed under this chapter if there is no duly appointed, qualified, and acting personal representative but there is a duly declared and acting notice agent or resident agent for the notice agent and which claim is not otherwise barred under this chapter must be made in the form and manner provided under section 32 of this act, as if the notice under that section had been given.

NEW SECTION. Sec. 37. Notice under section 32 of this act must be in substantially the following form:

In the Matter of)
) No.
)
) NONPROBATE NOTICE TO CREDITORS
 Deceased.)
 _____)

_____, the undersigned Notice Agent, has elected to give notice to creditors of the decedent above named under section 32 of this act. As of the date of the filing of a copy of this notice with the Clerk of this Court, the Notice Agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of any other person becoming a Notice Agent. According to the records of the Clerk of this Court as of 8:00 a.m. on the date of the filing of this notice with the Clerk, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other Notice Agent by the Clerk of this Court under section 31 of this act.

Persons having claims against the decedent named above must, before the time the claims would be barred by any otherwise applicable statute of limitations, serve their claims on: The notice agent if the Notice Agent is a resident of the state of Washington upon whom service of all

papers may be made; the Nonprobate Resident Agent for the Notice Agent, if any; or the attorneys of record for the Notice Agent at the respective address in the state of Washington listed below, and file an executed copy of the claim with the Clerk of this Court within four months after the date of first publication of this notice, or within four months after the date of the filing of the copy of this notice with the Clerk of the Court, whichever is later, or, except under those provisions included in section 33 or 35 of this act, the claim will be forever barred. This bar is effective as to all assets of the decedent that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death regardless of whether those assets are or would be assets of the decedent's probate estate or nonprobate assets of the decedent.

Date of filing of this notice with the
Clerk of the Court: _____

Date of first publication of this notice: _____

The Notice Agent declares under penalty of perjury under the laws of the State of Washington on _____, 19____ at _____
[City] _____, _____ [State] _____ that the foregoing is true and correct.

Notice Agent [signature] Nonprobate Resident Agent [if appointed]
[address in Washington, if any] [address in Washington]

Attorney for Notice Agent
[address in Washington]
[telephone]

NEW SECTION. Sec. 38. RCW 11.40.020 applies to claims subject to this chapter.

NEW SECTION. Sec. 39. (1) Property of the decedent that was subject to the satisfaction of the decedent's general liabilities immediately before the decedent's death is liable for claims. The property includes, but is not limited to, property of the decedent that is includable in the decedent's probate estate, whether or not there is a probate administration of the decedent's estate.

(2) A claim approved by the notice agent, and a judgment on a claim first prosecuted against a notice agent, may be paid only out of assets received as a result of the death of the decedent by the notice agent or by those appointing the notice agent under chapter 11.96 RCW, except as may be provided by agreement under RCW 11.96.170 or by court order under RCW 11.96.070.

NEW SECTION. Sec. 40. (1) The notice agent shall approve or reject claims no later than by the end of a period that is two months after the end of the four-month time limitation defined as the "review period."

(2) The notice agent may approve a claim, in whole or in part.

(3) If the notice agent rejects a claim, in whole or in part, the notice agent shall notify the claimant of the rejection and file in the office of the clerk of the court in the notice county an affidavit or declaration under penalty of perjury under RCW 9A.72.085 showing the notification and the date of the notification. The notification must be by personal service or certified mail addressed to the claimant at the claimant's address as stated in the claim. If a person other than the claimant signed the claim for or on behalf of the claimant, and the person's business address as stated in the claim is different from that of the claimant, notification of the rejection also must be made by personal service or certified mail upon that person. The date of the postmark is the date of the notification. The notification of the rejection must advise the claimant, and the person making claim on his, her, or its behalf, if any, that the claimant must bring suit in the proper court in the notice county against the notice agent: (a) Within thirty days after notification of rejection if the notification is made during or after the review period; or (b) before expiration of thirty days after the end of the four-month time limitation, if the notification is made during the four-month time limitation, and that otherwise the claim is forever barred.

(4) A claimant whose claim either has been rejected by the notice agent or has not been acted upon within twenty days of written demand for the action having been given to the notice agent by the claimant during or after the review period must commence an action against the notice agent in the proper court in the notice county to enforce the claim of the claimant within the earlier of:

(a) If the notice of the rejection of the claim has been sent as provided in subsection (3) of this section: The time for filing an action on a rejected claim is as provided in subsection (3) of this section; or

(b) If written demand for approval or rejection is made on the notice agent before the claim is rejected: Within 30 days following the end of the twenty-day written demand period where the demand period ends during or after the review period; otherwise the claim is forever barred.

(5) The notice agent may, either before or after rejection of a claim, compromise the claim, whether due or not, absolute or contingent, liquidated or unliquidated.

(6) A personal representative of the decedent's estate may revoke either or both of: (a) The rejection of a claim that has been rejected by the notice agent; or (b) the approval of a claim that has been either approved or compromised by the notice agent, or both.

(7) If a notice agent pays a claim that subsequently is revoked by a personal representative of the decedent, the notice agent may file a claim in the decedent's estate for the notice agent's payment, and the claim may be allowed or rejected as other claims, at the election of the personal representative.

(8) If the notice agent has not received substantially all assets of the decedent that are liable for claims, then although an action may be commenced on a rejected claim by a creditor against the notice agent, the notice agent, notwithstanding any provision in this chapter, may only make an appearance in the litigation. The Notice Agent may not answer the action, but must, instead, cause a petition to be filed for the appointment of a personal representative of the decedent within thirty days of the service of the creditor's summons and complaint on the notice agent. A judgment may not be entered in an action brought by a creditor against the notice agent earlier than twenty days after the duly appointed, qualified, and acting personal representative of the decedent has been substituted in that action for the notice agent.

NEW SECTION. Sec. 41. If a claim has been filed and presented to a notice agent, and a part of the claim is allowed, the amount of the allowance must be stated in the indorsement. If the creditor refuses to accept the amount so allowed in satisfaction of the claim, the creditor may not recover costs in an action the creditor may bring against the notice agent and against any substituted personal representative unless the creditor recovers a greater amount than that offered to be allowed, exclusive of interest and costs.

NEW SECTION. Sec. 42. A debt of a decedent for whose estate no personal representative has been appointed must be paid in the following order by the notice agent from the assets of the decedent that are subject to the payment of claims as provided in section 39 of this act:

(1) Costs of administering the assets subject to the payment of claims, including a reasonable fee to the notice agent, the resident agent for the notice agent, if any, reasonable attorneys' fees for the attorney for each of them, filing fees, publication costs, mailing costs, and similar costs and fees.

(2) Funeral expenses in a reasonable amount.

(3) Expenses of the last sickness in a reasonable amount.

(4) Wages due for labor performed within sixty days immediately preceding the death of the decedent.

(5) Debts having preference by the laws of the United States.

(6) Taxes or any debts or dues owing to the state.

(7) Judgments rendered against the decedent in the decedent's lifetime that are liens upon real estate on which executions might have been issued at the time of the death of the decedent and debts secured by mortgages in the order of their priority. However, the real estate is subject to the payment of claims as provided in section 40 of this act.

(8) All other demands against the assets subject to the payment of claims as provided in section 40 of this act.

A claim of the notice agent or other person who has received property by reason of the decedent's death may not be paid by the notice agent unless all other claims that have been filed under this chapter, and all debts having priority to the claim, are paid in full or otherwise settled by agreement, regardless of whether the other claims are allowed or rejected, or partly allowed or partly rejected. In the event of the probate of the decedent's estate, the personal representative's payment from estate assets of the claim of the notice agent or other person who has received property by reason of the decedent's death is not affected by the priority payment provisions of this section.

NEW SECTION. Sec. 43. The notice agent may not allow a claim that is barred by the statute of limitations.

NEW SECTION. Sec. 44. A holder of a claim against a decedent may not maintain an action on the claim against a notice agent, unless the claim has been first presented as provided in this chapter. This chapter does not affect RCW 82.32.240.

NEW SECTION. Sec. 45. The time during which there is a vacancy in the office of notice agent is not included in a limitation prescribed in this chapter.

NEW SECTION. Sec. 46. If a judgment has been rendered against a decedent in the decedent's lifetime, an execution may not issue on the judgment after the death of the decedent, but the judgment must be presented in the form of a claim to the notice agent, if any, as any other claim. The claim need not be supported by the affidavit of the claimant. If the claim is justly due and unsatisfied, it must be paid in due course in accordance with this chapter for the payment of claims. However, if the judgment is a lien on property classified within the definition of the included property in section 31 of this act, the property may be sold for the satisfaction of the judgment, and the officer making the sale shall account to the notice agent for any surplus.

NEW SECTION. Sec. 47. The personal claim of a Notice Agent, as a creditor of the decedent, must be authenticated by affidavit, and must be filed and presented for allowance to the superior court in the notice county. The allowance of the claim by the court is sufficient evidence of the correctness of the claim.

NEW SECTION. Sec. 48. In case the office of notice agent becomes vacant for any reason, including resignation, death, removal, or replacement, after notice by publication has been commenced as provided in section 32 of this act, the personal representative of the decedent or the successor notice agent shall publish notice of the vacancy and succession for two successive weeks in a legal newspaper published in the notice county. The time between the commencement of the vacancy and the publication by the successor notice agent or personal representative must be added to the time within which claims must be filed: (1) As fixed by the first published nonprobate notice to creditors; and (2) as extended in the case of actual notice under section 35 of this act, unless the time expired before the vacancy. Notice is not required if the period for filing claims has expired during the time that the former notice agent was qualified.

Sec. 49. RCW 11.56.050 and 1965 c 145 s 11.56.050 are each amended to read as follows:

If the court should determine that it is necessary to sell any or all of the real estate for the purposes mentioned in this title, then it may make and cause to be entered an order directing the personal representative to sell so much of the real estate as the court may determine necessary for the purposes aforesaid. Such order shall give a particular description of the property to be sold and the terms of such sale and shall provide whether such property shall be sold at public or private sale, or by negotiation. ~~((The court shall order sold that part of the real estate which is generally devised, rather than any part which may have been specifically devised, but the court may, if it appears necessary, sell any or all of the real estate so devised.))~~ After the giving of such order it shall be the duty of the personal representative to sell such real estate in accordance with the order of the court and as in this title provided with reference to the public or private sales of real estate.

Sec. 50. RCW 11.68.010 and 1977 ex.s. c 234 s 18 are each amended to read as follows:

Subject to the provisions of this chapter, if the estate of a decedent, who died either testate or intestate, is solvent taking into account both probate and nonprobate assets of the decedent, and if the personal representative is other than a creditor of the decedent not designated as personal representative in the decedent's will, such estate shall be managed and settled without the intervention of the court; the fact of solvency shall be established by the entry of an order of solvency. An order of solvency may be entered at the time of the appointment of the personal representative or at any time thereafter where it appears to the court by the petition of the personal representative, or the inventory filed, and/or other proof submitted, that the estate of the decedent is solvent, and that notice of the application for an order of solvency has been given to those persons entitled thereto when required by RCW 11.68.040 as now or hereafter amended.

Sec. 51. RCW 11.96.009 and 1985 c 31 s 2 are each amended to read as follows:

(1) The superior court shall have original subject-matter jurisdiction over ~~((probates in the following instances))~~ the probate of wills and the administration of estates of incapacitated, missing, and deceased individuals in all instances, including without limitation:

- (a) When a resident of the state dies; or
- (b) When a nonresident of the state dies in the state; or
- (c) When a nonresident of the state dies outside the state.

(2) The superior court shall have original subject-matter jurisdiction over trusts and ~~((trust))~~ matters relating to trusts.

(3) The superior courts in the exercise of their jurisdiction of matters of ~~((probate and))~~ trusts and estates shall have the power to probate or refuse to probate wills, appoint personal representatives ~~((of deceased, incompetent, or disabled persons and))~~, administer and settle ~~((all such estates, and))~~ the affairs and the estates of incapacitated, missing, or deceased individuals including but not limited to decedents' estates only containing nonprobate assets, administer and settle matters that relate to nonprobate assets and arise under chapter 11.-- (section 19 of this act) or 11.-- RCW (sections 31 through 48 of this act), administer and settle all trusts and trust matters, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction.

Sec. 52. RCW 11.96.020 and 1985 c 31 s 3 are each amended to read as follows:

It is the intention of ~~((this title))~~ the legislature that the courts ~~((mentioned))~~ shall have full and ample power and authority under this title to:

(1) Administer and settle ~~((all estates of decedents and incompetent and disabled persons in this title mentioned and to))~~ the affairs and the estates of all incapacitated, missing, and deceased persons in accordance with this title;

(2) Administer and settle all trusts and trust matters; and

(3) Administer and settle matters arising with respect to nonprobate assets under chapters 11.-- (section 19 of this act) and 11.-- RCW (sections 31 through 48 of this act).

If the provisions of this title with reference to the administration and settlement of such ~~((estates or trusts))~~ matters should in any cases and under any circumstances be inapplicable ~~((or))~~, insufficient, or doubtful, the court shall nevertheless have full power and authority to proceed with such administration and settlement in any manner and way which to the court seems right and proper, all to the end that such ~~((estates or trusts may be by the court administered upon and settled))~~ matters may be administered and settled by the court.

Sec. 53. RCW 11.96.050 and 1985 c 31 s 6 are each amended to read as follows:

For purposes of venue in proceedings involving: The probate of wills; the administration and disposition of estates of incapacitated, missing, or deceased individuals, including but not limited to estates only containing nonprobate assets; or trusts and trust matters, the following shall apply:

(1) Proceedings under Title 11 RCW pertaining to trusts shall be commenced ~~((either))~~:

- (a) In the superior court of the county in which the situs of the trust is located as provided in RCW 11.96.040; or
- (b) ~~((In the superior court of the county in which a trustee resides or has its principal place of business; or~~

(e)) With respect to testamentary trusts, in the superior court of the county where letters testamentary were granted to a personal representative ~~(, and in the absence of)~~ or, where no such letters have been granted to a personal representative, then in any county where letters testamentary could have been granted in accordance with subsection (2) of this section.

(2) Wills shall be proven, letters testamentary or of administration granted, and other proceedings pertaining to the probate of wills, the administration and disposition of estates including but not limited to estates containing only nonprobate assets under Title 11 RCW ~~((pertaining to probate)) shall be commenced~~ ~~(, either)~~:

(a) In the county in which the decedent was a resident at the time of death;

(b) In the county in which the decedent died, or in which any part of the estate may be, if the decedent was not a resident of this state; ~~((or))~~

(c) In the county in which any part of the estate may be, if the decedent ~~((having))~~ died out-of-state ~~(,)~~ and was not ~~((having been))~~ a resident ~~((in))~~ of this state at the time of death; or

(d) In the county in which any nonprobate asset may be, if the decedent died out-of-state, was not a resident of this state at the time of death, and left no assets subject to probate administration in this state.

(3) No action undertaken is defective or invalid because of improper venue if the court has jurisdiction of the matter.

Sec. 54. RCW 11.96.060 and 1985 c 31 s 7 are each amended to read as follows:

(1) Any action against the trustee of an express trust, excluding those trusts excluded from the definition of express trusts under RCW 11.98.009, but including all express trusts, whenever executed, for any breach of fiduciary duty, must be brought within three years from the earlier of (a) the time the alleged breach was discovered or reasonably should have been discovered, (b) the discharge of a trustee from the trust as provided in RCW ~~((11.98.040))~~ 11.98.041, or (c) the time of termination of the trust or the trustee's repudiation of the trust.

(2) Any action by an heir, legatee, or other interested party, to whom proper notice was given if required, against a personal representative for alleged breach of fiduciary duty must be brought prior to discharge of the personal representative.

(3) The tolling provisions of RCW 4.16.190 apply to this chapter except that the running of any statute of limitations stated in subsection (1) or (2) of this section, or any other applicable statute of limitations for any matter that is the subject of dispute under chapter 11.96 RCW, is not tolled if the unascertained or unborn heir, beneficiary, or class of persons, or minor ~~((, incompetent, or disabled))~~ or incapacitated person, or person identified in RCW 11.96.170(2) or 11.96.180 whose identity or address is unknown, had a guardian ad litem, limited or general guardian of the estate, or a special representative to represent the person during the probate or dispute resolution proceeding.

~~((4) Notwithstanding subsections (2) and (3) of this section, any cause of action against a trustee of an express trust, as provided for in subsection (1) of this section is not barred by the statute of limitations if it is brought within three years from January 1, 1985. In addition, any action as specified in subsection (2) of this section against the personal representative is not barred by this statute of limitations if it is brought within one year of January 1, 1985.))~~

Sec. 55. RCW 11.96.070 and 1990 c 179 s 1 are each amended to read as follows:

~~((A trustor, grantor, personal representative, trustee, or other fiduciary, creditor, devisee, legatee, heir, or trust beneficiary interested in the administration of a trust, or the attorney general in the case of a charitable trust under RCW 11.110.120, or of the estate of a decedent, incompetent, or disabled person.))~~ (1) A person with an interest in or right respecting the administration, settlement, or disposition of an interest in a trust or in the estate of an incapacitated, missing, or deceased person may have a judicial proceeding for the declaration of rights or legal relations ~~((in respect to the trust or estate))~~ under this title including but not limited to the following:

~~((1) To ascertain))~~ (a) The ascertaining of any class of creditors, devisees, legatees, heirs, next of kin, or others;

~~((2) To direct))~~ (b) The ordering of the personal representatives or trustees to do or abstain from doing any particular act in their fiduciary capacity;

~~((3) To determine))~~ (c) The determination of any question arising in the administration of the estate or trust, including without limitation questions of construction of wills and other writings;

~~((4) To confer upon))~~ (d) The grant to the personal representatives or trustees of any necessary or desirable powers not otherwise granted in the instrument or given by law that the court determines are not inconsistent with the provisions or purposes of the will or trust;

~~((5) To amend or conform))~~ (e) The modification of the will or the trust instrument in the manner required to qualify the gift thereunder for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; ~~((or~~

~~((6) To amend or conform))~~ (f) The modification of the will or the trust instrument in the manner required to qualify any gift thereunder for the benefit of a surviving spouse who is not a citizen of the United States for the estate tax marital deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a qualified domestic trust under section 2056A of the internal revenue code as required by final regulations and rulings of the United States treasury department or internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; ~~((or~~

~~((7) To resolve any other matter in this title referencing this judicial proceedings section.))~~ (g) The determination of the persons entitled to notice under RCW 11.96.100 and 11.96.110 for the purposes of any judicial proceeding under this subsection (1) and for the purposes of an agreement under RCW 11.96.170; or

(h) The resolution of any other matter that arises under this title and references this section.

(2) Any person with an interest in or right respecting the administration of a nonprobate asset under this title may have a judicial proceeding for the declaration of rights or legal relations under this title with respect to the nonprobate asset, including without limitation the following:

(a) The ascertaining of any class of creditors or others for purposes of chapter 11.-- (section 19 of this act) or 11.-- RCW (sections 31 through 48 of this act);

(b) The ordering of a qualified person, the notice agent, or resident agent, as those terms are defined in chapter 11.-- RCW (sections 31 through 48 of this act), or any combination of them, to do or abstain from doing any particular act with respect to a nonprobate asset;

(c) The ordering of a custodian of any of the decedent's records relating to a nonprobate asset to do or abstain from doing any particular act with respect to those records;

(d) The determination of any question arising in the administration under chapter 11.-- (section 19 of this act) or 11.-- RCW (sections 31 through 48 of this act) of a nonprobate asset;

(e) The determination of the persons entitled to notice under RCW 11.96.100 and 11.96.110 for the purposes of any judicial proceeding under this subsection (2) and for the purposes of an agreement under RCW 11.96.170; and

(f) The determination of any questions relating to the abatement, rights of creditors, or other matter relating to the administration, settlement, or final disposition of a nonprobate asset under this title.

(3) The provisions of this chapter apply to disputes arising in connection with estates of ~~((incompetents or disabled))~~ incapacitated persons unless otherwise covered by chapters 11.88 and 11.92 RCW. The provisions of this chapter shall not supersede the otherwise applicable provisions and procedures of chapter 11.24, 11.28, 11.40, 11.52, 11.56, or 11.60 RCW with respect to any rights or legal obligations that are subject to those chapters.

(4) For the purposes of this section, "a person with an interest in or right respecting the administration, settlement, or disposition of an interest in a trust or in the estate of an incapacitated, missing, or deceased person" includes but is not limited to:

(a) The trustor if living, trustee, beneficiary, or creditor of a trust and, for a charitable trust, the attorney general if acting within the powers granted under RCW 11.110.120;

(b) The personal representative, heir, devisee, legatee, and creditor of an estate;

(c) The guardian, guardian ad litem, and ward of a guardianship, and a creditor of an estate subject to a guardianship; and

(d) Any other person with standing to sue with respect to any of the matters for which judicial proceedings are authorized in subsection (1) of this section.

(5) For the purposes of this section, "any person with an interest in or right respecting the administration of a nonprobate asset under this title" includes but is not limited to:

(a) The notice agent, the resident agent, or a qualified person, as those terms are defined in chapter 11.-- RCW (sections 31 through 48 of this act):

(b) The recipient of the nonprobate asset with respect to any matter arising under this title;

(c) Any other person with standing to sue with respect to any matter for which judicial proceedings are authorized in subsection (2) of this section; and

(d) The legal representatives of any of the persons named in this subsection.

Sec. 56. RCW 11.96.080 and 1985 c 31 s 9 are each amended to read as follows:

Unless rules of court or a provision of this title requires otherwise, a judicial proceeding under RCW 11.96.070 may be commenced by petition. The court shall make an order fixing the time and place for hearing the petition. The court shall approve the form and content of the notice. Notice of hearing shall be signed by the clerk of the court.

Sec. 57. RCW 11.96.090 and 1985 c 31 s 10 are each amended to read as follows:

The clerk of each of the superior courts is authorized to fix the time of hearing of all applications, petitions and reports in probate and guardianship proceedings, except the time for hearings upon show cause orders and citations and except for the time of hearings set under RCW 11.96.080. The authority ~~((herein))~~ granted in this section is in addition to the authority vested in the superior courts and superior court commissioners.

Sec. 58. RCW 11.96.100 and 1985 c 31 s 11 are each amended to read as follows:

(1) Subject to RCW 11.96.110, in all judicial proceedings under Title 11 RCW that require notice, such notice shall be personally served ((or mailed to each trustee, personal representative, heir, beneficiary including devisees, legatees, and heirs, guardian ad litem, and person having an interest in the trust or estate whose name and address are known to the petitioner)) on or mailed to all parties to the dispute at least twenty days prior to the hearing on the petition((-)) unless ((otherwise)) a different period is provided by statute or ordered by the court under RCW 11.96.080.

(2) Proof of ((such)) the service or mailing required in this section shall be made by affidavit filed at or before the hearing.

((In addition, notice shall also be given to)) (3) For the purposes of this section:

(a) When used in connection with a judicial proceeding under RCW 11.96.070(1), "parties to the dispute" means each:

(i) Trustor if living;

(ii) Trustee;

(iii) Personal representative;

(iv) Heir;

(v) Beneficiary including devisees, legatees, and trust beneficiaries;

(vi) Guardian ad litem; or

(vii) Other person

who has an interest in the subject of the particular proceeding and whose name and address are known to, or are reasonably ascertainable by, the petitioner, and also includes the attorney general if required under RCW 11.110.120.

(b) When used in connection with a judicial proceeding under RCW 11.96.070(2), "parties to the dispute" means each notice agent, if any, or other person, who has an interest in the subject of the particular proceeding and whose name and address are known to, or are reasonably ascertainable by, the petitioner, and also includes the personal representatives of the estate of the owner of the nonprobate asset that is the subject of the particular proceeding, if the subject of the particular proceeding relates to the beneficiary's liability to a decedent's estate or creditors under section 19 of this act.

(c) "Notice agent" has the meanings given in section 31 of this act.

Sec. 59. RCW 11.96.110 and 1985 c 31 s 12 are each amended to read as follows:

Notwithstanding provisions of this chapter to the contrary, there is compliance with the ~~((notice))~~ requirements of Title 11 RCW for notice to the beneficiaries of, ~~((or))~~ and other persons interested in, an estate ~~((or))~~, a trust, or ~~((to beneficiaries or remaindermen))~~ a nonprobate asset, including without limitation all living persons who may participate in the corpus or income of the trust or estate, if notice is given as follows:

(1) If an interest in an estate ~~((or))~~, trust, or nonprobate asset has been given to persons who compose a certain class upon the happening of a certain event, notice shall be given to the living persons who would constitute the class if the event had happened immediately before the commencement of the proceeding requiring notice.

(2) If an interest in an estate ~~((or))~~, trust, or nonprobate asset has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or to persons who are, or may be, the distributees, heirs, issue, or other kindred of that living person upon the happening of a future event, notice shall be given to that living person.

(3) Except as otherwise provided in subsection (2) of this section, if an interest in an estate ~~((or))~~, trust, or nonprobate asset has been given to a person, a class of persons, or both upon the happening of any future event, and the same interest or a share of such interest is to pass to another person, class of persons, or both, upon the happening of an additional future event, notice shall be given to the living person or persons who would take the interest upon the happening of the first event.

(4) Notice shall be given to persons who would not otherwise be entitled to notice by law if a conflict of interest involving the subject matter of the ~~((trust or estate))~~ proceeding relating to an estate, trust, or nonprobate asset is known to exist between a person to whom notice is given and a person to whom notice need not be given under Title 11 RCW.

Any action taken by the court is conclusive and binding upon each person receiving actual or constructive notice in the manner provided in this section.

Sec. 60. RCW 11.96.130 and 1985 c 31 s 14 are each amended to read as follows:

All issues of fact ~~((joined in probate or trust proceedings))~~ in any judicial proceeding under this title shall be tried in conformity with the requirements of the rules of practice in civil actions ~~((--The probate or trust--))~~, except as otherwise provided by statute or ordered by the court under RCW 11.96.030 or other applicable law or rules of court. The judicial proceeding may be commenced as a new action or as an action incidental to an existing ~~((probate or trust))~~ judicial proceeding relating to the same trust or estate or nonprobate asset. Once commenced, the action may be consolidated with an existing ~~((probate or trust))~~ proceeding or converted to a separate action upon the motion of any party for good cause shown, or by the court on its own motion. If a party is entitled to a trial by jury and a jury is demanded, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice, shall settle and frame the issues to be tried. If no jury is demanded, the court shall try the issues ~~((joined))~~, and sign and file its findings and decision in writing, as provided for in civil actions. Judgment on the ~~((issue joined))~~ issues, as well as for costs, may be entered and enforced by execution or otherwise by the court as in civil actions.

Sec. 61. RCW 11.96.140 and 1985 c 31 s 15 are each amended to read as follows:

Either the superior court or the court on appeal, may, in its discretion, order costs, including ~~((attorneys))~~ attorneys' fees, to be paid by any party to the proceedings or out of the assets of the estate or trust or nonprobate asset, as justice may require.

Sec. 62. RCW 11.96.160 and 1988 c 202 s 19 are each amended to read as follows:

Any interested party may seek appellate review of any final order, judgment, or decree of the court ~~((--and such))~~ respecting any judicial proceedings under this title. The review shall be in the manner and way provided by law for appeals in civil actions.

Sec. 63. RCW 11.96.170 and 1988 c 29 s 7 are each amended to read as follows:

(1) If ~~((--as to the))~~ all required parties to the dispute agree as to a matter in dispute, the ~~((trustor, grantor, all parties beneficially interested in the estate or trust with respect to such matter, and any current fiduciary of such estate or trust, who are also included in RCW 11.96.070 and who are entitled to notice under RCW 11.96.100 and 11.96.110 agree on any matter listed in RCW 11.96.070 or any other matter in Title 11 RCW referencing~~

~~this nonjudicial resolution procedure, then the~~) agreement shall be evidenced by a written agreement executed by all ~~((necessary persons as provided in this section))~~ required parties to the dispute. Those persons may reach an agreement concerning a matter in RCW 11.96.070~~((4))~~ (1)(d) as long as those persons, rather than the court, determine that the powers to be conferred are not inconsistent with the provisions or purposes of the will or trust.

(2) If necessary, ~~((the personal representative or trustee))~~ any one or more of the required parties to the dispute may petition the court for the appointment of a special representative to represent a ~~((person interested in the estate or trust who is a minor, incompetent, disabled, or))~~ required party to the dispute who is incapacitated by reason of being a minor or otherwise, who is yet unborn or unascertained, or ~~((a person))~~ whose identity or address is unknown. The special representative has authority to enter into a binding agreement under this section on behalf of the person or beneficiary. The special representative may be appointed for more than one person or class of persons if the interests of such persons or ~~((class))~~ classes are not in conflict. Those entitled to receive notice for persons or beneficiaries described in RCW 11.96.110 may enter into a binding agreement on behalf of such persons or beneficiaries.

(3) The special representative shall be a lawyer licensed to practice before the courts of this state or an individual with special skill or training in the administration of estates ~~((or)), trusts, or nonprobate assets, as applicable~~. The special representative shall have no interest in any affected estate ~~((or)), trust, or nonprobate asset~~, and shall not be related to any personal representative, trustee, beneficiary, or other person interested in the estate ~~((or)), trust, or nonprobate asset~~. The special representative is entitled to reasonable compensation for services ~~((which))~~ and, if applicable, that compensation shall be paid from the principal of the estate ~~((or)), trust, or nonprobate asset~~ whose beneficiaries are represented. Upon execution of the written agreement, the special representative shall be discharged of any further responsibility with respect to the estate ~~((or)), trust, or nonprobate asset~~.

(4) The written agreement or a memorandum summarizing the provisions of the written agreement may, at the option of any ~~((person interested in the estate or trust))~~ of the required parties to the dispute, be filed with the court having jurisdiction over the estate ~~((or)), trust, nonprobate asset, or other matter affected by the agreement~~. The person filing the agreement or memorandum shall, within five days ~~((thereof))~~ after the agreement or memorandum is filed with the court, mail a copy of the agreement, the summarizing memorandum if one was filed with the court, and a notice of the filing to each ~~((person interested in the estate or trust))~~ of the required parties to the dispute whose address is known or is reasonably ascertainable by the person. Notice shall be in substantially the following form:

CAPTION NOTICE OF FILING OF
OF CASE AGREEMENT OR
MEMORANDUM
OF AGREEMENT

Notice is hereby given that the attached document was filed by the undersigned in the above entitled court on the day of, ~~((19--))~~ Unless you file a petition objecting to the agreement within 30 days of the above specified date the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the ~~((estate or trust))~~ subject of the agreement.

If you file and serve a petition within the period specified, you should ask the court to fix a time and place for the hearing on the petition and provide for at least ~~((a))~~ ten days' notice to all persons interested in the ~~((estate or trust))~~ subject of the agreement.

DATED this day of, ~~((19--))~~

~~((Party to the agreement))~~ Name of person filing the agreement or memorandum

with the court

(5) Unless a ~~((person interested in the estate or trust))~~ required party to the dispute files a petition objecting to the agreement within thirty days ~~((or))~~ after the filing of the agreement or the memorandum, the agreement will be deemed approved and will be equivalent to a final order binding on all ~~((persons interested in the estate or trust. If all persons interested in the estate or trust))~~ parties to the dispute. If all required parties to the dispute waive the notice required by this section, the agreement will be deemed approved and will be equivalent to a final order binding on all such persons ~~((interested in the estate or trust))~~ effective upon the date of filing.

(6) For the purposes of this section:

(a) "Matter in dispute" includes without limitation any matter listed in RCW 11.96.070 or any other matter in this title referencing this nonjudicial resolution procedure;

(b) "Parties to the dispute" has the meaning given to that term in RCW 11.96.100(3) (a) and (b), as applicable;

(c) "Required parties to the dispute" means those parties to the dispute who are entitled to notice under RCW 11.96.100 and 11.96.110, and, when used in the singular, means any one of the required parties to the dispute; and

(d) "Estate" includes the estate of a deceased, missing, or incapacitated person.

Sec. 64. RCW 11.96.180 and 1985 c 31 s 19 are each amended to read as follows:

(1) The court, upon its own motion or on request of ~~((a person interested in the trust or estate))~~ any one or more of the required parties to the dispute as that term is defined in RCW 11.96.170(6)(c), at any stage of a judicial proceeding or at any time in a nonjudicial resolution procedure, may appoint a guardian ad litem to represent the interests of a minor, incapacitated, unborn, or unascertained person, or person whose identity ~~((and))~~ or address ~~((are))~~ is unknown, or a designated class of persons who are not ascertained or are not in being. When not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests.

(2) ~~((For the purposes of this section, a trustee is a person interested in the trust and a personal representative is a person interested in an estate.~~

~~((3))~~ (3) The court-appointed guardian ad litem supersedes the special representative if so provided in the court order.

~~((4))~~ (4) The court may appoint the guardian ad litem at an ex parte hearing, or the court may order a hearing as provided in RCW 11.96.070 with notice as provided in RCW 11.96.080, 11.96.100, and 11.96.110.

Sec. 65. RCW 11.100.035 and 1989 c 97 s 1 are each amended to read as follows:

(1) Within the standards of judgment and care established by law, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are authorized to acquire and retain securities of any open-end or closed-end management type investment company or investment trust registered under the federal investment company act of 1940 as now or hereafter amended.

(2) Within the limitations of subsection (1) of this section, whenever the trust instrument directs, requires, authorizes, or permits investment in obligations of the United States government, the trustee may invest in and hold such obligations either directly or in the form of securities of, or other interests in, an open-end or closed-end management type investment company or investment trust registered under the federal investment company act of 1940, as now or hereafter amended, if both of the following conditions are met:

(a) The portfolio of the investment company or investment trust is limited to obligations of the United States and to repurchase agreements fully collateralized by such obligations; and

(b) The investment company or investment trust takes delivery of the collateral for any repurchase agreement either directly or through an authorized custodian.

(3) If the fiduciary is a bank or trust company, then the fact that the fiduciary, or an affiliate of the fiduciary, provides services to the investment company or investment trust such as that of an investment advisor, custodian, transfer agent, registrar, sponsor, distributor, manager, or otherwise, and is receiving reasonable compensation for those services does not preclude the bank or trust company from investing or reinvesting in the securities of the open-end or closed-end management investment company or investment trust. The fiduciary shall furnish a copy of the prospectus relating to the securities to each person to whom a regular periodic accounting would ordinarily be rendered under the trust instrument or under RCW 11.106.020, upon the request of that person. The restrictions set forth under RCW 11.100.090 may not be construed as prohibiting the fiduciary powers granted under this section.

Sec. 66. RCW 82.32.240 and 1988 c 64 s 21 are each amended to read as follows:

Any tax due and unpaid and all increases and penalties thereon, shall constitute a debt to the state and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to any and all other existing remedies.

In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, involving any taxpayer who is, or decedent who was, engaging in business, the claim of the state for said taxes and all increases and penalties thereon shall be a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and in all such cases it shall be the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the department of revenue of such administration, receivership or assignment within sixty days from the date of their appointment and qualification.

The lien provided for by this section shall attach as of the date of the assignment for the benefit of creditors or of the initiation of the probate, insolvency, or bankruptcy proceedings: PROVIDED, That this sentence shall not be construed as affecting the validity or priority of any earlier lien that may have attached previously in favor of the state under any other section of this title.

Any administrator, executor, guardian, receiver or assignee for the benefit of creditors not giving the notification as provided for above shall become personally liable for payment of the taxes and all increases and penalties thereon to the extent of the value of the property subject to administration that otherwise would have been available for the payment of such taxes, increases, and penalties by the administrator, executor, guardian, receiver, or assignee.

As used in this section, "probate" includes the nonprobate claim settlement procedure under chapter 11.-- RCW (sections 31 through 48 of this act), and "executor" and "administrator" includes any notice agent acting under chapter 11.-- RCW (sections 31 through 48 of this act).

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

- (1) RCW 11.12.050 and 1965 c 145 s 11.12.050;
- (2) RCW 11.12.090 and 1965 c 145 s 11.12.090;
- (3) RCW 11.12.130 and 1965 c 145 s 11.12.130;
- (4) RCW 11.12.140 and 1965 c 145 s 11.12.140;
- (5) RCW 11.12.150 and 1965 c 145 s 11.12.150.
- (6) RCW 11.12.200 and 1965 c 145 s 11.12.200;
- (7) RCW 11.12.210 and 1965 c 145 s 11.12.210;
- (8) RCW 11.56.015 and 1965 c 145 s 11.56.015;
- (9) RCW 11.56.140 and 1965 c 145 s 11.56.140;
- (10) RCW 11.56.150 and 1965 c 145 s 11.56.150;
- (11) RCW 11.56.160 and 1965 c 145 s 11.56.160; and
- (12) RCW 11.56.170 and 1965 c 145 s 11.56.170.

NEW SECTION. Sec. 68. (1) Sections 4 through 8 of this act shall constitute a new chapter in Title 11 RCW.

(2) Section 19 of this act shall constitute a new chapter in Title 11 RCW.

(3) Sections 31 through 48 of this act shall constitute a new chapter in Title 11 RCW.

NEW SECTION. Sec. 69. This act shall take effect January 1, 1995."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 11.02.005, 11.07.010, 11.08.170, 11.12.040, 11.12.080, 11.12.110, 11.12.120, 11.12.160, 11.12.180, 11.20.070, 11.24.010, 11.24.040, 11.28.120, 11.28.237, 11.40.010, 11.40.013, 11.40.015, 11.40.040, 11.40.080, 11.48.010, 11.56.050, 11.68.010, 11.96.009, 11.96.020, 11.96.050, 11.96.060, 11.96.070, 11.96.080, 11.96.090, 11.96.100, 11.96.110, 11.96.130, 11.96.140, 11.96.160, 11.96.170, 11.96.180, 11.100.035, and 82.32.240; adding new sections to chapter 11.12 RCW; adding new chapters to Title 11 RCW; repealing RCW 11.12.050, 11.12.090, 11.12.130, 11.12.140, 11.12.150, 11.12.200, 11.12.210, 11.56.015, 11.56.140, 11.56.150, 11.56.160, and 11.56.170; and providing an effective date."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2270, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2270, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2270, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Moyer - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE HOUSE BILL NO. 2270, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Loveland, Senator Adam Smith was excused.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on the following measures: Engrossed House Bill No. 2193 and Substitute House Bill No. 2570.

I would have voted 'yes' on all the measures.

SENATOR ADAM SMITH, 33rd District

SECOND READING

ENGROSSED HOUSE BILL NO. 2193, by Representatives Veloria, Lisk and Dyer

Exempting certain renal disease facilities from health care assistant licensing requirements.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 2193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2193.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2193 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Rinehart and Smith, A. - 2.

ENGROSSED HOUSE BILL NO. 2193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2570, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, L. Thomas, R. Meyers and Dorn) (by request of Insurance Commissioner)

Changing insurance licensing requirements.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2570.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2570 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Anderson, Cantu and Newhouse - 3.

Excused: Senators Rinehart and Smith, A. - 2.
SUBSTITUTE HOUSE BILL NO. 2570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2560, by House Committee on Higher Education (originally sponsored by Representatives Kessler, Brumsickle, Jones, Flemming, Quall, Jacobsen, Orr, Mastin, Rayburn, Ogden, Wood, Sheahan, Basich, Carlson, Shin, Bray, Mielke, Dunshee, Brough, Pruitt, J. Kohl, Karahalios, Schoesler, Talcott, Forner and Tate)

Changing state work study provisions.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 2560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2560 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Rinehart - 1.

SUBSTITUTE HOUSE BILL NO. 2560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2812, by Representatives Bray, Caver, Romero, Reams and Ballard (by request of Department of General Administration)

Revising provisions insuring energy conservation in design of public buildings.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, House Bill No. 2812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2812.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2812 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Bluechel - 1.

Excused: Senator Rinehart - 1.

HOUSE BILL NO. 2812, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2226, by House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust and Cooke)

Requiring cities and towns to provide notice for rate increases for solid waste handling services.

The bill was read the second time.

MOTION

Senator Fraser moved that the following Committee on Ecology and Parks amendment not be adopted:

On page 2, after line 24, insert the following:

"Sec. 4. RCW 70.95.060 and 1969 ex.s. c 134 s 6 are each amended to read as follows: (1) The department in accordance with procedures prescribed by the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended, may adopt such minimum functional standards for solid waste handling as it deems appropriate. The department in adopting such standards may classify areas of the state with respect to population density, climate, geology, and other relevant factors bearing on solid waste disposal standards.

(2) Standards with an effective date on or after October 1, 1993 shall define "existing municipal solid waste landfill units" to include defined areas of land that have been permitted by a jurisdictional health department to receive, and any part of which is receiving, solid waste as of the effective date of the standard. This subsection (2) shall apply only to landfills with a total capacity of less than two million tons of municipal solid waste as of October 1, 1993."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Fraser that the Committee on Ecology and Parks amendment on page 3, after line 24, to Substitute House Bill No. 2226 not be adopted.

The motion by Senator Fraser carried and the Committee on Ecology and Parks amendment on page 2, after line 24, was not adopted.

MOTIONS

On motion of Senator Snyder, the following amendment by Senators Snyder, Loveland, Fraser, Prince and Linda Smith was adopted:

On page 2, after line 24, insert the following:

"Sec. 4. RCW 70.95.060 and 1969 ex.s. c 134 s 6 are each amended to read as follows:

(1) The department in accordance with procedures prescribed by the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended, may adopt such minimum functional standards for solid waste handling as it deems appropriate. The department in adopting such standards may classify areas of the state with respect to population density, climate, geology, and other relevant factors bearing on solid waste disposal standards.

(2) Standards with an effective date on or after October 1, 1993 shall define "existing municipal solid waste landfill units" to include defined areas of land that have been permitted by a jurisdictional health department to receive, and any part of which is receiving, solid waste as of the effective date of the standard. This subsection shall apply only to landfills in counties bordering the Columbia river with a population of between eighty and one hundred thousand and counties bordering the Snake River with a population of between fifteen and twenty thousand. Furthermore, for such landfills, this subsection shall apply only as long as the landfill does not receive waste from other counties, except as provided under a contract for disposal of waste entered before October 1, 1993, and any renewals of such contract for disposal of like quantities of waste."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "chapter 35A.21 RCW;" insert "amending RCW 70.95.060;"

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2226, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2226, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2226, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Cantu - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE HOUSE BILL NO. 2226, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2167, by House Committee on Revenue (originally sponsored by Representatives Heavey, G. Fisher, Lemmon, Forner, Veloria, Roland, Eide, Campbell, Jones, Dorn, Zellinsky, Rayburn, Springer, Leonard and Patterson)

Regulating race tracks.

The bill was read the second time.

MOTIONS

Senator Skratek moved that the following Committee on Trade, Technology and Economic Development amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to terminate payments into the Washington thoroughbred racing fund from licensees of nonprofit race meets until June 1, 1995, and to provide that one-half of moneys previously paid into the fund be directed to enhanced purses and one-half of moneys be deposited in an escrow or trust account and used solely for construction of a new thoroughbred race track facility in western Washington.

Sec. 2. RCW 67.16.105 and 1993 c 170 s 2 are each amended to read as follows:

(1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less shall withhold and pay to the commission daily for each authorized day of racing one-half percent of the daily gross receipts from all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section shall withhold and pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee shall withhold and pay to the commission daily two and one-half percent of the daily gross receipts; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee shall withhold and pay to the commission daily one percent of the daily gross receipts.

(3) In addition to those amounts in subsections (1) and (2) of this section, all licensees shall forward one-tenth of one percent of the daily gross receipts of all parimutuel machines to the commission daily for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but said percentage shall not be charged against the licensees. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 and subsection (1) of this section for the five consecutive years immediately preceding the year of payment.

(4) In addition to those sums paid to the commission in subsection (2) of this section, licensees who are nonprofit corporations and have race meets of thirty days or more shall ~~(withhold and pay to the commission daily for each authorized day of racing)~~ retain and dedicate: (a) An amount equal to one and one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet to be used solely for the purpose of increasing purses; and (b) an amount equal to one and one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet to be deposited in an escrow or trust account and used solely for construction of a new thoroughbred race track facility in western Washington. Said percentages shall come from that amount the licensee is authorized to retain under RCW 67.16.170(2). ~~((The commission shall deposit these moneys in the Washington thoroughbred racing fund created in RCW 67.16.250.~~

~~(5) The additional one and one-quarter percent of the moneys allowed to be retained by this section must be used for increased purses.))~~
The commission shall adopt such rules as may be necessary to enforce this subsection. The provisions of this subsection shall apply through June 1, 1995.

~~(5) In the event the new racetrack is not constructed before January 1, 2001, all funds including interest, remaining in the escrow or trust account established in subsection (4) of this section, shall revert to the state general fund.~~

~~(6) Effective ((January 1, 1994, the amount of daily gross receipts withheld and paid to the commission, as set out in subsection (4) of this section, shall revert to two and one-half percent of the daily gross receipts of all parimutuel machines at each race meet)) June 1, 1995, licensees who are nonprofit corporations and have race meets of thirty days or more shall withhold and pay to the commission daily for each authorized day of racing an amount equal to two and one-half percent of the daily gross receipts of all parimutuel machines at each race meet. These percentages shall come from the amount that the licensee is authorized to retain under RCW 67.16.170(2) and shall be in addition to those sums paid to the commission in subsection (2) of this section. The commission shall deposit these moneys in the Washington thoroughbred racing fund created in RCW 67.16.250.~~

Sec. 3. RCW 67.16.250 and 1991 c 270 s 12 are each amended to read as follows:

The Washington thoroughbred racing fund is created in the state treasury. Effective June 1, 1995, all receipts derived under RCW 67.16.105((4)) (6) from licensees who are nonprofit corporations and whose race meets are thirty days or more shall be deposited into the account. Moneys in the account may be spent only after legislative appropriation. Expenditures from the account shall be expended to benefit and support interim continuation of thoroughbred racing, capital construction of a new race track facility, and programs enhancing the general welfare, safety, and advancement of the Washington thoroughbred racing industry.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Skratek, the following amendments by Senators Skratek and West to the Committee on Trade, Technology and Economic Development striking amendment were considered simultaneously and were adopted:

On page 1, line 9 of the amendment, after "meets" insert "from the effective date of this act"

On page 1, line 10 of the amendment, strike "previously" and insert "that otherwise would have been"

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development striking amendment, as amended, to Substitute House Bill No. 2167.

The motion by Senator Skratek carried and the Committee on Trade, Technology and Economic Development striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 67.16.105 and 67.16.250; creating a new section; and declaring an emergency."

On motion of Senator Skratek, the rules were suspended, Substitute House Bill No. 2167, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

REQUEST TO BE EXCUSED

Citing Rule No. 22, and a possible conflict of interest, Senator Talmadge requested to be excused from voting on Substitute House Bill No. 2167, as amended by the Senate.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2167, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2167, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Rinehart and Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2167, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2452, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Lisk, Mastin, Chandler, Lemmon, Grant, Finkbeiner, Wineberry, Bray, Cothorn and Dyer)

Modifying provisions regarding shipping wine.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2452 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2176, by House Committee on Local Government (originally sponsored by Representatives G. Cole, Edmondson, Jacobsen, Padden, Dunshee, Orr, Lemmon and Carlson)

Incorporating and annexing cities and towns.

The bill was read the second time.

MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.02 RCW to read as follows:

Any person proposing the incorporation of a city or town shall file a notice of the proposed incorporation with the county legislative authority of the county in which all or the major portion of the proposed city or town is located. The notice shall include the matters required to be included in the incorporation petition under RCW 35.02.030 and be accompanied by both a one hundred dollar filing fee and an affidavit from the person stating that he or she is a registered voter residing in the proposed city or town.

The county legislative authority shall promptly notify the boundary review board of the proposed incorporation, which shall hold a public meeting on the proposed incorporation within thirty days of the notice being filed where persons favoring and opposing the proposed incorporation may state their views. If a boundary review board does not exist in the county, the county legislative authority shall provide the public meeting. The public meeting shall be held at a location in or near the proposed city or town. Notice of the public meeting shall be published in a newspaper of general circulation in the area proposed to be incorporated at least once ten days prior to the public meeting.

NEW SECTION. Sec. 2. A new section is added to chapter 35.02 RCW to read as follows:

Within one working day after the public meeting under section 1 of this act, the county auditor shall provide an identification number for the incorporation effort to the person who made the notice of proposing the incorporation. The identification number shall be included on the petition proposing the incorporation.

The petition proposing the incorporation may retain the proposed boundaries and other matters as described in the notice, or may alter the proposed boundaries and other matters.

Sec. 3. RCW 35.02.030 and 1986 c 234 s 4 are each amended to read as follows:

The petition for incorporation shall: (1) Indicate whether the proposed city or town shall be a noncharter code city operating under Title 35A RCW, or a city or town operating under Title 35 RCW; (2) indicate the form or plan of government the city or town is to have; (3) set forth and particularly describe the proposed boundaries of the proposed city or town; (4) state the name of the proposed city or town; (5) state the number of inhabitants therein, as nearly as may be; and (6) pray that ~~((it may))~~ the city or town be incorporated. The petition shall conform to the requirements for form prescribed in RCW 35A.01.040. The petition shall include the identification number provided under section 2 of this act and state the last date by which the petition may be filed, as determined under RCW 35.02.020.

If the proposed city or town is located in more than one county, the petition shall be prepared in such a manner as to indicate the different counties within which the signators reside.

A city or town operating under Title 35 RCW may have a mayor/council, council/manager, or commission form of government. A city operating under Title 35A RCW may have a mayor/council or council/manager plan of government.

If the petition fails to specify the matters described in subsection (1) of this section, the proposal shall be to incorporate as a noncharter code city. If the petition fails to specify the matter described in subsection (2) of this section, the proposal shall be to incorporate with a mayor/council form or plan of government.

Sec. 4. RCW 35.02.020 and 1986 c 234 s 3 are each amended to read as follows:

A petition for incorporation must be signed by ~~((qualified))~~ registered voters resident within the limits of the proposed city or town equal in number to at least ten percent of the ~~((votes cast at the last state general election and presented to))~~ number of voters residing within the proposed city or town and filed with the auditor of the county in which all, or the largest portion of, the proposed city or town is located. The petition must be filed with the auditor by no later than one hundred eighty days after the date the public meeting on the proposed incorporation was held under section 1 of this act, or the next regular business day following the one hundred eightieth day if the one hundred eightieth day is not a regular business day.

NEW SECTION. Sec. 5. A new section is added to chapter 35.02 RCW to read as follows:

For a period of ninety days after a petition proposing the incorporation of a city or town is filed with the county auditor, a petition or resolution proposing the annexation of any portion of the territory included in the incorporation proposal may be filed or adopted and the proposed annexation may continue following the applicable statutory procedures. Territory that ultimately is annexed, as a result of the filing of such an annexation petition or adoption of such an annexation resolution during this ninety-day period, shall be withdrawn from the incorporation proposal.

A proposed annexation of a portion of the territory included within the proposed incorporation, that is initiated by the filing of an annexation petition or adoption of an annexation resolution after this ninety-day period, shall be held in abeyance and may not occur unless: (1) The boundary review board modifies the boundaries of the proposed incorporation to remove the territory from the proposed incorporation; (2) the boundary review board rejects the proposed incorporation and the proposed city or town has a population of less than seven thousand five hundred; or (3) voters defeat the ballot proposition authorizing the proposed incorporation.

NEW SECTION. Sec. 6. Where a petition proposing the incorporation of a city or town has been filed with a county auditor prior to the effective date of this act, the time limitations on competing annexation proposals that are provided under section 5 of this act are modified as follows:

(1) A petition or resolution proposing the annexation of any portion of the territory included in the incorporation proposal, that was filed or adopted within the later of ninety days after the date the incorporation petition was filed or the effective date of this act, may continue following the applicable statutory procedures. A boundary review board may simultaneously consider the proposed incorporation and such an annexation.

(2) A petition or resolution proposing the annexation of any portion of the territory included in the incorporation proposal, that is filed or adopted within the later of ninety days after the date the incorporation petition was filed or the effective date of this act, shall be held in abeyance and may not occur unless: (a) The boundary review board modifies the boundaries of the proposed incorporation to remove the territory from the proposed incorporation; (b) the boundary review board rejects the proposed incorporation and the proposed city or town has a population of less than seven thousand five hundred; or (c) voters defeat the ballot proposition authorizing the proposed incorporation.

NEW SECTION. Sec. 7. A new section is added to chapter 35.13 RCW to read as follows:

After a petition proposing an annexation by a city or town is filed with the city or town or the governing body of the city or town, or after a resolution proposing an annexation by a city or town has been adopted by the city or town governing body, no territory included in the proposed annexation may be annexed by another city or town or incorporated into a city or town unless: (1) The boundary review board modifies the boundaries of the proposed annexation and removes the territory; (2) the boundary review board or review board created under RCW 35.13.171 rejects the proposed annexation; or (3) the city or town governing body rejects the proposed annexation or voters defeat the ballot proposition authorizing the annexation.

NEW SECTION. Sec. 8. A new section is added to chapter 35A.14 RCW to read as follows:

After a petition proposing an annexation by a code city has been filed with the city or the city legislative authority, or after a resolution proposing the annexation by a code city has been adopted by the city legislative authority, no territory included in the proposed annexation may be annexed by another city or town or incorporated into a city or town unless: (1) The boundary review board or county annexation review board created under RCW 35A.14.160 modifies the boundaries of the proposed annexation and removes the territory; (2) the boundary review board or county annexation review board created under RCW 35A.14.160 rejects the proposed annexation; or (3) the city legislative authority rejects the proposed annexation or voters defeat the ballot proposition authorizing the annexation.

NEW SECTION. Sec. 9. A new section is added to chapter 36.93 RCW to read as follows:

A boundary review board may simultaneously consider the proposed incorporation of a city or town, and the proposed annexation of a portion of the territory included in the proposed incorporation, if the resolution or petition initiating the annexation is adopted or filed ninety or fewer days after the petition proposing the incorporation was filed.

NEW SECTION. Sec. 10. A new section is added to chapter 36.93 RCW to read as follows:

The proposed incorporation of any city or town that includes territory located in a county in which a boundary review board exists shall be reviewed by the boundary review board and action taken as described under RCW 36.93.150.

Sec. 11. RCW 35.02.001 and 1989 c 84 s 25 are each amended to read as follows:

~~((Actions taken under chapter 35.02 RCW may be))~~ The incorporation of a city or town is subject to ((potential)) review by a boundary review board under chapter 36.93 RCW if a boundary review board exists in the county in which all or any portion of the territory proposed to be incorporated is located.

Sec. 12. RCW 35.02.010 and 1986 c 234 s 2 are each amended to read as follows:

Any contiguous area containing not less than ~~((three))~~ one thousand five hundred inhabitants lying outside the limits of an incorporated city or town may become incorporated as a city or town operating under Title 35 or 35A RCW as provided in this chapter: PROVIDED, That no area which lies within five air miles of the boundary of any city having a population of fifteen thousand or more shall be incorporated which contains less than three thousand inhabitants.

Sec. 13. RCW 36.93.100 and 1992 c 162 s 1 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a county with a population of one million or more files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation of any special district or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district if (i) the extension is through the installation of water mains of six inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district if (i) the extension is through the installation of sewer mains of eight inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions;

(2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 14. RCW 35.02.039 and 1986 c 234 s 7 are each amended to read as follows:

(1) The county legislative authority of the county in which the proposed city or town is located shall hold a public hearing on the proposed incorporation if no boundary review board exists in the county (~~(-or if the boundary review board does not take jurisdiction over the proposal)~~). The public hearing shall be held within sixty days of when the county auditor notifies the legislative authority of the sufficiency of the petition if no boundary review board exists in the county, or within ninety days of when notice of the proposal is filed with the boundary review board if the boundary review board fails to take jurisdiction over the proposal. The public hearing may be continued to other days, not extending more than sixty days beyond the initial hearing date. If the boundary review board takes jurisdiction, the county legislative authority shall not hold a public hearing on the proposal.

(2) If the proposed city or town is located in more than one county, a public hearing shall be held in each of the counties by the county legislative authority or boundary review board. Joint public hearings may be held by two or more county legislative authorities, or two or more boundary review boards.

Sec. 15. RCW 36.93.150 and 1990 c 273 s 1 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) ~~((Approval of))~~ Approve the proposal as submitted ~~((;))~~.

(2) Subject to RCW 35.02.170, ~~((modification of))~~ modify the proposal by adjusting boundaries to add or delete territory ~~((: PROVIDED, That))~~. However, any proposal for annexation ((by the board)) of territory to a town shall be subject to RCW 35.21.010 and the board shall not add additional territory, the amount of which is greater than that included in the original proposal ((: PROVIDED FURTHER, That such)). Any modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions ((: AND PROVIDED FURTHER, That)). A board shall not modify the proposed incorporation of a city with an estimated population of seven thousand five hundred or more by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board ((: but)). However, a board shall remove territory in the proposed incorporation that is located outside of an urban growth area or is annexed by a city or town, and may remove territory in the proposed incorporation if a petition or resolution proposing the annexation is filed or adopted that has priority over the proposed incorporation, before the area is established that is subject to this ten percent restriction on removing or adding territory. A board shall not modify the proposed incorporation of a city with a population of seven thousand five hundred or more to reduce the territory in such a manner as to reduce the population below seven thousand five hundred ((;)).

(3) ~~((Determination of))~~ Determine a division of assets and liabilities between two or more governmental units where relevant ~~((;))~~.

(4) ~~((Determination))~~ Determine whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district ~~((: or))~~.

(5) ~~((Disapproval of))~~ Disapprove the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district; (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city with an estimated population of seven thousand five hundred or more, but the board may recommend against the proposed incorporation of a city with such an estimated population.

Unless the board ~~((shall disapprove))~~ disapproves a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

Sec. 16. RCW 36.93.160 and 1988 c 202 s 40 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of ~~((such))~~ the area and to the proponent of ~~((such))~~ the change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. Notice as provided in this subsection shall include any territory which the board has determined to consider adding in accordance with RCW 36.93.150(2).

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of ~~((such))~~ the testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected, or modified and, if modified, the terms of ~~((such))~~ the modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ~~((ten))~~ thirty days from the date of ~~((said))~~ the action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files ~~((in the superior court a notice of appeal))~~ with the growth planning hearings board for that jurisdiction a notice of appeal. Appeals to the growth planning hearings board are limited to determination of whether the decision is consistent with RCW 36.93.157, 36.93.170, and 36.93.180.

The filing of ~~((such))~~ the notice of appeal within ~~((such))~~ the time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. ~~((On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.~~

~~((6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:~~

- ~~((a) In violation of constitutional provisions, or~~
- ~~((b) In excess of the statutory authority or jurisdiction of the board, or~~
- ~~((c) Made upon unlawful procedure, or~~
- ~~((d) Affected by other error of law, or~~
- ~~((e) Unsupported by material and substantial evidence in view of the entire record as submitted, or~~
- ~~((f) Arbitrary or capricious.~~

~~An aggrieved party may seek appellate review of any final judgment of the superior court in the manner provided by law as in other civil cases.))~~

Sec. 17. RCW 36.70A.280 and 1991 sp.s. c 32 s 9 are each amended to read as follows:

(1) A growth planning hearings board shall hear and determine only those petitions alleging either: (a) That a state agency, county, or city is not in compliance with the requirements of this chapter, or chapter 43.21C RCW as it relates to plans, regulations, and amendments thereto, adopted under RCW 36.70A.040; ~~((or))~~ (b) that the twenty-year growth management planning population projections adopted by the office of financial management ~~((pursuant to))~~ under RCW 43.62.035 should be adjusted; or (c) that a decision of a county boundary review board is not consistent with the requirements of chapter 36.93 RCW.

(2) A petition may be filed only by the state, a county, or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified ~~((pursuant to))~~ under RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization, or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

Sec. 18. RCW 35.02.070 and 1986 c 234 s 9 are each amended to read as follows:

(1) If a county legislative authority holds a public hearing on a proposed incorporation, it shall establish and define the boundaries of the proposed city or town, being authorized to decrease ~~((but not))~~ or increase the area proposed in the petition ~~((, except for adjusting the boundaries out to the right of way line of any portion of a public highway, street, or road pursuant to RCW 35.02.170. Any decrease shall not exceed twenty percent of the area proposed or that portion of the area located within the county. PROVIDED, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35.02.010 as now or hereafter amended))~~ under the same restrictions that a boundary review board may modify the proposed boundaries. The county legislative authority, or the boundary review board if it takes jurisdiction, shall determine the number of inhabitants within the boundaries it has established.

(2) A county legislative authority shall disapprove the proposed incorporation if, without decreasing the area proposed in the petition, it does not conform with RCW 35.02.010. A county legislative authority may not otherwise disapprove a proposed incorporation.

(3) A county legislative authority or boundary review board has jurisdiction only over that portion of a proposed city or town located within the boundaries of the county.

Sec. 19. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated ~~((if))~~ when the boundary review board ~~((approves or modifies and approves))~~ takes action on the proposal other than disapproving the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or ~~((the approval or modification and approval))~~ action by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved,

shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives forty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election.

NEW SECTION. Sec. 20. A new section is added to chapter 43.21C RCW to read as follows:

Annexation of territory by a city or town is exempted from compliance with this chapter.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) RCW 35.13.175 and 1973 1st ex.s. c 164 s 18 & 1965 c 7 s 35.13.175;
- (2) RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230;
- (3) RCW 36.93.115 and 1982 c 220 s 5; and
- (4) RCW 36.93.152 and 1990 c 273 s 2.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Sutherland moved that the following amendments to the Committee on Government Operations striking amendment be considered simultaneously and be adopted:

On page 4, after line 26 of the amendment, insert the following:

"Sec. 8. RCW 35.13.130 and 1990 c 33 s 566 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.335.110 authorized, the petition must be signed by the owners of not less than seventy-five percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned: PROVIDED, That in cities and towns with populations greater than one hundred sixty thousand located east of the Cascade mountains, the owner of tax exempt property may sign an annexation petition and have the tax exempt property annexed into the city or town, but the value of the tax exempt property shall not be used in calculating the sufficiency of the required property owner signatures unless only tax exempt property is proposed to be annexed into the city or town. The petition shall set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with RCW 35.02.170, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition. The signing of an outside utility agreement that includes a waiver of a property owner's right not to sign an annexation petition may not be counted as a signature on an annexation petition."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, after line 3 of the amendment, insert the following:

"Sec. 9. RCW 35A.14.120 and 1989 c 351 s 6 are each amended to read as follows:

Proceedings for initiating annexation of unincorporated territory to a charter code city or noncharter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed, in the following manner. This method of annexation shall be alternative to other methods provided in this chapter. Prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the code city will accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, and whether it shall require the assumption of all or of any portion of existing city indebtedness by the area to be annexed. If the legislative body requires the assumption of all or any portion of indebtedness and/or the adoption of a proposed zoning regulation, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate these facts. Approval by the legislative body shall be a condition precedent to circulation of the petition. There shall be no appeal from the decision of the legislative body. A petition for annexation of an area contiguous to a code city may be filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners, as defined by RCW 35A.01.040(9) (a) through (d), of not less than sixty percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned: PROVIDED, That a petition for annexation of an area having at least eighty percent of the boundaries of such area contiguous with a portion of the boundaries of the code city, not including that portion of the boundary of the area proposed to be annexed that is coterminous with a portion of the boundary between two counties in this state, need be signed by only the owners of not less than fifty percent in value according to the assessed valuation for general taxation of the property for which the annexation is petitioned. Such petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a map which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or any portion of city indebtedness by the area annexed or the adoption of a proposed zoning regulation, these facts, together with a quotation of the minute entry of such requirement, or requirements, shall also be set forth in the petition. The signing of an outside utility agreement that includes a waiver of a property owner's right not to sign an annexation petition may not be counted as a signature on an annexation petition."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Sutherland, and there being no objection, the amendments on page 4, after line 26, and page 5, after line 3, to the Committee on Government Operations striking amendment to Substitute House Bill No. 2176 were withdrawn.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Winsley to the Committee on Government Operations striking amendment be adopted:

On page 9, beginning on line 37 of the amendment, strike all of sections 16 and 17 and insert the following:

"Sec. 16. RCW 36.93.160 and 1988 c 202 s 40 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of

each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of ((such)) the area and to the proponent of ((such)) the change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. Notice as provided in this subsection shall include any territory which the board has determined to consider adding in accordance with RCW 36.93.150(2).

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of ((such)) the testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of ((such)) the modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ((ten)) thirty days from the date of ((said)) the action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of ((such)) the notice of appeal within ((such)) the time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) ((Arbitrary or capricious)) Clearly erroneous.

An aggrieved party may seek appellate review of any final judgment of the superior court in the manner provided by law as in other civil cases."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Winsley on page 9, beginning on line 37, to the Committee on Government Operations striking amendment to Substitute House Bill No. 2176.

The motion by Senator Haugen carried and the amendment to the committee striking amendment was adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Substitute House Bill No. 2176.

The motion by Senator Haugen carried and the Committee on Government Operations striking amendment, as amended was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "annexations;" strike the remainder of the title and insert "amending RCW 35.02.030, 35.02.020, 35.02.001, 35.02.010, 36.93.100, 36.93.150, 36.93.160, 36.70A.280, 35.02.070, and 35.02.078; adding new sections to chapter 35.02 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding new sections to chapter 36.93 RCW; adding a new section to chapter 43.21C RCW; creating a new section; repealing RCW 35.13.175, 35A.14.230, 36.93.115, and 36.93.152; and declaring an emergency."

On page 14, line 34 of the title amendment, after "36.93.160," strike "36.70A.280,"

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2176, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2176, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2176, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Voting nay: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 2176, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2737, by House Committee on Capital Budget (originally sponsored by Representatives Wineberry, Sheldon, Schoesler, Shin and Springer) (by request of Department of Trade and Economic Development)

Modifying provisions regarding the Washington economic development finance authority.

The bill was read the second time.

MOTION

Senator Skratek moved that the following Committee on Trade, Technology and Economic Development amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.163.010 and 1989 c 279 s 2 are each amended to read as follows:

As used in this chapter, the following words and terms have the following meanings, unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the ~~((state supervisor of banking or the state supervisor of savings and loans))~~ director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under section 5 of this act;

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

~~((§))~~ (10) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090(-);

(11) "Economic development activities" include, but are not limited to those activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, export assistance, tourism, pollution control, energy generating, conservation, transmission, and sports facilities and industrial parks;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

Sec. 2. RCW 43.163.070 and 1990 c 53 s 4 are each amended to read as follows:

The authority may use any funds legally available to it for any purpose specifically authorized by this chapter, or for otherwise improving economic development in this state by assisting businesses and farm enterprises that do not have access to capital at terms and rates comparable to large corporations due to the location of the business, the size of the business, the lack of financial expertise, or other appropriate reasons((-

PROVIDED, That)), However, no funds of the state shall be used for such purposes; except that funds of the state may be used to support the administrative and technical assistance functions of the programs created under section 5 of this act.

Sec. 3. RCW 43.163.080 and 1990 c 53 s 5 are each amended to read as follows:

(1) The authority shall adopt general operating procedures for the authority. The authority shall also adopt operating procedures for individual programs as they are developed for obtaining funds and for providing funds to borrowers. These operating procedures shall be adopted by resolution prior to the authority operating the applicable programs.

(2) The operating procedures shall include, but are not limited to: (a) Appropriate minimum reserve requirements to secure the authority's bonds and other obligations; (b) appropriate standards for securing loans and other financing the authority provides to borrowers, such as guarantees or collateral; and (c) ~~((appropriate))~~ strict standards for providing financing to borrowers, such as (i) the borrower is a responsible party with a high probability of being able to repay the financing provided by the authority, (ii) the financing is reasonably expected to provide economic growth or stability in the state by enabling a borrower to increase or maintain jobs or capital in the state, (iii) the borrowers with the greatest needs or that provide the most public benefit are given higher priority by the authority, and (iv) the financing is consistent with any plan adopted by the authority under RCW 43.163.090.

Sec. 4. RCW 43.163.120 and 1989 c 279 s 13 are each amended to read as follows:

The authority shall receive no appropriation of state funds; except that funds of the state may be used to support the administrative and technical assistance

functions of the programs created under section 5 of this act. The department of community, trade, and economic development shall provide staff to the authority, to the extent permitted by law, to enable the authority to accomplish its purposes; the staff from the department of community, trade, and economic development may assist the authority in organizing itself and in designing programs, but shall not be involved in the issuance of bonds or in making credit decisions regarding financing provided to borrowers by the authority. The authority shall report each December on its activities to the ~~((house trade and economic development committee and to the senate economic development and labor committee))~~ appropriate standing committees of the house of representatives and senate.

NEW SECTION. Sec. 5. A new section is added to chapter 43.163 RCW to read as follows:

For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages:

(1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for no more than five economic development activities included under the authority's existing general plan of economic development finance objectives;

(2) The authority shall also develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations;

and

(vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics.

(3) The authority may also develop and implement such other economic development financing programs adopted in future general plans of economic development finance objectives developed under RCW 43.163.090.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development striking amendment to Engrossed Substitute House Bill No. 2737.

The motion by Senator Skratek carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 43.163.010, 43.163.070, 43.163.080, and 43.163.120; adding a new section to chapter 43.163 RCW; and declaring an emergency."

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 2737, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2737, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2737, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Cantu, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke and Talmadge - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2737, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2210, by House Committee on Appropriations (originally sponsored by Representatives Cothorn, L. Johnson, Sommers, J. Kohl, Jacobsen, Ogden, Rust, Ballasiotes, Long and Wang)

Creating a thirtieth community and technical college district.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.50 RCW to read as follows:

The legislature finds that population growth in north King and south Snohomish counties has created a need to expand higher education and work force training programs for the people living and working in those areas. In keeping with the recommendations of the higher education coordinating board, the legislature intends to help address those education and training needs through the creation of Cascadia Community College, expansion of educational opportunities at Lake Washington Technical College, and support of the University of Washington's branch campus at Bothell-Woodinville. It is further the intention of the legislature, in keeping with the higher education coordinating board recommendations, that the Cascadia Community College and the University of Washington branch campus be collocated, and that the new community college and the University of Washington's branch campus work in partnership to ensure that properly prepared students from community colleges and other institutions are able to transfer smoothly to the branch campus.

The legislature further finds that a governing board for Cascadia Community College needs to be appointed and confirmed as expeditiously as possible. The legislature intends to work cooperatively with the governor to facilitate the appointment and confirmation of trustees for the college.

Sec. 2. RCW 28B.50.040 and 1991 c 238 s 23 are each amended to read as follows:

The state of Washington is hereby divided into ~~((twenty-nine))~~ thirty college districts as follows:

- (1) The first district shall encompass the counties of Clallam and Jefferson;
- (2) The second district shall encompass the counties of Grays Harbor and Pacific;
- (3) The third district shall encompass the counties of Kitsap and Mason;
- (4) The fourth district shall encompass the counties of San Juan, Skagit and Island;
- (5) The fifth district shall encompass Snohomish county except for the Northshore common school district and that portion encompassed by the twenty-third district created in subsection (23) of this section: PROVIDED, That the fifth district shall encompass the Everett Community College;
- (6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;
- (7) The seventh district shall encompass the present ~~((boundaries))~~ boundary of the common school district~~((s))~~ of Shoreline in King county ~~((and Northshore in King and Snohomish counties))~~;
- (8) The eighth district shall encompass the present boundaries of the common school districts of ~~((Lake Washington,))~~ Bellevue, Issaquah, ~~((Lower Snoqualmie,))~~ Mercer Island, Skykomish and Snoqualmie, King county;
- (9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;
- (10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county, and the King county portion of Puyallup common school district No. 3;
- (11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;
- (12) The twelfth district shall encompass Lewis county, the Rochester common school district No. 401, the Tenino common school district No. 402 of Thurston county, and the Thurston county portion of the Centralia common school district No. 401;
- (13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;
- (14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;
- (15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;
- (16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;
- (17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J and the Lincoln county portion of common school district 167-202), Pend Oreille, Spokane, Stevens and Whitman;
- (18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J and common school district 167-202;
- (19) The nineteenth district shall encompass the counties of Benton and Franklin;
- (20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla Walla;

(21) The twenty-first district shall encompass Whatcom county;
(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county;

(23) The twenty-third district shall encompass that portion of Snohomish county within such boundaries as the state board for community and technical colleges shall determine: PROVIDED, That the twenty-third district shall encompass the Edmonds Community College;

(24) The twenty-fourth district shall encompass all of Thurston county except the Rochester common school district No. 401, the Tenino common school district No. 402, and the Thurston county portion of the Centralia common school district No. 401;

(25) The twenty-fifth district shall encompass all of Whatcom county;

(26) The twenty-sixth district shall encompass the Northshore, Lake Washington, Bellevue, Mercer Island, Issaquah, Riverview, Snoqualmie Valley and Skykomish school districts;

(27) The twenty-seventh district shall encompass the Renton, Kent, Auburn, Tahoma, and Enumclaw school districts and a portion of the Seattle school district described as follows: Commencing at a point established by the intersection of the Duwamish river and the south boundary of the Seattle Community College District (number six) and thence north along the centerline of the Duwamish river to the west waterway; thence north along the centerline of the west waterway to Elliot Bay; thence along Elliot Bay to a line established by the intersection of the extension of Denny Way to Elliot Bay; thence east along the line established by the centerline of Denny Way to Lake Washington; thence south along the shoreline of Lake Washington to the south line of the Seattle Community College District; and thence west along the south line of the Seattle Community College District to the point of beginning;

(28) The twenty-eighth district shall encompass all of Pierce county; ~~((and))~~

(29) The twenty-ninth district shall encompass all of Pierce county; and

(30) The thirtieth district shall encompass the present boundaries of the common school districts of Lake Washington and Riverview in King county and Northshore in King and Snohomish counties.

Sec. 3. RCW 28B.45.020 and 1989 1st ex.s. c 7 s 3 are each amended to read as follows:

The University of Washington is responsible for ensuring the expansion of upper-division and graduate educational programs in the central Puget Sound area under rules or guidelines adopted by the higher education coordinating board. The University of Washington shall meet that responsibility through the operation of at least two branch campuses. One branch campus shall be located in the Tacoma area. ~~((Another branch campus shall be located in the Bothell-Woodinville area.))~~ Another branch campus shall be collocated with Cascadia Community College in the Bothell-Woodinville area.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.50 RCW to read as follows:

There is hereby created a board of trustees for district thirty and Cascadia Community College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending RCW 28B.50.040 and 28B.45.020; adding new sections to chapter 28B.50 RCW; and declaring an emergency."

MOTION

On motion of Senator Bauer, the rules were suspended, Second Substitute House Bill No. 2210, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2210, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2210, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Nelson, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Bluechel, Franklin, Hargrove, Hochstatter, McCaslin, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Schow, Sellar, Talmadge and West - 17.

SECOND SUBSTITUTE HOUSE BILL NO. 2210, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2275, by Representatives Kessler, H. Myers, Springer, Jones, Morris, Sheldon, Wineberry, King, Campbell, Holm, Chandler and Foreman (by request of Department of Community Development)

Modifying the emergency mortgage and rental assistance program for dislocated forest products workers.

The bill was read the second time.

MOTION

Senator Skratek moved that the following Committee on Trade, Technology and Economic Development amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.63A.600 and 1993 c 280 s 77 are each amended to read as follows:

(1) The department of community, trade, and economic development, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery coordinator to develop the program in timber impact areas. Organizations eligible to receive grant funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund. The department shall disburse the funds to eligible local organizations as grants. The local organizations shall use the funds to make grants or loans as specified in RCW 43.63A.600 through 43.63A.640. If funds are disbursed as loans, the local organization shall establish a revolving grant and loan fund with funds received as loan repayments and shall continue to make grants or loans or both grants and loans from funds received as loan repayments to dislocated forest products workers eligible under the provisions of RCW 43.63A.600 through 43.63A.640 and to other persons residing in timber impact areas who meet the requirements of RCW 43.63A.600 through 43.63A.640.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage loans or rental assistance grants or loans on behalf of dislocated forest products workers in timber impact areas who are unable to make ~~((current))~~ mortgage, property tax, or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments, property taxes, or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

Sec. 2. RCW 43.63A.610 and 1991 c 315 s 24 are each amended to read as follows:

Emergency mortgage assistance shall be provided under the following general guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program shall be made to eligible local organizations, and must not take more than twenty years. Funds repaid to the program shall be used as grants or loans under the provisions of RCW 43.63A.600 through 43.63A.640.

~~((7) The department may provide for emergency short-term loans.))~~

Sec. 3. RCW 43.63A.620 and 1991 c 315 s 25 are each amended to read as follows:

Emergency rental assistance shall be provided under the following general guidelines:

(1) Rental assistance provided under the program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of ~~((mortgage))~~ rental payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

(3) Rental payments shall be made directly to the landlord.

(4) Rental assistance shall be granted on a first-come, first-served basis.

Sec. 4. RCW 43.63A.630 and 1991 c 315 s 26 are each amended to read as follows:

To be eligible for assistance under the program, an applicant must:

(1) Be unable to keep mortgage or rental payments current, due to a loss of employment, and shall be at significant risk of eviction;

(2) Have his or her permanent residence located in an eligible community;

(3) If requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;

(4) Be actively seeking new employment or be enrolled in a training program approved by the director; and

(5) Submit an application for assistance to an organization eligible to receive funds under RCW 43.63A.600 ~~((by June 30, 1996))~~.

Sec. 5. RCW 43.63A.640 and 1991 c 315 s 27 are each amended to read as follows:

The department shall carry out the following duties:

(1) Administer the program;

(2) Identify organizations eligible to receive funds to implement the program;

(3) Develop and adopt the necessary rules and procedures for implementation of the program and for dispersal of program funds to eligible organizations;

(4) Establish the interest rate for repayment of loans at two percent below the market rate;

(5) Work with lending institutions and social service providers in the eligible communities to assure that all eligible persons are informed about the program;

(6) Utilize federal and state programs that complement or facilitate carrying out the program;

(7) ~~((Submit a report to the senate commerce and labor committee and the house of representatives housing committee by January 31, 1992))~~ Ensure that local eligible organizations that dissolve or become ineligible assign their program funds, rights to loan repayments, and loan security instruments, to the government of the county in which the local organization is located. If the county government accepts the program assets described in this subsection, it shall act as a local eligible organization under the provisions of RCW 43.63A.600 through 43.63A.640. If the county government declines to participate, the program assets shall revert to the department.

NEW SECTION. Sec. 6. This act shall take effect July 1, 1994."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development striking amendment to House Bill No. 2275.

The motion by Senator Skratek carried and the Committee on Trade, Technology and Economic Development striking amendment was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, and 43.63A.640; and providing an effective date."

On motion of Senator Skratek, the rules were suspended, House Bill No. 2275, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Bluechel, Senator Amondson was excused.
On motion of Senator Loveland, Senator Vognild was excused.
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2275, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2275, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Amondson and Vognild - 2.

HOUSE BILL NO. 2275, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Hargrove was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2274, by House Committee on Education (originally sponsored by Representatives Quall, Carlson, R. Meyers, Brough, Basich, Karahalios, Peery, Kessler, Eide, L. Johnson, Linville, Shin, Hansen, Talcott, Long, Van Luven, Cooke, Veloria, Scott, Johanson, Finkbeiner, Dunshee, Schoesler, Mastin, Pruitt, Wineberry, King, Conway, Kremen, Springer and H. Myers)

Establishing high school credit equivalencies for credits earned in institutions of higher education.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.305 RCW to read as follows:

In exercising the state board of education's authority to establish high school credit equivalencies for credits earned at institutions of higher education, the state board of education has highlighted the need for an ongoing forum that encourages the various education entities to provide each other with advice and counsel as rules and policies are adopted that have implications for students in all sectors of the state's education system. The legislature appreciates the willingness of the state board of education to consider any recommendations from the task force created in section 2 of this act and to delay until September 1995, implementation of its rule establishing course equivalencies. Ultimately the issue of credit equivalencies must be decided within the broad context of education reform and the desire of the legislature to provide options for students to move through the system without meeting bureaucratic barriers to individual educational success.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

(1) By May 1, 1994, or as soon as possible thereafter, the higher education coordinating board and the state board of education shall convene a task force creating a forum for ongoing discussion of curriculum issues that transect higher education and the common schools. In selecting members of the task force, the boards shall consult the office of the superintendent of public instruction, the commission on student learning, the state board for community and technical colleges, the work force training and education coordinating board, the Washington council on high school-college relations, representatives of the four-year institutions, representatives of the school directors, the school and district administrators, teachers, higher education faculty, students, counselors, vocational directors, parents, and other interested organizations. The process shall be designed to provide advice and counsel to the appropriate boards on topics that may include but are not limited to: (a) The changing nature of educational instruction and crediting, and awarding appropriate credit for knowledge and competencies learned in a variety of ways in both institutions of higher education and high schools; (b) options for students to enroll in programs and institutions that will best meet the students' needs and educational goals; and (c) articulation agreements between institutions of higher education and high schools.

(2) By December 30, 1994, after considering the advice of the task force created in this section, the higher education coordinating board and the state board of education shall report the recommendations on establishing credit equivalencies to the house of representatives and senate education and higher education committees.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall work with the state board of education to establish the task force under section 2 of this act.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "education," strike the remainder of the title and insert "adding new sections to chapter 28A.305 RCW; adding a new section to chapter 28B.80 RCW; and declaring an emergency."

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 2274, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2274, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2274, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Moore - 1.

Excused: Senators Amondson, Hargrove and Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 2274, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Ludwig was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1159, by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Ludwig, Scott, Campbell, Kremen, Rayburn and Johanson)

Disclosing improper governmental action.

The bill was read the second time.

MOTIONS

On motion of Senator Drew, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.41.020 and 1992 c 44 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Improper governmental action" means any action by a local government officer or employee:

(i) That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.

(2) "Local government" means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to cities, counties, school districts, and special purpose districts.

(3) "Retaliatory action" means: (a) Any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

(4) "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "and amending RCW 42.41.020."

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1159, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1159, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1159, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Bluechel and McDonald - 2.

Excused: Senators Amondson, Hargrove, Ludwig and Vognilid - 4.

SUBSTITUTE HOUSE BILL NO. 1159, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2160, by Representatives Ogden, Wineberry and H. Myers

Concerning employees of public housing authorities.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 2160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2160.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2160 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Ludwig and Vognilid - 3.

HOUSE BILL NO. 2160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2212, by House Committee on Judiciary (originally sponsored by Representatives Eide, Padden, Appelwick, Wineberry and Johanson)

Determining the number of district court judges.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 2212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2212.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2212 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Ludwig and Vognild - 3.
SUBSTITUTE HOUSE BILL NO. 2212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2302, by Representatives Rayburn, Foreman, Hansen and Bray

Modifying provisions relating to sale or lease of irrigation district real and personal property.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2302.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2302 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Ludwig and Vognild - 3.

ENGROSSED HOUSE BILL NO. 2302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Drew, Senator Loveland was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2865, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Valle, Sheldon and Roland)

Concerning the release of personal financial information obtained by a governmental agency.

The bill was read the second time.

MOTIONS

On motion of Senator Sheldon, the following Committee on Trade, Technology and Economic Development was adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.17.310 and 1993 c 360 s 2, 1993 c 320 s 9, and 1993 c 280 s 35 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Business related information protected from public inspection and copying under RCW 15.86.110.

(ff) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 2. This act shall take effect July 1, 1994."

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "reenacting and amending RCW 42.17.310; and providing an effective date."

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 2865, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2865, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Nelson - 1.

Absent: Senator Deccio - 1.

Excused: Senators Amondson, Loveland, Ludwig and Vognilid - 4.

SUBSTITUTE HOUSE BILL NO. 2865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847, by House Committee on Health Care (originally sponsored by Representatives Ludwig, Dyer, Jones, Kremen and Rayburn)

Enacting the vision care consumer assistance act.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1847.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1847 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Deccio - 1.

Excused: Senators Amondson and Vognilid - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850, by House Committee on Education (originally sponsored by Representatives Dorn, Brough, Cothorn and Karahalios)

Changing education provisions.

The bill was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.300.138 and 1993 c 336 s 301 are each amended to read as follows:

(1) To the extent funds are appropriated, the office of the superintendent of public instruction shall provide student learning improvement grants for the 1994-95 through 1996-97 school years. The purpose of the grants is to provide funds for additional time and resources for staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210.

(2) To be eligible for student learning improvement grants, school district boards of directors shall:

(a) Adopt a policy regarding the sharing of instructional decisions with school staff, parents, and community members;

(b) Submit school-based applications that have been developed by school building personnel, parents, and community members. Each application shall:

(i) Enumerate specific activities to be carried out as part of the grant;

(ii) Identify the technical resources desired and availability of those resources;

(iii) Include a proposed budget; and

(iv) Indicate that the application was approved by the school principal and representatives of teachers, parents, and the community.

(3) The school board shall conduct at least one public hearing on schools' plans for using the grants before the board approves the plans. Boards may hear and approve more than one school's plan at a hearing. The board shall only submit applications for grants to the superintendent of public instruction if the board has approved the plans.

(4) If the requirements of subsections (2) and (3) of this section are met, the superintendent of public instruction shall approve the grant application.

(5) To the extent funds are appropriated, and for allocation purposes only, the amount of grants for the 1994-95, 1995-96, and 1996-97 school years shall be based on time equivalent to ~~(no fewer than three days and not more than five days)~~ up to four days depending upon the number of grant applications received and on the number of full-time equivalent certificated staff ~~(classified instructional aides, and classified secretaries)~~ who work in the school ~~((at the time of application. For the 1995-96 and 1996-97 school years, the equivalent of five days annually shall be provided. The allocation per full-time equivalent staff shall be determined in the biennial operating appropriations act)). Funds from the grant may be used to pay for planning and staff development for certificated and classified staff and for other activities consistent with the purpose of the grant program. Activities conducted pursuant to this section also may be conducted during the months of July and August preceding each school year for which the school has received a grant. Expenses occurring as a result of these summer activities may be paid from the school year grant. School districts shall use all funds received under this section solely for grants to schools and shall not use any portion of the funds for indirect costs.~~

(6) The state schools for the deaf and blind may apply for grants under this section.

(7) The superintendent of public instruction shall adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program. The superintendent may modify application requirements for schools that have schools for the twenty-first century projects under RCW 28A.630.100. ~~((A copy of the proposed rules shall be submitted to the joint select committee on education restructuring established in RCW 28A.630.950 at least forty-five days prior to adoption of the rules.))~~

(8) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

Sec. 2. RCW 28A.650.015 and 1993 c 336 s 703 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan, which shall be completed by ~~((December 15, 1993))~~ September 1, 1994, and updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

Sec. 3. 1993 c 336 s 704 (uncodified) is amended to read as follows:

In conjunction with the plan required in section 703 of this act, the superintendent of public instruction shall prepare recommendations to the legislature regarding the development of a grant program for school districts for the purchase and installation of computers, computer software, telephones, and other types of education technology. The recommendations shall address methods to ensure equitable access to technology by students throughout the state, and methods to ensure that school districts have prepared technology implementation plans before applying for grant funds. The recommendations, with proposed legislation, shall be submitted to the appropriate committees of the legislature by ~~((December 15, 1993))~~ September 1, 1994.

Sec. 4. RCW 28A.630.952 and 1993 c 336 s 1003 are each amended to read as follows:

(1) In addition to the duties in RCW 28A.630.951, the joint select committee on education restructuring shall review all laws pertaining to K-12 public education and to educator preparation and certification ~~((except those that protect the health, safety, and civil rights of students and staff,))~~ with the intent of identifying laws that inhibit the achievement of the new system of performance-based education. The select committee shall report to the legislature by November 15, 1994. The laws pertaining to home schooling and private schools shall not be reviewed in this study.

(2) The joint select committee on education restructuring shall review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The joint select committee shall report to the legislature by January ~~((1995))~~ 1996 on:

(a) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(b) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under RCW 28A.630.885(3)(h).

Sec. 5. RCW 28A.170.060 and 1989 c 271 s 113 are each amended to read as follows:

The superintendent of public instruction ~~((through the state clearinghouse for education information,))~~ shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling, delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under RCW 69.50.435 and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.406.

Sec. 6. RCW 28A.175.070 and 1987 c 518 s 219 are each amended to read as follows:

The superintendent of public instruction ~~((through the state clearinghouse for education information,))~~ shall collect and disseminate to all school districts and other interested parties information about effective student motivation, retention, and retrieval programs.

Sec. 7. RCW 28A.230.070 and 1988 c 206 s 402 are each amended to read as follows:

(1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.

(2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either (a) are the model curricula and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in RCW 70.24.250. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy

of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these materials until the approval procedure to be conducted by the office of AIDS has been completed.

(3) Model curricula and other resources available from the superintendent of public instruction (~~(through the state clearinghouse for educational information)~~) may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be reviewed for medical accuracy by the office on AIDS established in RCW 70.24.250 within the department of social and health services.

(4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education. The parents and guardians shall be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian, having attended one of the district presentations, objects in writing to the participation.

(5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

(6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:

- (a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and
- (b) The dangers of sexual intercourse, with or without condoms.

(7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease.

Sec. 8. RCW 28A.300.150 and 1987 c 489 s 2 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum (~~(through the state clearinghouse for education information)~~). The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information.

Sec. 9. RCW 28A.150.230 and 1991 c 61 s 1 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

- (a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;
- (b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;
- (c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules and regulations of the state board of education;
- (d) Determine the allocation of staff time, whether certificated or classified;
- (e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and
- (f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

~~((3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:~~

- ~~(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.405.100;~~
- ~~(b) A summary of program objectives pursuant to RCW 28A.320.210;~~
- ~~(c) Results of comparable testing for all schools within the district; and~~
- ~~(d) Budget information which will include the following:
 - ~~(i) Student enrollment;~~
 - ~~(ii) Number of full-time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, and building administration and support services, including itemization of such personnel by program;~~
 - ~~(iii) Number of full-time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program;~~
 - ~~(iv) Total number of full-time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program; and~~
 - ~~(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in RCW 28A.150.220.)~~~~

NEW SECTION. Sec. 10. A new section is added to chapter 28A.150 RCW to read as follows:

The legislature also recognizes that certain basic values and character traits are essential to individual liberty, fulfillment, and happiness. However, these values and traits are not intended to be assessed or be standards for graduation. The legislature intends that local communities have the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

- (1) Honesty, integrity, and trust;
- (2) Respect for self and others;
- (3) Responsibility for personal actions and commitments;
- (4) Self-discipline and moderation;
- (5) Diligence and a positive work ethic;
- (6) Respect for law and authority;
- (7) Healthy and positive behavior; and
- (8) Family as the basis of society.

Sec. 11. 1992 c 141 s 508 (uncodified) is amended to read as follows:

Section 302 ((of this act)), chapter 141, Laws of 1992 shall expire September 1, ((1998. However, this section shall not take effect if, by September 1, 1998)) 2000, unless by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place.

Sec. 12. 1993 c 336 s 1007 (uncodified) is amended to read as follows:

(1) A legislative fiscal study committee is hereby created. The committee shall be comprised of three members from each caucus of the senate, appointed by the president of the senate, and three members from each caucus of the house of representatives, appointed by the speaker of the house of representatives. In consultation with the office of the superintendent of public instruction, the committee shall study the common school funding system.

(2) By ~~(January 14)~~ December 15, 1995, the committee shall report to the full legislature on its findings and any recommendations for a new funding model for the common school system.

(3) This section shall expire ~~(January 14)~~ December 31, 1995.

Sec. 13. RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1 are each reenacted to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) By December 1, 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.

It is the intent of the legislature to begin implementation of programs in this subsection (3)(h) on September 1, 2000;

(i) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 28A.300.140 and 1990 c 33 s 256 & 1987 c 119 s 1;

(2) RCW 28A.610.060 and 1987 c 518 s 109; and

(3) RCW 28A.615.050 and 1987 c 518 s 305.

NEW SECTION. Sec. 15. Section 10 of this act shall take effect September 1, 1994.

NEW SECTION. Sec. 16. Section 4 of this act shall expire December 1, 2001."

Senator Anderson moved that the following amendments by Senators Anderson and Hargrove to the Committee on Education striking amendment be considered simultaneously and be adopted:

On page 6, line 12, after "having" insert "either"

On page 6, line 13, after "presentations" insert "or reviewed the curricula and materials available for inspection"

POINT OF ORDER

Senator Pelz: "Mr. President, I request that you rule the amendment by Senator Anderson outside the scope and object of Engrossed Substitute House Bill No. 2850. The amendment would change the requirement for excusing a child from participating in an AIDS education program. Certain sections of this bill such as the section dealing with AIDS education are only in the bill to delete references to an obsolete term, 'The State Clearing House for Education Information,' which ceased to exist after House Bill 1209 went into effect. The bill does not make changes in the AIDS education program or other programs. Any attempt to change the AIDS program is beyond the scope of the bill and I ask that we not turn this bill--to approve the procedure established last session under House Bill No. 1209 for improving our schools--into a Christmas Tree to hang any item or any ones wish to change the education code. I realize that the title is very broad, but the bill is narrow in scope."

Further debate ensued.

There being no 222objection, the President deferred further consideration of the amendments by Senators Anderson and Hargrove on page 6, lines 12 and 13, to the Committee on Education striking amendment.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Prentice and McDonald to the Committee on Education amendment be adopted:

On page 9, after line 11, insert the following:

"Sec. 10. RCW 28A.235.140 and 1993 c 333 s 1 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Free or reduced-price lunches" means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools ~~(pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools).~~ In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district. School districts shall provide a breakfast program in any school as long as the school qualifies as a severe-need school or there is data available to confirm and substantiate the severe-needs status of the school.

(3) ~~((Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:~~

~~(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.~~

~~(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991.)~~ Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

~~((c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.~~

~~(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.)~~

~~(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is eliminated.~~

~~(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students except as provided in section 13 of this act. Requirements that school districts have school breakfast programs under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.~~

~~(6) School districts that as of the effective date of this act do not have a school lunch program shall develop a plan for a school lunch program and establish a feasible timeline for instituting the program.~~

~~**Sec. 11.** RCW 28A.235.150 and 1993 c 333 s 3 are each amended to read as follows:~~

~~(1) To the extent funds are appropriated, the superintendent of public instruction may award grants to school districts to increase participation in school breakfast and lunch programs, to improve program quality, and to improve the equipment and facilities used in the programs. School districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection. Funds appropriated under this subsection are intended to increase participation by eligible students in school food programs, and shall be used solely to enhance school breakfast and lunch programs.~~

~~(2) To the extent funds are appropriated, the superintendent of public instruction shall increase the state support for school breakfasts and lunches.~~

~~(3) The superintendent of public instruction shall identify six severe-need schools under RCW 28A.235.140 and award to these schools grants to be used directly to feed more students. The following criteria shall be included in selecting the schools:~~

~~(a) Severe-needs schools, as established by data;~~

~~(b) A high percentage of students eligible for low-income meals, as determined by dividing the number of free and reduced price meal applications or letters of direct certification by the total school enrollment; and~~

~~(c) The small size of the school district does not enable the school to benefit from economies of scale in food services.~~

~~(4) The superintendent of public instruction shall apply for all available federal funds for school lunch and breakfast program outreach.~~

~~**Sec. 12.** RCW 28A.235.155 and 1993 c 333 s 4 are each amended to read as follows:~~

~~(1) The superintendent of public instruction shall administer funds for the federal summer food service program.~~

~~(2) The superintendent of public instruction may award grants, to the extent funds are appropriated, to eligible organizations to help start new summer food service programs for children or to help expand summer food services for children.~~

~~(3) The superintendent of public instruction shall apply for all available federal funds for summer food service program outreach.~~

~~**NEW SECTION. Sec. 13.** A new section is added to chapter 28A.235 RCW to read as follows:~~

~~School districts are encouraged to take advantage of the opportunity to serve all enrolled students in designated high-needs schools under special assistance known as Provision 2, 7 C.F.R. 245(b). The superintendent of public instruction shall ensure that information on Provision 2 is provided to all school districts with schools where more than seventy-five percent of students qualify for free or reduced-price school meals by the end of 1994.~~

~~**NEW SECTION. Sec. 14.** A new section is added to chapter 28A.235 RCW to read as follows:~~

~~Within six months of the effective date of this act, and every two years thereafter, school districts with breakfast or lunch programs shall assess whether the programs allow the students sufficient and realistic time to be served and to eat. If the assessment shows that there is insufficient time for personal hygiene, serving, and consumption of school meals, the school shall allow more time by any feasible means, including the use of adult volunteer help, additional cafeteria shifts, or more staffing. Failure to properly assess such programs and correct problems identified by assessment, or to promptly investigate and take appropriate action on complaints regarding compliance with this section shall be remedied by the superintendent of public instruction.~~

~~**NEW SECTION. Sec. 15.** A new section is added to chapter 28A.235 RCW to read as follows:~~

~~School districts shall ensure that food sold on school grounds is consistent with the dietary guidelines for Americans as provided in the edition of "Nutrition & Your Health: Dietary Guidelines for Americans," by the United States departments of agriculture and health and human services in print on the effective date of this act, or a later edition as adopted by reference by the superintendent by rule."~~

~~Renumber the remaining sections consecutively and correct internal references accordingly.~~

POINT OF ORDER

Senator Pelz: "Mr. President, I also ask that you rule that the amendment by Senator Talmadge exceeds the scope and object of Engrossed Substitute House Bill No 2850. This amendment is beyond the scope and object of Engrossed Substitute House Bill No. 2850 since it seeks to make improvements to another school program, the school food program. The school food program is not mentioned in Engrossed Substitute House Bill No. 2850. Engrossed Substitute House Bill No. 2850, while containing a number of statutes in the education code, is a very narrow bill designed to make substantive and technical changes to a specific piece of legislation, House Bill No 1209. It does not create any new programs or attempt to make additional reforms to education."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senators Talmadge, Prentice and McDonald on page 9, after line 11, to the Committee on Education striking amendment.

MOTION

Senator West moved that the following amendments to the Committee on Education amendment be considered simultaneously and be adopted:

On page 14, after line 17, insert the following:

Sec. 14. RCW 28A.160.210 and 1989 c 178 s 20 are each amended to read as follows:

In addition to other powers and duties, the state board of

education shall adopt rules (~~and regulations~~) governing the training and qualifications of school bus drivers. For the purposes of this section, "school bus driver" means a person who operates a school bus as defined in RCW 46.04.521, as well as other motor vehicles for the routine transportation of students between home and school on scheduled routes. Such rules (~~and regulations~~) for school bus drivers shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules (~~and regulations~~) shall insure that school bus drivers are provided a due process hearing before any certification required by such rules (~~and regulations~~) is (~~cancelled~~) cancelled: PROVIDED FURTHER, That such rules (~~and regulations~~) shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The state board of education may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills.

NEW SECTION. Sec. 15. A new section is added to chapter 28A.320 RCW to read as follows:

School district boards of directors are encouraged to adopt policies on qualifications for school district employees and volunteers transporting students other than their own children to or from school sponsored activities."

On page 15, line 1, after "(uncodified);" insert "28A.160.210;"

On page 15, line 2, after "28A.150 RCW;" insert "adding a new section to chapter 28A.320 RCW;"

POINT OF ORDER

Senator Pelz: "Mr. President, I am reminded of the time that Senator Moore was on the losing end of an unanimous vote. Senator West is attempting to amend this bill with an old bill of mine, which I wish were going to pass, but I am going to have to ask that you rule that Senator West's amendment exceeds the scope and object of Engrossed Substitute House Bill No. 2850--suffice to say for reasons that I previously stated."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendments by Senator West on page 14, after line 17, and page 15, lines 1 and 2, to the Committee on Education striking amendment.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2850.

MOTION

At 6:21 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 7:37 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5154,
ENGROSSED SENATE BILL NO. 5692,
SUBSTITUTE SENATE BILL NO. 5819,
SENATE BILL NO. 6141,
SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6195,
SENATE BILL NO. 6215,
SENATE BILL NO. 6254,
SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6371,
ENGROSSED SENATE BILL NO. 6404,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6461,
SUBSTITUTE SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6481,
SENATE BILL NO. 6491,
SUBSTITUTE SENATE BILL NO. 6492,
SUBSTITUTE SENATE BILL NO. 6505,
SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6561, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 3, 1994

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1133,
HOUSE BILL NO. 2138,
SUBSTITUTE HOUSE BILL NO. 2164,
SUBSTITUTE HOUSE BILL NO. 2178,
SUBSTITUTE HOUSE BILL NO. 2191,
HOUSE BILL NO. 2205,
HOUSE BILL NO. 2266,
SUBSTITUTE HOUSE BILL NO. 2334,
ENGROSSED HOUSE BILL NO. 2561,
HOUSE BILL NO. 2562,
SUBSTITUTE HOUSE BILL NO. 2614,
SUBSTITUTE HOUSE BILL NO. 2618,
HOUSE BILL NO. 2750,
SUBSTITUTE HOUSE BILL NO. 2771,
HOUSE BILL NO. 2814,
HOUSE BILL NO. 2843,

HOUSE BILL NO. 2909, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1133,
HOUSE BILL NO. 2138,
SUBSTITUTE HOUSE BILL NO. 2164,
SUBSTITUTE HOUSE BILL NO. 2178,
SUBSTITUTE HOUSE BILL NO. 2191,
HOUSE BILL NO. 2205,
HOUSE BILL NO. 2266,
SUBSTITUTE HOUSE BILL NO. 2334,
ENGROSSED HOUSE BILL NO. 2561,
HOUSE BILL NO. 2562,
SUBSTITUTE HOUSE BILL NO. 2614,
SUBSTITUTE HOUSE BILL NO. 2618,
HOUSE BILL NO. 2750,
SUBSTITUTE HOUSE BILL NO. 2771,
HOUSE BILL NO. 2814,
HOUSE BILL NO. 2843,
HOUSE BILL NO. 2909.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2850 and the pending amendments by Senators Anderson and Hargrove on page 6, lines 12 and 13; the pending amendment by Senators Talmadge, Prentice and McDonald on page 9, after line 11; and the pending amendments by Senator West on page 14, after line 17, and page 15, lines 1 and 2, all to the Committee on Education striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Pelz on the amendments by Senators Anderson and Hargrove on page 6, lines 12 and 13; the amendment by Senators Talmadge, Prentice and McDonald on page 9, after line 11; and the amendments by Senator West on page 14, after line 17, and page 15, lines 1 and 2, to the Committee on Education amendment, the President finds that Engrossed Substitute House Bill No. 2850 is a measure which deletes obsolete language, changes reporting dates, changes terms of existing grants and adds certain values and traits to the goals of the Basic Education Act.

"The amendments proposed by Senators Anderson and Hargrove on page 6, lines 12 and 13 would provide parents or guardians with the option of reviewing materials on AIDS curricula, rather than attending a presentation, in deciding whether to object to a child's participation in AIDS prevention education.

"The amendment proposed by Senators Talmadge, Prentice and McDonald on page 9, after line 11, would make numerous changes in school food programs including the awarding of grants for food programs in qualifying schools, requiring assessments of school district food programs, and requiring that food sold on school grounds is consistent with certain dietary guidelines.

"The amendments proposed by Senator West on page 14, after line 17 and page 15, lines 1 and 2, would define 'school bus driver' and limit the State Board of Education's authority over certain school bus drivers.

"The President, therefore, finds that all the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senators Anderson and Hargrove on page 6, lines 12 and 13; the amendment by Senators Talmadge, Prentice and McDonald on page 9, after line 11; and the amendments by Senator West on page 14, after line 17, and page 15, lines 1 and 2, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 2850 were ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Engrossed Substitute House Bill No. 2850.

Debate ensued.

The motion by Senator Pelz carried and the Committee on Education striking amendment was adopted.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.138, 28A.650.015, 28A.630.952, 28A.170.060, 28A.175.070, 28A.230.070, 28A.300.150, and 28A.150.230; amending 1993 c 336 s 704 (uncodified); amending 1992 c 141 s 508 (uncodified); amending 1993 c 336 s 1007 (uncodified); reenacting RCW 28A.630.885;

adding a new section to chapter 28A.150 RCW; repealing RCW 28A.300.140, 28A.610.060, and 28A.615.050; providing an effective date; and providing an expiration date."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 2850, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2850, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2850, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Cantu, Morton, Smith, L., Talmadge and West - 5.

Excused: Senators McCaslin and Vognilid - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2662, by House Committee on Revenue (originally sponsored by Representatives Holm, Foreman, G. Fisher, Dunshee, Patterson, Dorn, Lemmon, Basich, Ogden, Jones, Finkbeiner, Moak, Kremen, Springer, Roland, King, Cothorn, Morris, J. Kohl and L. Johnson) (by request of Department of Revenue)

Modifying hazardous waste fees.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2662.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2662 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2235, by House Committee on Revenue (originally sponsored by Representatives Cothorn, Foreman, Thibaudeau, J. Kohl, L. Johnson, Ogden, Rust, Chappell, Van Luven, Brough, Brown and Cooke)

Clarifying the business and occupation tax on periodicals and magazines.

The bill was read the second time.

MOTION

Senator Sellar moved that the following amendments be considered simultaneously and be adopted:
On page 2, after line 35, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

This chapter shall not apply to a newspaper carrier under eighteen years of age.

NEW SECTION. Sec. 3. A new section is added to chapter 35.21 RCW to read as follows:

A city or town, including a code city, may not license newspaper carriers under eighteen years of age for either regulatory or revenue-generating purposes.

NEW SECTION. Sec. 4. Each person employing or contracting with a juvenile newspaper carrier for delivery of newspapers shall notify the carrier in writing that the exemption provided in section 2 of this act expires when the carrier reaches eighteen years of age."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 3, line 1, strike "This act" and insert "Section 1 of this act"

Debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Sellar on page 2, after line 35, and page 3, line 1, to Substitute House Bill No. 2235.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 24; Nays, 23; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Rasmussen, M., Roach, Schow, Sellar, Smith, L., Snyder, West and Winsley - 24.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Niemi, Prentice, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Spanel, Sutherland, Talmadge, Vognilid, Williams and Wojahn - 23.

Absent: Senators Owen and Pelz - 2.

MOTIONS

On motion of Senator Sellar, the following title amendment was adopted:

On page 1, line 2 of the title, after "82.04.280;" strike "and creating a new section" and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 35.21 RCW; and creating new sections"

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2235, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2235, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2235, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Pelz - 1.

SUBSTITUTE HOUSE BILL NO. 2235, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2341, by House Committee on Revenue (originally sponsored by Representatives Romero, Cooke, Talcott, L. Thomas, Wood, Silver and Roland)

Exempting from the sales tax certain personal services provided by nonprofit youth organizations and government agencies.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2341.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2341 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Moore and Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2663, by House Committee on Revenue (originally sponsored by Representatives Finkbeiner, Foreman, Cothorn, G. Fisher, Forner, Patterson, Shin, Dorn, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, Quall, Jones, Moak, H. Myers, Kessler, Springer, King, Morris, Cooke, Backlund and L. Johnson) (by request of Governor Lowry)

Providing tax credits and deferrals for high-technology businesses.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that high-wage, high-skilled jobs are vital to the economic health of the state's citizens, and that targeted tax incentives will encourage the formation of high-wage, high-skilled jobs. The legislature also finds that tax incentives should be subject to the same rigorous requirements for efficiency and accountability as are other expenditure programs, and that tax incentives should therefore be focused to provide the greatest possible return on the state's investment.

The legislature also finds that high-technology businesses are a vital and growing source of high-wage, high-skilled jobs in this state, and that the high-technology sector is a key component of the state's effort to encourage economic diversification. However, the legislature finds that many high-technology businesses incur significant costs associated with research and development and pilot scale manufacturing many years before a marketable product can be produced, and that current state tax policy discourages the growth of these companies by taxing them long before they become profitable.

The legislature further finds that stimulating growth of high-technology businesses early in their development cycle, when they are turning ideas into marketable products, will build upon the state's established high-technology base, creating additional research and development jobs and subsequent manufacturing facilities.

For these reasons, the legislature hereby establishes a program of business and occupation tax credits for qualified research and development expenditures. The legislature also hereby establishes a tax deferral program for high-technology research and development and pilot scale manufacturing facilities. The legislature declares that these limited programs serve the vital public purpose of creating employment opportunities in this state. The legislature further declares its intent to create a contract within the meaning of Article I, section 23 of the state Constitution as to those businesses that make capital investments in consideration of the tax deferral program established in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate of 0.515 percent in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and 2.5 percent for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for calendar year 1994 shall not exceed the lesser of one million dollars or the taxes otherwise due under this chapter for the period July 1, 1994 through December 31, 1994. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year thereafter shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures.

(8) For the purpose of this section:

(a) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(b) "Qualified research and development" shall have the same meaning as in section 3 of this act.

(c) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(d) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.
(9) This section shall expire July 1, 1997.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; and optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means that portion of an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement. The lessor or owner of the qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(10) "Person" has the meaning given in RCW 82.04.030.

(11) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(12) "Qualified buildings" means structures used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualifying research and development. If a building is used partly for pilot scale manufacturing or qualifying research and development, and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(13) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(14) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(15) "Recipient" means a person receiving a tax deferral under this chapter.

(16) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

NEW SECTION. Sec. 4. Application for deferral of taxes under this chapter must be made before July 1, 1997, and before initiation of construction of, or acquisition of equipment or machinery for the investment project. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

Applicants for deferral of taxes under this chapter shall agree to supply the department with nonproprietary information necessary to measure the results of the tax deferral program for high-technology research and development and pilot scale manufacturing facilities.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) No certificate may be issued for an investment project that has already received a deferral under chapters 82.60 or 82.61 RCW or this chapter, except that an investment project for qualified research and development that has already received a deferral may also receive an additional deferral certificate for adapting the investment project for use in pilot scale manufacturing.

(3) This section shall expire July 1, 1997.

NEW SECTION. Sec. 6. (1) Except as provided in subsections (2) and (3) of this section, a recipient shall begin paying taxes deferred under this chapter on December 31st of the third calendar year after the date certified by the department as the date on which the investment project has been operationally completed, or on December 31st of the fifth calendar year after the certificate was granted, whichever is sooner. Subsequent annual payments shall be due on December 31st of the following four years with amounts of payment scheduled as follows:

| Repayment Year | % of Deferred Tax Repaid |
|----------------|--------------------------|
| 1 | 10% |
| 2 | 15% |
| 3 | 20% |
| 4 | 25% |
| 5 | 30% |

(2) A recipient that is an institution recognized as a comprehensive cancer center by the national cancer institute before April 20, 1983, shall begin paying taxes deferred under this chapter on December 31st of the third calendar year after the date certified by the department as the date on which the investment project has been operationally completed, or on December 31st of the fifth calendar year after the certificate was granted, whichever is sooner. Subsequent annual payments shall be due on December 31st of the following four years with amounts of payment scheduled as follows:

| Repayment Year | % of Deferred Tax Repaid |
|----------------|--------------------------|
| 1 | 10% |
| 2 | 12% |
| 3 | 14% |
| 4 | 28% |
| 5 | 36% |

(3) A recipient of a tax deferral on an investment project for qualified research and development on, or pilot scale manufacturing of, a drug, device, or biological product that requires licensing by the federal food and drug administration under chapter 21, C.F.R., as amended, shall begin paying taxes deferred under this chapter on December 31st of the fifth calendar year after the date certified by the department as the date on which the investment project has been operationally completed, or on December 31st of the seventh calendar year after the certificate was granted, whichever is sooner. Subsequent annual payments shall be due on December 31st of the following five years with amounts of payment scheduled as follows:

| Repayment Year | % of Deferred Tax Repaid |
|----------------|--------------------------|
| 1 | 10% |
| 2 | 10% |
| 3 | 15% |
| 4 | 20% |
| 5 | 20% |
| 6 | 25% |

(4) The department may authorize an accelerated repayment schedule upon request of the recipient.

(5) Interest may not be charged on taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

NEW SECTION. Sec. 7. If an investment project is used for purposes other than qualified research and development or pilot scale manufacturing prior to repayment of the taxes deferred under this chapter, the amount of the deferred taxes outstanding for the project is immediately due.

NEW SECTION. Sec. 8. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 9. Applications and other information received by the department under this chapter are not confidential and are subject to disclosure.

NEW SECTION. Sec. 10. The department shall perform an assessment of the results of the tax credit and tax deferral programs authorized under chapters 82.60, 82.61, and 82.62 RCW and deliver a report on the assessment to the governor and the legislature by January 1, 1997. The assessments shall measure the effect of the programs on job creation, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

NEW SECTION. Sec. 11. Sections 1 and 3 through 9 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 12. This act shall take effect July 1, 1994."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 4 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 2663, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2663, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2663, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 44.

Voting nay: Senators Anderson, Newhouse, Prince, Smith, L. and Williams - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2663, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2664, by Representatives Springer, Foreman, Jones, G. Fisher, Shin, Chappell, Basich, Pruitt, Holm, Ogden, Wolfe, Sheldon, H. Myers, Kessler, Conway, Cothorn, Morris and Rayburn (by request of Governor Lowry)

Modifying provisions for tax deferrals for investment projects in distressed areas.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.60.020 and 1993 sp.s. c 25 s 403 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; ~~((or))~~ (c) a designated neighborhood reinvestment area approved under RCW 43.63A.700; (d) subcounty areas within a city with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; or (e) counties where thirty percent or more of total employment is federal department of defense related.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each one million dollars of investment on which a deferral is requested in an application approved after June 30, 1994; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding, equipping, or renovating an existing ~~((building))~~ facility with costs in excess of twenty-five percent of the true and fair value of the ~~((plant complex))~~ facility prior to improvement ~~((; or~~
(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure). The lessor/owner of ~~((the structure))~~ a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than cogeneration projects that are both an integral part of a manufacturing facility and owned at least fifty percent by the manufacturer, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings ~~((and))~~ or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means ~~((new))~~ structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 2. RCW 82.60.030 and 1985 c 232 s 3 are each amended to read as follows:

Application for deferral of taxes under this chapter must be made before July 1, 1997, and before initiation of the construction of the investment project or acquisition of equipment or machinery. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

Sec. 3. RCW 82.60.040 and 1986 c 116 s 13 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that:

(a) is located in an eligible area;

(b) is located in any county if seventy-five percent of the new qualified employment positions are to be filled by residents of a contiguous county that qualifies as an eligible area; or

(c) is located in a county containing a designated neighborhood reinvestment area approved under RCW 43.63A.700 if seventy-five percent of the new qualified employment positions are to be filled by residents of the neighborhood reinvestment area.

(2) A recipient of a tax deferral under subsection (1) (b) or (c) of this section shall maintain the required percentage of qualified employment positions filled by residents of the contiguous county or neighborhood reinvestment area for three calendar years after the date on which the department certifies the investment project as having been operationally completed.

(3) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(4) No certificate may be issued unless the application is received by July 1, 1997.

Sec. 4. RCW 82.60.050 and 1993 sp.s. c 25 s 404 are each amended to read as follows:

RCW 82.60.030 and 82.60.040 shall expire July 1, ((1998)) 1997.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1994."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 82.60.020, 82.60.030, 82.60.040, and 82.60.050; and providing an effective date."

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 2664, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2664, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2664, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Winsley and Wojahn - 44.

Voting nay: Senators Anderson, Cantu, Talmadge and Williams - 4.

Excused: Senator Vognild - 1.

ENGROSSED HOUSE BILL NO. 2664, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2670, by Representatives G. Fisher, Foreman, Roland, Kessler, Shin, Campbell, Lemmon, Bray, R. Meyers, Basich, Johanson, Pruitt, Holm, Ogden, Sheldon, Caver, Quall, Jacobsen, Scott, Jones, Finkbeiner, Dellwo, H. Myers, Kremen, Conway, King, Rayburn, J. Kohl, L. Johnson and Anderson

Increasing senior citizen property tax relief.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.36.381 and 1993 c 178 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the preceding year

by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of (~~twenty-six~~) twenty-eight thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

NEW SECTION. Sec. 2. Section 1 of this act shall be effective for taxes levied for collection in 1995 and thereafter.

NEW SECTION. Sec. 3. If a court enters a final order invalidating or remanding section 1 of this act on the grounds that it does not comply with section 13, chapter 2, Laws of 1994, this measure shall be submitted to the people for their adoption, ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "disability;" strike the remainder of the title and insert "amending RCW 84.36.381; creating a new section; and providing for submission of this act to a vote of the people."

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 2670, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2670, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2670, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

ENGROSSED HOUSE BILL NO. 2670, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2671, by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Foreman, Holm, Mastin, Kremen, Roland, Kessler, Dellwo, Karahalios, Chappell, Conway, R. Johnson, J. Kohl, Patterson, Finkbeiner, Springer, Brown, Dunshee, Shin, Campbell, Dorn, Lemmon, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, Sheldon, Caver, Quall, Jacobsen, Jones, Romero, Moak, Valle, H. Myers, King, Cothorn, Morris, Backlund, Van Luven, Rayburn, Long, L. Johnson and Anderson)

Reducing gross receipts taxes for small businesses.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.300 and 1993 sp.s. c 25 s 205 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section. The one thousand dollar threshold shall be increased each year on January 1st to reflect the change in the consumer price index for the previous year as compiled by the bureau of labor statistics, United States department of labor.

Any person claiming exemption under the provisions of this section may be required, according to rules adopted by the department, to file returns even though no tax may be due. The department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

NEW SECTION. Sec. 2. This act shall take effect July 1, 1994."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Substitute House Bill No. 2671.

The motion by Senator Rinehart carried and the Committee on Ways and Means striking amendment was adopted on a rising vote.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 82.04.300; and providing an effective date."

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2671, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2671, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2671, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Talmadge - 1.

Absent: Senator Hargrove - 1.

Excused: Senator Vognild - 1.

SUBSTITUTE HOUSE BILL NO. 2671, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2237, by House Committee on Capital Budget (originally sponsored by Representatives Wang, Ogden, Sehlin, Silver, Linville, King, Flemming, Pruitt, Karahalios, Romero, Dunshee, Eide and Springer)

Improving the efficiency of state facilities and the budget process.

The bill was read the second time.

MOTIONS

Senator Rinehart moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the acquisition, construction, and management of state-owned and leased facilities has a profound and long-range effect upon the delivery and cost of state programs, and that there is an increasing need for better facility planning and management to improve the effectiveness and efficiency of state facilities.

Sec. 2. RCW 43.88.030 and 1991 c 358 s 1 and 1991 c 284 s 1 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury; and

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) ~~A ((capital plan consisting of proposed capital spending for at least four fiscal periods succeeding the next fiscal period)) statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;~~

(b) A capital program consisting of proposed capital projects for ((at least)) the next biennium and the two ((fiscal periods)) biennia succeeding the next ((fiscal period)) biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four ((fiscal periods)) biennia succeeding the next ((fiscal period)) biennium;

(d) A statement of the reason or purpose for a project;

(e) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(f) A statement about the proposed site, size, and estimated life of the project, if applicable;

(g) Estimated total project cost;

(h) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(i) Estimated total project cost for each phase of the project as defined by the office of financial management;

~~((#))~~ (j) Estimated ensuing biennium costs;

~~((#))~~ (k) Estimated costs beyond the ensuing biennium;

~~((#))~~ (l) Estimated construction start and completion dates;

~~((#))~~ (m) Source and type of funds proposed;

~~((#))~~ (n) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(o) Such other information bearing upon capital projects as the governor deems to be useful;

~~((#))~~ (p) Standard terms, including a standard and uniform definition of maintenance for all capital projects;

~~((#))~~ (q) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 3. RCW 43.88A.020 and 1979 c 151 s 146 are each amended to read as follows:

The office of financial management shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills and resolutions which increase or decrease or tend to increase or decrease state government revenues or expenditures. Such fiscal notes shall indicate by fiscal year the impact for the remainder of the biennium in which the bill or resolution will first take effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years. Fiscal notes shall separately identify the fiscal impacts on the operating and capital budgets. Estimates of fiscal impacts shall be calculated using the procedures contained in the fiscal note instructions issued by the office of financial management.

In establishing the fiscal impact called for pursuant to this chapter, the office of financial management shall coordinate the development of fiscal notes with all state agencies affected.

Sec. 4. RCW 43.88.032 and 1989 c 311 s 1 are each amended to read as follows:

(1) Annual ongoing or routine maintenance costs shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the ((capital)) budget document.

Sec. 5. RCW 43.88.110 and 1991 sp.s. c 32 s 27 and 1991 c 358 s 2 are each reenacted and amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

- (a) Appropriations made for capital projects including transportation projects;
- (b) Estimates of total project costs including past, current, ensuing, and future biennial costs;
- (c) Comparisons of actual costs to estimated costs;
- (d) Comparisons of estimated construction start and completion dates with actual dates;
- (e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) The office of financial management, prior to approving allotments for major capital construction projects valued over five million dollars, shall institute procedures for reviewing such projects at the predesign stage that will reduce long-term costs and increase facility efficiency. The procedures shall include, but not be limited to, the following elements:

- (a) Evaluation of facility program requirements and consistency with long-range plans;
- (b) Utilization of a system of cost, quality, and performance standards to compare major capital construction projects; and
- (c) A requirement to incorporate value-engineering analysis and constructability review into the project schedule.

(6) No expenditure may be incurred or obligation entered into for such major capital construction projects including, without exception, land acquisition, site development, predesign, design, construction, and equipment acquisition and installation, until the allotment of the funds to be expended has been approved by the office of financial management. This limitation does not prohibit the continuation of expenditures and obligations into the succeeding biennium for projects for which allotments have been approved in the immediate prior biennium.

(7) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed operating expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

~~((6))~~ (8) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

~~((7))~~ (9) The director of financial management shall monitor agency operating expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

~~((8))~~ (10) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

NEW SECTION. Sec. 6. A new section is added to chapter 43.88 RCW to read as follows:

(1) The capital appropriations act may authorize the governor, through the director of financial management, to transfer the appropriation authority for a capital project that is in excess of the amount required for the completion of the project to another capital project for which the appropriation is insufficient.

(a) No such transfer may be used to expand the capacity or change the intended use of the project beyond that intended by the legislature in making the appropriation.

(b) The transfer may be effected only between capital projects within a specific department, commission, agency, or institution of higher education.

(c) The transfer may be effected only if the project from which the transfer of funds is made is substantially complete and there are funds remaining, or bids have been let on the project from which the transfer of funds is made and it appears to a substantial certainty that the project can be completed within the biennium for less than the amount appropriated.

(2) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless the legislative history demonstrates that the legislature intended to define the scope of a project in a different way.

(3) The office of financial management shall notify the legislative fiscal committees of the senate and the house of representatives at least thirty days before any transfer is effected under this section except emergency projects or any transfer under two hundred fifty thousand dollars, and shall prepare a report to such committees listing all completed transfers at the close of each fiscal year.

(4) No transfer may occur that would increase an appropriation to a minor works or other omnibus repair, maintenance, or improvement project. In the case of transfers between projects within a minor works appropriation, funds may be transferred without legislative approval only in the case of projects identified in the project lists that have been provided to the legislature with the governor's budget document, as revised by the legislature.

Sec. 7. RCW 43.82.010 and 1990 c 47 s 1 are each amended to read as follows:

(1) The director of ~~(the department of)~~ general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility

efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than five years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) It is the policy of the state to encourage the collocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(5) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for collocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for collocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a collocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact collocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing collocation and consolidation of state facilities.

(6) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

((4)) (7) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (e) (1) or ((3)) (6) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

((5)) (8) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for collocation and consolidation of state agency office and support facilities.

((6)) (9) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

((7)) (10) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

((8)) (11) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

((9)) (12) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of (fisheries, the department of) fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

((10)) (13) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 8. (1) The legislature finds that current facility planning, budgeting, and management responsibilities are spread among a number of state agencies, and that there may be a need to consolidate these functions within a single entity with independent powers and fiduciary responsibility for state facilities as a whole to increase the consistency and quality of facility decisions.

(2) The office of financial management shall evaluate the need for and potential responsibilities of a central state facilities authority to coordinate and manage the design, acquisition, construction, and utilization of state facilities, including leased facilities. The evaluation shall include an examination of the current roles and responsibilities of state agencies including the department of general administration, the higher education coordinating board, the state board for community and technical colleges, and the office of financial management to identify critical areas for improvement and any overlapping areas of responsibility.

(3) The office of financial management shall consider the following potential responsibilities of a central facilities authority in its evaluation:

(a) Involvement in agency master planning and facility predesign activities to assist agencies in developing creative alternatives for meeting program needs;

(b) Development of facility performance and cost standards to assist in facility planning and budget evaluation;

(c) Critical evaluation of facility designs and budget requests through life-cycle cost analysis, value-engineering, and other tools to maximize the long-term effectiveness and efficiency of state facilities;

(d) Central management of and planning for the state's facility inventory, including both leased and state-owned facilities, to maximize agency collocation and consolidation opportunities and create identifiable state government and education centers;

(e) Administration and management of agency capital construction projects;

(f) Development of leasing standards and procedures, including a methodology for analyzing the costs and benefits of leasing versus owning facilities, and appropriate procurement of leased, lease-developed, or lease-purchased facilities;

(g) Development of facility operation and maintenance standards or guidelines;

(h) Administration and allocation of centrally pooled appropriations for projects affecting more than one agency or for which efficiency can be enhanced by central administration; and

(i) Other responsibilities as determined by the office of financial management.

(3) The evaluation shall consider increasing the responsibilities and powers of an existing agency or agencies, or establishing a new agency or agencies to accomplish the objectives of this section. The evaluation shall also estimate the costs and benefits of operating a central facility authority or authorities.

(4) The office of financial management shall convene a steering committee composed of representatives of affected state agencies and the private real estate industry to assist in collecting needed information and conducting the evaluation.

(5) The office of financial management shall report on the results of its evaluation to the appropriate standing committees of the legislature by January 10, 1995.

This section shall expire June 30, 1995.

NEW SECTION. Sec. 9. The office of financial management shall conduct a review of the state's bonding requirements under chapter 39.08 RCW, shall analyze alternative forms of security, and shall report its findings and analysis to the appropriate committees of the senate and the house of representatives no later than January 10, 1995. The alternative forms of security shall include, but not be limited to, a bond in an amount less than the full contract price, letter of credit, certified check, cash escrow, and assets of the contractor. The purpose of the review is to determine if alternative forms of security will provide essentially the same level of protection to the state at a lower cost to the contractor and the state.

This section shall expire June 30, 1995.

NEW SECTION. Sec. 10. The state board of education shall study the potential for savings by constructing common schools from prototypical school construction designs. The findings and recommendations of the board shall be submitted to the senate committee on ways and means and the house of representatives capital budget committee by December 15, 1994.

Sec. 11. RCW 79.24.580 and 1993 sp.s. c 24 s 927 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be ~~((distributed as follows: (1) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be))~~ deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 12. RCW 43.82.110 and 1969 c 121 s 2 are each amended to read as follows:

All office or other space made available through the provisions of this chapter shall be leased by the director to such state or federal agencies, for such rental, and on such terms and conditions as he or she deems advisable: PROVIDED, HOWEVER, If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he or she may prescribe.

~~((There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.~~

~~The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose.))~~

Sec. 13. RCW 43.82.120 and 1965 c 8 s 43.82.120 are each amended to read as follows:

~~((There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund.)) All ((unpledged)) rental income collected by the department of general administration from rental of state buildings shall be deposited in the ((general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unpledged rental income shall be deposited in the)) general administration management fund, the creation of which is hereby authorized. ((In the event the general administration bond redemption guarantee fund is diminished, it shall be replenished in the same manner.~~

~~If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments.))~~

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

- (1) RCW 43.82.040 and 1965 c 8 s 43.82.040;
- (2) RCW 43.82.050 and 1965 c 8 s 43.82.050;
- (3) RCW 43.82.060 and 1965 c 8 s 43.82.060;
- (4) RCW 43.82.070 and 1965 c 8 s 43.82.070;
- (5) RCW 43.82.080 and 1965 c 8 s 43.82.080; and
- (6) RCW 43.82.090 and 1979 ex.s. c 67 s 4 & 1965 c 8 s 43.82.090.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) RCW 79.24.630 and 1970 ex.s. c 14 s 1;
- (2) RCW 79.24.632 and 1969 ex.s. c 273 s 4 & 1967 ex.s. c 105 s 5;
- (3) RCW 79.24.634 and 1969 ex.s. c 273 s 5 & 1967 ex.s. c 105 s 6;
- (4) RCW 79.24.636 and 1969 ex.s. c 273 s 6 & 1967 ex.s. c 105 s 7;
- (5) RCW 79.24.638 and 1982 2nd ex.s. c 8 s 5, 1969 ex.s. c 273 s 7, & 1967 ex.s. c 105 s 8;
- (6) RCW 79.24.640 and 1969 ex.s. c 273 s 8 & 1967 ex.s. c 105 s 9;
- (7) RCW 79.24.642 and 1969 ex.s. c 273 s 9 & 1967 ex.s. c 105 s 10;
- (8) RCW 79.24.6421 and 1969 ex.s. c 273 s 1;
- (9) RCW 79.24.6422 and 1969 ex.s. c 273 s 2;
- (10) RCW 79.24.644 and 1967 ex.s. c 105 s 11;
- (11) RCW 79.24.645 and 1969 ex.s. c 273 s 10;
- (12) RCW 79.24.646 and 1967 ex.s. c 105 s 12; and
- (13) RCW 79.24.647 and 1969 ex.s. c 273 s 13.

NEW SECTION. Sec. 16. (1) For the purposes of RCW 43.82.010, "the department of fish and wildlife" means "the department of fisheries and the department of wildlife" until July 1, 1994.

(2) This section expires July 1, 1994.

NEW SECTION. Sec. 17. Sections 8 and 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Owen moved that the following amendment by Senators Owen, Sheldon and Oke to the Committee on Ways and Means striking amendment be adopted:

On page 15, after line 10 of the amendment, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 28A.525 RCW to read as follows:

The state board of education, for purposes of determining eligibility for state assistance for new construction, shall adopt rules excluding from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from public or private entities after April 15, 1994."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen, Sheldon and Oke on page 15, after line 10, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2237.

The motion by Senator Owen carried and the amendment to the Committee on Ways and Means striking amendment was adopted.

MOTION

Senator Quigley moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 20, after line 2, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 39.80 RCW to read as follows:

(1) A school district is exempt from the requirements of this chapter if:

(a) The district selects a design plan on file with the superintendent of public instruction;

(b) The district contacts the design professional who designed the selected design plan and provided the basic architectural and engineering services for the selected design plan; and

(c) The design professional who designed the selected design plan and provided the basic architectural and engineering services agrees to verify and adapt the plan and to provide all other basic architectural and engineering services for the requesting school district for at least fifteen percent less than the cost of the original basic architectural and engineering services contract: PROVIDED, That the costs of the original basic architectural and engineering services did not exceed the maximum amount recognized for providing state matching funds by the state board of education.

(2) For the purposes of subsection (1)(c) of this section, the costs of the original basic architectural and engineering contract may be increased by the implicit price deflator shown in the quarterly economic and revenue forecast prepared by the economic and revenue forecast council under RCW 82.33.010 for the applicable period between the execution of the original basic architectural and engineering services contract and the execution of a basic architectural and engineering services contract with the requesting school district.

(3) For purposes of this section:

(a) "Design plan" means the schematics and design development plans for a school.

(b) "Design professional" means an architect, under chapter 18.08 RCW; a professional engineer, under chapter 18.43 RCW; a land surveyor, under chapter 18.43 RCW; or a landscape architect, under chapter 18.96 RCW, who is licensed or authorized by law to practice such profession, or any corporation organized under chapter 18.100 RCW or authorized under RCW 18.08.420 or 18.43.130 to render design services through the practice of one or more of such professionals.

(c) "Basic architectural and engineering services" means basic architectural and engineering services as defined by the current edition of the *American Institute of Architects Handbook of Professional Practice*."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Williams: "I would like to ask for a scope and object reading on this amendment. It is far outside the scope of the legislation we are considering and introduces a whole new chapter and modifies the architect's selection and design process for schools. I think it is definitely outside the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senator Quigley on page 20, after line 2, to the Committee on Ways and Means striking amendment.

MOTION

Senator Talmadge moved that the following amendments to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 5, line 1 of the amendment, after "(o)" insert "For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded.

(p)"

On page 5, line 3 of the amendment, after "(((a)))" strike "(p)" and insert "(q)"

On page 5, line 5 of the amendment, after "(((e)))" strike "(q)" and insert "(r)"

POINT OF INQUIRY

Senator McDonald: "Senator Talmadge, it says, 'The document shall identify the source of funds for which the operation and maintenance costs are proposed to be funded.' Would the general fund be appropriate?"

Senator Talmadge: "Yes. There might be some circumstances I can envision, Senator McDonald, where private funds might be used, general funds might be used or whatever. The thing that I am asking for here is just that we consider what funds we are going to use to maintain the open-space and recreational lands that we buy. As you know, we do go out and use the capital budget to buy a number of lands and we don't consider what the maintenance and upkeep costs on that land is and should be and that is what this amendment is designed to try and do."

Further debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Talmadge, the issue that I find in this is that a good portion of this land, say the school trust land which is purchased for conservation purposes and things like that, has no operating costs whatsoever for quite a few bienniums in the future--it is just kept there as open-space. How would you treat that in something like this?"

Senator Talmadge: "Well, as long as the budget document dealing with the capital acquisition speaks to that, Senator Bluechel, I think that would satisfy my concern. If there is some maintenance money--some operational money--associated with it, it would be nice to know if that is the case. If it is the intent of the state simply to buy the land and then not make any provisions for its maintenance and upkeep, that should be part of our consideration about whether or not to buy the land as part of our capital budget process. What I am getting at is, I think we just need to have consideration of the maintenance and upkeep of the land when we decide, as part of the capital budget process, to buy the land or to set it aside."

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 5, lines 1, 3 and 5, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2237.

The motion by Senator Talmadge carried and the amendments to the Committee on Ways and Means striking amendment were adopted.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2237.

SECOND READING

SENATE BILL NO. 6271, by Senators Sutherland, Amondson, Moore, Erwin, Hargrove, Winsley and Quigley

Protecting residents against unfair construction services.

MOTIONS

On motion of Senator Sutherland, Second Substitute Senate Bill No. 6271 was substituted for Senate Bill No. 6271 and the second substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment be adopted:

On page 3, beginning on line 26, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 3, beginning on line 26, to Second Substitute Senate Bill No. 6271.

The motion by Senator Anderson failed and the amendment was not adopted.

MOTION

On motion of Senator Sutherland, the rules were suspended, Second Substitute Senate Bill No. 6271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6271.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6271 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Winsley and Wojahn - 37.

Voting nay: Senators Bluechel, Cantu, Hochstatter, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Sellar, West and Williams - 12.

SECOND SUBSTITUTE SENATE BILL NO. 6271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2239, by House Committee on Capital Budget (originally sponsored by Representatives Wang, Ogden, Sehlin, Silver, Jones, King, Karahalios, Eide and Springer) (by request of Department of Corrections and Department of General Administration)

Providing procedures for innovative prison construction.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2239.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2239 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Talmadge - 1.

Absent: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Judiciary (originally sponsored by Representatives Romero, G. Cole, Valle, Orr, Cothorn, Brown, Veloria, Holm, Zellinsky, Scott, Brough, Jones, R. Meyers, Dorn, Quall, Van Luven, Roland, L. Johnson, Long, Johanson and Anderson)

Revising provisions relating to animal cruelty.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 16.52 RCW to read as follows:

(1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

(b) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

(c) "Animal control officer" means any individual employed, contracted, or appointed pursuant to section 4 of this act by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (e) of this subsection and section 4 of this act.

(d) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

(e) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under section 4 of this act.

(f) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(g) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age and species and sufficient to provide a reasonable level of nutrition for the animal.

(h) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

(i) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

(j) "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.

NEW SECTION. Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(1) Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.

(3) Animal control officers have the following enforcement powers when enforcing this chapter:

(a) The power to issue citations based on probable cause to offenders for misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 or 81.56.120;

(b) The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.56.120. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within twenty-four hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

(c) The power to carry nonfirearm protective devices for personal protection;

(d) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.56.120, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.56.120, a law enforcement agency officer may arrest the alleged offender.

Sec. 3. RCW 16.52.020 and 1973 1st ex.s. c 125 s 1 are each amended to read as follows:

Any citizens of the state of Washington (~~who have heretofore, or who shall hereafter, incorporate as a body corporate,~~) incorporated under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may (~~avail themselves of the privileges of RCW 16.52.040 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180: PROVIDED, That~~) enforce the provisions of this chapter through its animal control officers subject to the limitations in sections 2 and 4 of this act. The legislative authority in each county may grant exclusive authority to exercise the privileges and authority granted by this section to one or more qualified corporations for a period of up to three years based upon ability to fulfill the purposes of this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 16.52 RCW to read as follows:

Trustees of humane societies incorporated pursuant to RCW 16.52.020 may appoint society members to act as animal control officers. The trustee appointments shall be in writing. The appointment shall be effective in a particular county only if an appointee obtains written authorization from the superior court of the county in which the appointee seeks to enforce this chapter. To obtain judicial authorization, an appointee seeking judicial authorization on or after the effective date of this section shall provide evidence satisfactory to the judge that the appointee has successfully completed training which has prepared the appointee to assume the powers granted to animal control officers pursuant to section 2 of this act. The trustees shall review appointments every three years and may revoke an appointment at any time by filing a certified revocation with the superior court that approved the appointment. Authorizations shall not exceed three years or trustee termination, whichever occurs first. To qualify for reappointment when a term expires on or after the effective date of this section, the officer shall obtain training or satisfy the court that the officer has sufficient experience to exercise the powers granted to animal control officers pursuant to section 2 of this act.

Sec. 5. RCW 16.52.085 and 1987 c 335 s 1 are each amended to read as follows:

(1) If ~~(the county sheriff or other)~~ a law enforcement officer (shall find) or animal control officer has probable cause to believe that (said) an owner of a domestic animal has (been neglected by its owner, he or she) violated this chapter and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a ~~(proper pasture or other)~~ suitable place for feeding and (restoring to health-) care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of ~~(an)~~ a domestic animal allegedly neglected (domestic animal) or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed ~~(to a suitable place)~~ pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the ~~(law enforcement)~~ officer shall make a good faith effort to contact the animal's owner before removal ~~(unless the animal is in a life-threatening condition or unless the officer reasonably believes that the owner would remove the animal from the jurisdiction).~~

(4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care.

(5) If no criminal case is filed within ~~(seventy-two hours)~~ fourteen business days of the ~~(removal of the animal)~~ animal's removal, the owner may petition the district court of the county where the ~~(removal of the)~~ animal ~~(occurred)~~ was removed for the (return of the animal) animal's return. The petition shall be filed with the court, with copies served to the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must deliver the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

~~((5))~~ (6) In a motion or petition for the ~~(return of the removed animal)~~ animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

~~((6))~~ (7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

Sec. 6. RCW 16.52.095 and Code 1881 s 840 are each amended to read as follows:

It shall not be lawful for any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat or hog, or dog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum less than twenty dollars. This section does not apply if cutting off more than one-half of the ear of the animal is a customary husbandry practice.

NEW SECTION. Sec. 7. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally or knowingly (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2) Animal cruelty in the first degree is a class C felony.

NEW SECTION. Sec. 8. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

(b) Abandons the animal.

(3) Animal cruelty in the second degree is a misdemeanor.

(4) In any prosecution of animal cruelty in the second degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

Sec. 9. RCW 16.52.100 and 1982 c 114 s 6 are each amended to read as follows:

~~(Any person who shall impound or confine or cause to be impounded or confined any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall be guilty of a misdemeanor. In case)~~ If any domestic animal (shall be) is impounded or confined (as aforesaid and shall continue to be) without necessary food and water for more than (twenty-four) thirty-six consecutive hours, (it shall be lawful for) any person may, from time to time, as (it shall be deemed) is necessary (to), enter into and open any pound or place of confinement in which any domestic animal (shall be) is confined, and supply it with necessary food and water so long as it (shall be) is confined. ((Such)) The person shall not be liable to action for (such) the entry, and may collect from the animal's owner the reasonable cost of (such) the food and water ((may be collected by him of the owner of such animal, and the said)). The animal shall be subject to attachment ((therefor)) for the costs and shall not be exempt from levy and sale upon execution issued upon a judgment ((therefor)). If an investigating

officer finds it extremely difficult to supply ~~((such))~~ confined animals with food and water, the officer may remove the animals to protective custody for that purpose.

Sec. 10. RCW 16.52.117 and 1982 c 114 s 9 are each amended to read as follows:

(1) Any person who does any of the following is guilty of a gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment:

(a) Owns, possesses, keeps, or trains any ~~((dog))~~ animal with the intent that the ~~((dog))~~ animal shall be engaged in an exhibition of fighting with another ~~((dog))~~ animal;

(b) For amusement or gain causes any ~~((dog))~~ animal to fight with another ~~((dog))~~ animal, or causes any ~~((dogs))~~ animals to injure each other; or

(c) Permits any act in violation of (a) or (b) of this subsection to be done on any premises under his or her charge or control, or promotes or aids or abets any such act.

(2) Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of ~~((dogs))~~ animals, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

(3) Nothing in this section may prohibit the following:

(a) The use of dogs in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;

(b) The use of dogs in hunting as permitted by law; or

(c) The training of ~~((dogs))~~ animals or the use of equipment in the training of ~~((dogs))~~ animals for any purpose not prohibited by law.

Sec. 11. RCW 16.52.180 and 1901 c 146 s 18 are each amended to read as follows:

No part of ~~((RCW 16.52.040 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180))~~ this chapter shall be deemed to interfere with any of the laws of this state known as the "game laws," nor ~~((shall RCW 16.52.040 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180))~~ be deemed to interfere with the right to destroy any venomous reptile or any known as dangerous to life, limb or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated college or university of the state of Washington or a research facility registered with the United States department of agriculture and regulated by 7 U.S.C. Sec. 2131 et seq.

Sec. 12. RCW 16.52.190 and 1941 c 105 s 1 are each amended to read as follows:

~~((It shall be unlawful for any person to wilfully or maliciously poison any domestic animal or domestic bird. PROVIDED, That the provisions))~~ (1) Except as provided in subsections (2) and (3) of this section, a person is guilty of the crime of poisoning animals if the person intentionally or knowingly poisons an animal under circumstances which do not constitute animal cruelty in the first degree.

(2) Subsection (1) of this section shall not apply to ((the killing)) euthanizing by poison ((such)) an animal ((or bird)) in a lawful and humane manner by the animal's owner ((thereof)), or by a duly authorized servant or agent of ((such)) the owner, or by a person acting pursuant to instructions from a duly constituted public authority.

(3) Subsection (1) of this section shall not apply to the reasonable use of rodent or pest poison, insecticides, fungicides, or slug bait for their intended purposes. As used in this section, the term "rodent" includes but is not limited to Columbia ground squirrels, other ground squirrels, rats, mice, gophers, rabbits, and any other rodent designated as injurious to the agricultural interests of the state as provided in chapter 17.16 RCW. The term "pest" as used in this section includes any pest as defined in RCW 17.21.020.

Sec. 13. RCW 16.52.200 and 1987 c 335 s 2 are each amended to read as follows:

(1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the ~~((cruel))~~ animal's treatment to have been severe and likely to reoccur. If forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animals for a period of two years. The court may delay its decision on forfeiture under this subsection until the end of the probationary period.

(4) In addition to fines and court costs, the ~~((owner))~~ defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by ~~((the))~~ law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

(5) If convicted, the ~~((owner))~~ defendant shall also pay a civil penalty of one ~~((hundred))~~ thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

(6) As a condition of the sentence imposed under this chapter or RCW 9.08.070, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

Sec. 14. RCW 16.52.300 and 1990 c 226 s 1 are each amended to read as follows:

~~((1) If any person ((who uses)) commits the crime of animal cruelty in the first or second degree by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, ((in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.~~

~~((2) Any person who violates the provisions of subsection (1) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.~~

~~((3) Any person who captures by trap a domestic dog or cat to be used as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.~~

~~((4) Any person who violates the provisions of subsection (3) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.~~

~~((5) If a person violates this section,))~~ law enforcement ((authorities)) officers or animal control officers shall seize and hold the animals being trained. ((Such)) The seized animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).

~~((6))~~ (2) This section shall not in any way interfere with or impair the operation of any provision of Title 28B RCW, relating to higher education or biomedical research.

Sec. 15. RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No. 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020((6)(a)) (9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;
(h) Indecent liberties;
(i) Kidnapping in the second degree;
(j) Leading organized crime;
(k) Manslaughter in the first degree;
(l) Manslaughter in the second degree;
(m) Promoting prostitution in the first degree;
(n) Rape in the third degree;
(o) Robbery in the second degree;
(p) Sexual exploitation;
(q) Vehicular assault;
(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(22) "Nonviolent offense" means an offense which is not a violent offense.

(23) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(24) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(25) "Persistent offender" is an offender who:

(a) Has been convicted in this state of any felony considered a most serious offense; and
(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted.

(26) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(27) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(28) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or
(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(29) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(30) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(31) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(32) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(33) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(34) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(35) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(36) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(37) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced to a sex offense as defined in subsection (31) of this section are not eligible for the work crew program.

(38) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(39) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(40) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 16. RCW 9A.48.080 and 1979 c 145 s 2 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication (;

or

(c) ~~Notwithstanding RCW 16.52.070, causes physical damage, destruction, or injury by amputation, mutilation, castration, or other malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat, or sheep which is the property of another).~~

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

Sec. 17. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

(8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such

agreements pursuant to RCW 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(22) "Secretary" means the secretary of the department of social and health services;

(23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 18. RCW 81.56.120 and 1961 c 14 s 81.56.120 are each amended to read as follows:

Railroad companies in carrying or transporting animals shall not permit them to be confined in cars for a longer period than forty-eight consecutive hours without unloading them for rest, water and feeding for a period of at least two consecutive hours, unless prevented from so unloading them by unavoidable accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall, during such rest, be properly fed, watered by the owner or person having the custody of them, or in case of his default in so doing, then by the railroad company transporting them, at the expense of said owner or person in custody thereof, and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for such detention of such animals. If animals are transported where they can and do have proper food, water, space and opportunity for rest, the foregoing provision in regard to their being unloaded shall not apply. Violators of this section shall be punished by fine not exceeding one (~~hundred~~) thousand dollars per animal.

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

(1) RCW 16.52.010 and 1901 c 146 s 17;

(2) RCW 16.52.030 and 1982 c 114 s 2 & 1901 c 146 s 2;

(3) RCW 16.52.040 and 1901 c 146 s 14;

(4) RCW 16.52.050 and 1901 c 146 s 10;

(5) RCW 16.52.055 and 1901 c 146 s 3;

(6) RCW 16.52.060 and 1987 c 202 s 182 & 1893 c 27 s 9;

(7) RCW 16.52.065 and 1982 c 114 s 3 & 1893 c 27 s 8;

(8) RCW 16.52.070 and 1982 c 114 s 4, 1979 c 145 s 4, & 1901 c 146 s 4;

(9) RCW 16.52.113 and 1982 c 114 s 8;

(10) RCW 16.52.120 and 1982 c 114 s 11 & 1901 c 146 s 7;

(11) RCW 16.52.130 and 1982 c 114 s 12 & 1901 c 146 s 8;

(12) RCW 16.52.140 and 1901 c 146 s 11; and

(13) RCW 16.52.160 and 1901 c 146 s 9."

Senator Loveland moved that the following amendment by Senators Loveland, McAuliffe, Quigley, Rasmussen, Prince, Deccio, Skratek, Adam Smith, Drew, Haugen, Moyer, Hargrove and Hochstatter to the Committee on Law and Justice striking amendment be adopted:

On page 1, after line 6 of the amendment, insert the following:

"NEW SECTION. Sec. 1. The legislature finds there is a need to modernize the law on animal cruelty to more appropriately address the nature of the offense. It is not the intent of this act to remove or decrease any of the exemptions from the statutes on animal cruelty that now apply to customary animal husbandry practices, state game or fish laws, rodeos, fairs under chapter 15.76 RCW, or medical research otherwise authorized under federal or state law. It is the intent of this act to require the enforcement of chapter 16.52 RCW by persons who are accountable to elected officials at the local and state level."

Renumber the following sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Loveland, McAuliffe, Quigley, Rasmussen, Prince, Deccio, Skratek, Adam Smith, Drew, Haugen, Moyer, Hargrove and Hochstatter to the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 1652.

The motion by Senator Loveland carried and the amendment to the Committee on Law and Justice striking amendment was adopted.

MOTION

Senator Roach moved that the following amendment to the Committee on Law and Justice striking amendment be adopted:

On page 6, line 17, after "knowingly" insert "unnecessarily and unjustifiably"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 6, line 17, to the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 1652.

The motion by Senator Roach failed and the amendment to the Committee on Law and Justice striking amendment was not adopted.

MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Adam Smith, Oke and Owen to the Committee on Law and Justice striking amendment was adopted:

On page 25, after line 9 of the amendment, insert the following:

"NEW SECTION. Sec. 19. A new section is added to chapter 16.52 RCW to read as follows:

A person may kill a bear or cougar that is reasonably perceived to be an unavoidable and immediate threat to human life.

Sec. 20. RCW 77.12.265 and 1987 c 506 s 35 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is threatening human life or damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to human life, crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate department regional administrator to owners or tenants of real property to trap or kill on that property any cougar, bear, deer, elk, or protected wildlife which is threatening human life or damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible."

Renumber the sections consecutively and correct internal references accordingly.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, McAuliffe, Quigley, Fraser, Deccio, Loveland, Adam Smith, Newhouse, Prince, Moyer and Hochstatter to the Committee on Law and Justice striking amendment was adopted:

On page 25, after line 9 of the amendment, insert the following:

"Sec. 19. RCW 16.52.185 and 1982 c 114 s 10 are each amended to read as follows:

Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof or to the use of animals in the normal and usual course of rodeo events or to the customary use or exhibiting of animals in normal and usual events at fairs as defined in RCW 15.76.120."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1652.

The motion by Senator Adam Smith carried and the Committee on Law and Justice striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "cruelty;" strike the remainder of the title and insert "amending RCW 16.52.020, 16.52.085, 16.52.095, 16.52.100, 16.52.117, 16.52.180, 16.52.190, 16.52.200, 16.52.300, 9A.48.080, 13.40.020, and 81.56.120; reenacting and amending RCW 9.94A.030; adding new sections to chapter 16.52 RCW; repealing RCW 16.52.010, 16.52.030, 16.52.040, 16.52.050, 16.52.055, 16.52.060, 16.52.065, 16.52.070, 16.52.113, 16.52.120, 16.52.130, 16.52.140, and 16.52.160; and prescribing penalties."

On page 25, line 32 of the title amendment, after "13.40.020," strike "and 81.56.120" and insert "81.56.120, and 16.52.185"

On page 25, line 32 of the title amendment, strike "and 81.56.120" and insert "81.56.120, and 77.12.265"

On page 25, line 33 of the title amendment, after "16.52 RCW;" insert "creating a new section;"

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1652, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1652, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1652, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Amondson, Hochstatter, McCaslin, Morton and Sellar - 5.

Absent: Senators Ludwig and Newhouse - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2516, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Jones, King and Rayburn)

Limiting the liability for damage resulting from wildlife-induced fence destruction.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2516.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2516 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Cantu - 1.

Absent: Senator Pelz - 1.

Excused: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 2516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2607, by House Committee on Capital Budget (originally sponsored by Representatives Wang, Ogden and Sehlin)

Establishing alternative procurement procedures for certain state agencies and municipalities.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2607.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2607 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Fraser, Talmadge and West - 3.

Excused: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2237 and the pending amendment by Senator Quigley on page 20, after line 2, to the Committee on Ways and Means striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Williams, the President finds that Engrossed Substitute House Bill No. 2237 is a measure which makes changes in the procedures used in developing the capital budget, acquisition of state-owned and leased facilities, and accounting for facilities costs.

"The amendment proposed by Senator Quigley on page 20, after line 2, to the Committee on Ways and Means striking amendment would change laws on architectural and engineering services by exempting school districts from certain notice and procurement requirements under certain circumstances.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Quigley on page 20, after line 2, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2237 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 2237.

The motion by Senator Rinehart carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 43.88A.020, 43.88.032, 43.82.010, 79.24.580, 43.82.110, and 43.82.120; reenacting and amending RCW 43.88.030 and 43.88.110; adding a new section to chapter 43.88 RCW; creating new sections; repealing RCW 43.82.040, 43.82.050, 43.82.060, 43.82.070, 43.82.080, 43.82.090, 79.24.630, 79.24.632, 79.24.634, 79.24.636, 79.24.638, 79.24.640, 79.24.642, 79.24.6421, 79.24.6422, 79.24.644, 79.24.645, 79.24.646, and 79.24.647; and declaring an emergency."

On page 18, line 7 of the title amendment, after "43.88 RCW;" insert "adding a new section to chapter 28A.525 RCW;"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 2237, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2237, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2237, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2237, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

March 3, 1994

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 6006,
SENATE BILL NO. 6030,
SENATE BILL NO. 6067,
SUBSTITUTE SENATE BILL NO. 6098,
SENATE BILL NO. 6135, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2646, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 2646 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Foreman, Hansen, Chandler, Grant and Lisk)

Modifying apiary regulation.

MOTION

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 2646 was advanced to second reading and placed on the second reading calendar.

MOTION

At 9:41 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Friday, March 4, 1994.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, MARCH 3, 1994

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

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 4, 1994

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Deccio, Niemi, Quigley, Rasmussen, Rinehart and Sellar. On motion of Senator Oke, Senators Cantu, Deccio and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages David Baldwin and Joshua Reno, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 24, 1994

Marty Brown
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Secretary Brown:

Enclosed is the Report to the Legislature required by Senate Bill No. 6319 (Chapter 230, Section 2, Laws of 1992). This legislation required the Department of Social and Health Services to develop an implementation strategy to discourage the inappropriate placement of persons with developmental disabilities, head injury, and substance abuse at the state mental hospitals and encourage their care in community settings.

Sincerely,
JEAN SOLIZ, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9392, Eugene Matt, as a member of the Personnel Board, was confirmed.

APPOINTMENT OF EUGENE MATT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 4; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Niemi, Quigley, Rasmussen, M. and Rinehart - 4.

Excused: Senators Cantu, Deccio and Sellar - 3.

MOTION

On motion of Senator Drew, Senators Niemi, Rasmussen and Rinehart were excused.

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9441, Richard G. Thompson, Jr., as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF RICHARD G. THOMPSON, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Bauer - 1.

Excused: Senators Cantu, Niemi, Rasmussen, M., Rinehart and Sellar - 5.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628, by House Committee on Local Government (originally sponsored by Representatives R. Fisher, Campbell, Edmondson, Sommers, Appelwick and Dorn)

Revising provisions relating to condemnation of blighted property.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2628.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2628 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Cantu, Morton, Nelson, Newhouse, Roach, Schow and Williams - 8.

Excused: Senators Niemi, Rinehart and Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2702, by Representatives Brown, Orr and Padden

Concerning public improvement bonds' retainage level.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 2702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2702.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2702 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Niemi and Sellar - 2.

ENGROSSED HOUSE BILL NO. 2702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2642, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Lisk) (by request of Department of Community Development)

Modifying fireworks enforcement protection services.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

REQUEST TO BE EXCUSED

Citing Rule 22, and a possible conflict of interest, Senator Talmadge requested to be excused from voting on Substitute House Bill No. 2642.

The President declared the question before the Senate to be the roll call on the final passage of Substituted House Bill No. 2642.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2642 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Bluechel and McCaslin - 2.

Excused: Senators Niemi, Sellar and Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 2642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 8:41 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 8:53 a.m. by President Pritchard.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9290, Norman F. Richardson, as a member of the Wildlife Commission, was confirmed.

APPOINTMENT OF NORMAN F. RICHARDSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Ludwig - 1.

Excused: Senator Niemi - 1.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2655, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Shin, H. Myers and Forner) (by request of Department of Community Development)

Revising provisions relating to ownership of manufactured homes.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Substitute House Bill No. 2655 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2655.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2655 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Amondson and Newhouse - 2.

SUBSTITUTE HOUSE BILL NO. 2655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2558, by Representative Zellinsky (by request of Utilities and Transportation Commission)

Changing provisions relating to regulation of securities issued by regulated utilities and transportation companies.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:
On page 9, after line 29, delete subsection (1) and renumber the remaining subsections consecutively

On motion of Senator Sutherland, the following amendments by Senators Sutherland, Hochstatter and Ludwig were considered simultaneously and were adopted:

On page 2, beginning on line 30, after "indebtedness", delete ", or to create liens on its property situated within this state"

On page 2, line 32, delete "or creation"

On page 2, beginning on line 33, delete "or creation"

On page 2, line 37, delete "or creation"

On page 3, after line 2, insert the following new subsection:

"(4) Any public service company undertaking an issuance and making a filing in conformance with this section may at any time of such filing request the commission to enter a written order that such company has complied with the requirements of this section. The commission shall enter such written order after such company has provided all information and statements required by paragraphs (1), (2) and (3) of this section."

On page 6, beginning on line 34, after "indebtedness", delete ", or to create liens on its property situated within this state"
On page 6, line 36, delete "or creation"
On page 6, beginning on line 37, delete "or creation"
On page 7, line 3, delete "or creation"

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:
On page 1, line 7 of the title, after "80.08.105," delete "81.08.010,"
On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 2558, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2558, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2558, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2558, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2333, by Representatives Eide, Johanson, H. Myers, Heavey, Wineberry, Karahalios, Brough and Kessler

Preventing custodial interference.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2333.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2333 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

HOUSE BILL NO. 2333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2592, by Representatives R. Fisher, Schmidt, Wood and Springer (by request of Department of Transportation)

Harmonizing oversize vehicle permit laws.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 2592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2592.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2592 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Anderson - 1.

Absent: Senator Hargrove - 1.

HOUSE BILL NO. 2592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2412, by House Committee on Transportation (originally sponsored by Representatives Zellinsky and Schmidt)

Revising provisions relating to registration of rental cars.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2412.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2412 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 2412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626, by House Committee on Commerce and Labor (originally sponsored by Representatives Mastin and Grant)

Providing for the enforcement of plumbing certificate of competency requirements.

The bill was read the second time.

MOTIONS

Senator Moore moved that the following Committee on Labor and Commerce amendments be considered simultaneously and be adopted:

On page 2, line 5, after "No" strike "person" and insert "contractor"

On page 2, line 9, after "permit." insert "For the purposes of this section, "contractor" means any person or body of persons, corporate or otherwise, engaged in any work covered by the provisions of this chapter, chapter 18.27 RCW, or chapter 19.28 RCW, by way of trade or business."

On page 2, line 22, after "The" strike "employer of a person employed" and insert "contractor"

On page 2, line 24, after "The" strike "employer's supervisor" and insert "contractor's employee"

On motion of Senator Moore, the following amendment by Senators Moore and Amondson to the Committee on Labor and Commerce amendments was adopted:

On page 1, line 9 of the amendment, after "business." insert "However, in no case shall this section apply to a contractor who is contracting for work on his or her own residence."

The President declared the question before the Senate to be adoption of the Committee on Labor and Commerce amendments on page 2, lines 5, 9, 22 and 24, as amended, to Engrossed Substitute House Bill No. 2626.

The motion by Senator Moore carried and the Committee on Labor and Commerce amendments, as amended, were adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 2626, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2626, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2626, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Schow, Sellar and Smith, L. - 17.

Absent: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2277, by House Committee on Education (originally sponsored by Representatives Jones, Dorn, R. Meyers, Schmidt, Pruitt, Karahalios, Holm, Kessler, Zellinsky, Brough, Mastin, Patterson, Basich and J. Kohl)

Changing teacher evaluation provisions.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2277.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2277 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Bluechel, Cantu, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Roach, Schow, Sellar, Smith, L., Talmadge and West - 18.

SUBSTITUTE HOUSE BILL NO. 2277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2382, by Representatives Veloria, Lisk, Heavey, Horn, Anderson, Schmidt, King, Chandler, Conway and Springer

Changing gambling provisions.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 2382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, would you rule on whether this is a sixty percent requirement or not?"

RULING BY THE PRESIDENT

President Pritchard: "Yes, just give us a minute here. The President rules that it does expand gambling and will take a sixty percent vote."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2382.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2382 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Fraser, Gaspard, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild and West - 35.

Voting nay: Senators Cantu, Franklin, Hargrove, Haugen, McCaslin, McDonald, Oke, Rasmussen, M., Rinehart, Roach, Smith, L., Williams, Winsley and Wojahn - 14.

HOUSE BILL NO. 2382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:59 a.m., on motion of Senator Gaspard, the Senate was declared to be at ease.

The Senate was called to order at 11:15 a.m. by President Pritchard.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 1994 Hubert Humphrey Scholars who were seated in the gallery.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2464, by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Jones, Brown, Springer, Wolfe, Shin, Kessler, Ogden, Leonard, Thibaudeau, Flemming, J. Kohl, Dunshee, Reams, R. Fisher, Romero, Wood, Morris, Sommers, Zellinsky, Orr, Mastin, Kremen, Appelwick, Wang, Peery, Cooke, Wineberry, Karahalios, Brough, Caver, King, Eide and L. Johnson)

Limiting zoning regulation of family day-care providers' home facilities.

The bill was read the second time.

MOTION

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.63 RCW to read as follows:

No city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city may restrict the hours of operation of a family day-care provider and may require proof of written notification by the family day-care provider that the adjoining property owners have been informed of the intent to locate and maintain such a facility.

This section has no application to a city that as of the effective date of this section has adopted regulations or ordinances that substantially accomplish the purpose of this section.

Nothing in this section shall be construed to prohibit a city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

NEW SECTION. Sec. 2. A new section is added to chapter 35A.63 RCW to read as follows:

No city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city may restrict the hours of operation of a family day-care provider and may require proof of written notification by the family day-care provider that the adjoining property owners have been informed of the intent to locate and maintain such a facility.

This section has no application to a city that as of the effective date of this section has adopted regulations or ordinances that substantially accomplish the purpose of this section.

Nothing in this section shall be construed to prohibit a city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70 RCW to read as follows:

No county may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A county may restrict the hours of operation of a family day-care provider and may require proof of written notification by the family day-care provider that the adjoining property owners have been informed of the intent to locate and maintain such a facility.

This section has no application to a county that as of the effective date of this section has adopted regulations or ordinances that substantially accomplish the purpose of this section.

Nothing in this section shall be construed to prohibit a county from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW to read as follows:

No city or county that plans or elects to plan under this chapter may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city or county may restrict the hours of operation of a family day-care provider and may require proof of written notification by the family day-care provider that the adjoining property owners have been informed of the intent to locate and maintain such a facility.

This section has no application to a city or county that as of the effective date of this section has adopted regulations or ordinances that substantially accomplish the purpose of this section.

Nothing in this section shall be construed to prohibit a city or county that plans or elects to plan under this chapter from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

Sec. 5. RCW 74.15.020 and 1991 c 128 s 14 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;

(2) "Secretary" means the secretary of social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day-care provider" means a licensed day-care provider who regularly provides day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

((#)) (g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors;

(e) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(i) Licensed physicians or lawyers;

(j) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(k) Facilities approved and certified under chapter 71A.22 RCW;

(l) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(m) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(n) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;
(o) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.
(5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency."
Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment to Substitute House Bill No. 2464.

The motion by Senator Haugen failed and the Committee on Government Operations striking amendment was not adopted on a rising vote.

MOTION

On motion of Senator Spanel, further consideration of Substitute House Bill No. 2464 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 2555, by Representative Heavey (by request of Department of Health)

Modifying licensing and inspection of transient accommodations.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:

On page 3, line 11, after "board." insert the following:

"NEW SECTION. Sec. 5. The 1994 amendments to RCW 70.62.250, section 4, chapter ..., Laws of 1994 (this act), expire on June 30, 1997, unless specifically extended by the legislature by an act of law. The department of health shall report to the legislature by December 1, 1996, on the impact of these amendments on transient accommodation licensees in the state of Washington."

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 2555, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2555, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2555, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Quigley - 1.

ENGROSSED HOUSE BILL NO. 2555, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2480, by Representatives G. Fisher and Foreman (by request of Department of Revenue)

Relating to the taxation of manufacturers of fish products.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Hargrove, Owen and Oke was adopted:

On page 1, after line 8, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 75.20 RCW to read as follow:

Local governments shall not charge taxes or permit fees for fish enhancement projects that are proposed by state agencies, cooperative groups, and regional fisheries enhancement groups."
Renumber the remainder sections consecutively and correct any internal references accordingly

On motion of Senator Rinehart, the following title amendment was adopted:
On page 1, line 2 of the title, after "RCW;" insert "adding a new section to chapter 75.20 RCW;"

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2480, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2480, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2480, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senators McDonald and Quigley - 2.

HOUSE BILL NO. 2480, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2479, by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Foreman, Karahalios and Springer) (by request of Department of Revenue)

Making technical corrections of excise and property tax statutes.

The bill was read the second time.

MOTION

Senator Prince moved that the following amendment be adopted:

On page 6, after line 4, insert the following:

"Sec. 5. RCW 82.04.470 and 1993 1st sp.s. c 25 s 701 are each amended to read as follows:

(1) Unless a seller has taken from the buyer a resale certificate, the burden of proving that a sale of tangible personal property, or of services, was not a sale at retail shall be upon the person who made it.

(2) If a seller does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of sales tax.

(3) Resale certificates shall be valid for a period of four years from the date the certificate is provided to the seller.

(4) The department may provide by rule for suggested forms for resale certificates or equivalent documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.

(5) The department shall develop a form to meet the unique buying conditions of the landlord-tenant relationship within the agricultural industry. In no instance may a landlord farmer be held liable for any tax liability under this section that may be due on the purchase and use of products handled exclusively by a tenant farmer, nor may the landlord farmer be required to sign a form that includes such language. For purposes of this section, any tax liability shall be borne by the tenant farmer making the purchases on behalf of the landlord farmer.

((5))6 As used in this section, "resale certificate" means documentation provided by a buyer to a seller stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information:

(a) The name and address of the buyer;

(b) The uniform business identifier or revenue registration number of the buyer, if the buyer is required to [be] registered;

(c) The type of business engaged in;

(d) The categories of items or services to be purchased for resale or that are exempt, unless the buyer is in a business classification that may present a blanket resale certificate as provided by the department by rule;

(e) The date on which the certificate was provided;

(f) A statement that the items or services purchased either: (i) Are purchased for resale in the regular course of business; or (ii) are exempt from tax pursuant to statute;

(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale or exemption privilege claimed on the certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law;

(h) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(i) The signature of the authorized individual; and

(j) The name of the seller."
Renumber the remaining sections consecutively

POINT OF ORDER

Senator Spanel: "I rise to the question of scope and object on this amendment. The underlying bill deals with technical issues and the amendment is a major policy issue."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 2479.

MOTION

On motion of Senator Oke, Senator Cantu was excused.

SECOND READING

HOUSE BILL NO. 2481, by Representatives Holm, G. Fisher, Foreman and Kremen (by request of Department of Revenue)

Modifying use tax on tangible personal property used in this state by a person engaged in business outside this state.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2481.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2481 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senators McAuliffe, Pelz and Quigley - 3.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 2481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Prince was excused.

On motion of Senator Drew, Senators McAuliffe and Quigley were excused.

SECOND READING

HOUSE BILL NO. 2482, by Representatives Holm, Foreman, Brough, B. Thomas, Forner, Long, Springer, Kessler, Cooke and Wood (by request of Department of Revenue)

Extending the qualifying date for tax deferral of certain investment projects.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2482 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2482.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2482 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, McAuliffe, Prince and Quigley - 4.

HOUSE BILL NO. 2482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senators Gaspard and Vognild were excused.

STATEMENT FOR THE JOURNAL

I missed votes on Engrossed House Bill No. 2643, as amended by the Senate; Second Substitute House Bill No. 2616, as amended by the Senate; Substitute House Bill No. 2428; Second Substitute House Bill No. 2228, as amended by the Senate; House Bill No. 2478, as amended by the Senate; and Substitute House Bill No. 2351, as amended by the Senate; on the floor of the Senate because I was called away for a meeting with the Governor.

MARCUS S. GASPARD, 25th District

SECOND READING

ENGROSSED HOUSE BILL NO. 2643, by Representatives Sommers and Silver (by request of Department of Retirement Systems)

Cross-referencing pension statutes.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following amendments by Senators Bauer and Rinehart were considered simultaneously and were adopted:

On page 1, line 19, after "retirees." insert "Sections 6 and 7 of this act create the pension improvement account in the state treasury and direct the transfer of moneys deposited in the budget stabilization account by the 1993-95 operating appropriations act, section 919, chapter 24, Laws of 1993 sp. sess., for the continuing costs of state retirement system benefits to the pension improvement account."

On page 18, after line 12, insert the following:

NEW SECTION. Sec. 6. A new section is added to chapter 41.04 RCW to read as follows:

The pension improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the continuing costs of any state retirement system benefits.

NEW SECTION. Sec. 7. On July 1, 1995, the state treasurer shall transfer twenty-five million dollars from the budget stabilization account to the pension improvement account created under section 6 of this act."

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "41.26 RCW;" insert "adding a new section to chapter 41.04 RCW;"

On page 1, line 3 of the title, after "creating" strike "a new section" and insert "new sections"

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 2643, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2643, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2643, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 43.

Absent: Senator Winsley - 1.

Excused: Senators Gaspard, McAuliffe, Prince, Quigley and Vognild - 5.

ENGROSSED HOUSE BILL NO. 2643, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2320, by Representatives Holm, Horn, Rust and Cothorn (by request of Department of Ecology)

Reviewing sewerage or disposal systems.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendment by Senators Owen, Oke and Sheldon be adopted:

On page 2, after line 8, insert the following:

"Sec. 2. RCW 70.05.060 and 1991 c 3 s 308 are each amended to read as follows:

(1) Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

((4)) (a) Enforce through the local health officer or the administrative officer appointed under RCW 70.05.040, if any, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health;

((2)) (b) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;

((3)) (c) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;

((4)) (d) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;

((5)) (e) Provide for the prevention, control and abatement of nuisances detrimental to the public health;

((6)) (f) Make such reports to the state board of health through the local health officer or the administrative officer as the state board of health may require; ~~(and~~

(7)) (g) Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health: PROVIDED, That such fees for services shall not exceed the actual cost of providing any such services; and

(h) Adopt rules regulating the design, construction, installation, and maintenance of "systems of sewerage" as defined in RCW 36.94.010. Such rules shall be submitted to the appropriate state agencies for approval pursuant to RCW 36.94.100 and shall conform to standards established by the department of health except that:

(i) The local rules may vary from the state standards when the local board has determined that the variance will not pose any hazard to the public health; and

(ii) The department of health may require the local board to adopt a repair and maintenance standard to ensure on-site sanitary systems meet the requirements for a safe, functioning system.

(2) The department of health, upon giving its approval to the local board of health on-site sanitary system rules, shall grant the county authority to, by adoption of its rules, system of sewerage plan or amendments, approve and issue a permit for the installation of an on-site sanitary system that varies from the state standards for on-site sanitary systems without obtaining a waiver from the department of health."

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe this amendment exceeds the scope and object of the bill. This bill relates to existing authority of the Department of Ecology only. It does not add or subtract from regulations, regulatory responsibilities or change any standards whatsoever. It merely allows the department to delegate some of its existing authority to local governments if they qualify and they want to do it--dealing with review of engineering reports for construction expansion of sewer systems.

"In contrast, what this amendment does is, it adds a new department, the Department of Health. It makes major substantive changes to the role of the State Health Department regarding all septic tanks in the state of Washington and the relationship of state and local government regarding septic tank standards and regulations. The amendment has the effect of eliminating minimum state standards for design, construction and installation of septic tanks. It would allow each county, in effect, to have its own standards, so I feel this does exceed the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of House Bill No. 2320.

MOTIONS

On motion of Senator Loveland, Senator Moore was excused.

On motion of Senator West, Senator McCaslin was excused.

On motion of Senator Oke, Senator Roach was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2616, by House Committee on Capital Budget (originally sponsored by Representatives Linville, Horn, Rust, Foreman, Kremen, B. Thomas, Roland, Van Luven, Basich, Karahalios, Holm, Hansen, L. Johnson, Peery, J. Kohl, Bray, Flemming, Pruitt, Edmondson, Forner, Valle, Shin, R. Meyers, Ogden, Dunshee, Wolfe, Sheldon, Jones, Brough, Sheahan, Romero, Chappell, Dyer, Springer, King, Cothorn and Long)

Directing the department of health to test ground water in order to seek waivers under the safe drinking water act.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

On page 6, after line 26, insert the following:

"Sec. 6. RCW 70.105D.020 and 1989 c 2 s 2 are each amended to read as follows:

- (1) "Department" means the department of ecology.
 - (2) "Director" means the director of ecology or the director's designee.
 - (3) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.
 - (4) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.
 - (5) "Hazardous substance" means:
 - (a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;
 - (b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;
 - (c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);
 - (d) Petroleum or petroleum products; and
 - (e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.
- The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.
- (6) "Owner or operator" means:
 - (a) Any person with any ownership interest in the facility or who exercises any control over the facility; or
 - (b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;
- The term does not include:
- (i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or
 - (ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.
- (7) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.
 - (8) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.
 - (9) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.
 - (10) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.
 - (11) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health. These terms also include the provision of drinking water, including the construction of necessary delivery systems, when undertaken to minimize any threat or potential threat to human health posed by a facility at which a release of a hazardous substance has occurred.

NEW SECTION. Sec. 7. A new section is added to chapter 70.105D RCW to read as follows:

For the purpose of conducting a remedial action or requiring potentially liable persons to take remedial action under this chapter, and for the purpose of making grants for remedial actions from the local toxics control account, the department shall give a high priority to facilities where the release of hazardous substances has resulted in the closing of drinking water wells or has contaminated a principal drinking water supply, or a substantial threat exists that such a closure or contamination may occur."

Renumber the remaining sections consecutively and correct internal references accordingly.

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, strike "and 70.105D.070" and insert ", 70.105D.070, and 70.105D.020"

On page 1, line 2 of the title, after "70.119A RCW;" insert "adding a new section to chapter 70.105D RCW;"

MOTION

On motion of Senator Fraser, the rules were suspended, Second Substitute House Bill No. 2616, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2616, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2616, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Gaspard, McAuliffe, McCaslin, Moore, Prince, Roach and Vognild - 7.

SECOND SUBSTITUTE HOUSE BILL NO. 2616, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2428, by House Committee on Education (originally sponsored by Representatives Karahalios, Foreman, Chappell, Chandler and J. Kohl)

Allowing spouses of officers of school districts to be under contract as a certificated or classified employee.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2428.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2428 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Deccio and Newhouse - 2.

Excused: Senators Gaspard, McCaslin, Moore, Prince and Vognild - 5.

SUBSTITUTE HOUSE BILL NO. 2428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2228, by House Committee on Revenue (originally sponsored by Representatives Heavey, Lisk, Springer, Schmidt, Van Luven and Roland)

Clarifying the state's public policy on gambling.

The bill was read the second time.

MOTION

Senator Prentice moved that the following Committee on Labor and Commerce amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends with this act to clarify the state's public policy on gambling regarding the frequency of state lottery drawings, the means of addressing problem and compulsive gambling, and the enforcement of the state's gambling laws. This act is intended to clarify the specific types of games prohibited in chapter 9.46 RCW and is not intended to add to existing law regarding prohibited activities. The legislature recognizes that slot machines, video pull-tabs, video poker, and other electronic games of chance have been considered to be gambling devices before the effective date of this act.

Sec. 2. RCW 9.46.010 and 1975 1st ex.s. c 259 s 1 are each amended to read as follows:

The public policy of the state of Washington on gambling is to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control.

It is hereby declared to be the policy of the legislature, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from professional gambling activities in this state; to restrain all persons from patronizing such professional gambling activities; to safeguard the public against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities

and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull-tabs, card games and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

The legislature further declares that fishing derbies shall not constitute any form of gambling and shall not be considered as a lottery, a raffle, or an amusement game and shall not be subject to the provisions of this chapter or any rules and regulations adopted hereunder.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

Sec. 3. RCW 67.70.010 and 1987 c 511 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Commission" means the state lottery commission established by this chapter;

(2) ~~("Lottery" or "state lottery" means the lottery established and operated pursuant to this chapter;~~

~~(3)) "Director" means the director of the state lottery established by this chapter;~~

~~(3) "Lottery" or "state lottery" means the lottery established and operated pursuant to this chapter;~~

~~(4) "On-line game" means a lottery game in which a player pays a fee to a lottery retailer and selects a combination of digits, numbers, or symbols, type and amount of play, and receives a computer-generated ticket with those selections, and the lottery separately draws or selects the winning combination or combinations.~~

Sec. 4. RCW 67.70.040 and 1991 c 359 s 1 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares. The use of electronic or mechanical devices or video terminals which allow for individual play against such devices or terminals shall be prohibited. Approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

~~(f) The frequency of the drawings or selections of winning tickets or shares~~~~(, without limitation)~~. Approval of the legislature is required before conducting any on-line game in which the drawing or selection of winning tickets occurs more frequently than once every twenty-four hours;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, ~~((less amounts of unclaimed prizes deposited in the general fund under RCW 67.70.190 during the fiscal year ending June 30, 1989,))~~ (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;

(l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

Sec. 5. RCW 67.70.190 and 1988 c 289 s 802 are each amended to read as follows:

~~((4))~~ Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, the prize shall be retained in the state lottery fund for further use as prizes ~~(, except as provided in subsection (2) of this section)~~, and all rights to the prize shall be extinguished.

~~((2))~~ During the fiscal year ending June 30, 1989, moneys from unclaimed prizes shall be used as follows:

~~(a) Fifty percent of the moneys, not exceeding one million dollars, shall be deposited quarterly in the general fund.~~

~~(b) The remainder of the moneys shall be retained in the state lottery account for further use as prizes.~~)

NEW SECTION. Sec. 6. The legislature recognizes that some individuals in this state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the state lottery commission, the Washington horse racing commission, and the Washington state gambling commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. Therefore, the Washington state gambling commission, the Washington horse racing commission, and the state lottery commission shall jointly develop informational signs concerning problem and compulsive gambling which include a toll-free hot line number for problem and compulsive gamblers. The signs shall be placed in the establishments of gambling licensees, horse racing licensees, and lottery retailers.

NEW SECTION. Sec. 7. A new section is added to chapter 9.46 RCW to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) All gambling devices as defined in this chapter;

(b) All furnishings, fixtures, equipment, and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting, or safekeeping, used in connection with professional gambling or maintaining a gambling premises;

(c) All conveyances, including aircraft, vehicles, or vessels, that are used, or intended for use, in any manner to facilitate the sale, delivery, receipt, or operation of any gambling device, or the promotion or operation of a professional gambling activity, except that:

(i) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) If the owner of a conveyance has been arrested under this chapter the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(d) All books, records, and research products and materials, including formulas, microfilm, tapes, and electronic data that are used, or intended for use, in violation of this chapter;

(e) All moneys, negotiable instruments, securities, or other tangible or intangible property of value at stake or displayed in or in connection with professional gambling activity or furnished or intended to be furnished by any person to facilitate the promotion or operation of a professional gambling activity;

(f) All tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to professional gambling activity and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. Personal property may not be forfeited under this subsection (1)(f), to the extent of the interest of an owner, by reason of any act or omission that that owner establishes was committed or omitted without the owner's knowledge or consent; and

(g) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements that:

(i) Have been used with the knowledge of the owner for the manufacturing, processing, delivery, importing, or exporting of any illegal gambling equipment, or operation of a professional gambling activity that would constitute a felony violation of this chapter; or

(ii) Have been acquired in whole or in part with proceeds traceable to a professional gambling activity, if the activity is not less than a class C felony.

Real property forfeited under this chapter that is encumbered by a bona fide security interest remains subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission. Property may not be forfeited under this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent.

(2)(a) A law enforcement officer of this state may seize real or personal property subject to forfeiture under this chapter upon process issued by any superior court having jurisdiction over the property. Seizure of real property includes the filing of a lis pendens by the seizing agency. Real property seized under this section may not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later, but real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a bona fide security interest.

(b) Seizure of personal property without process may be made if:

(i) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(ii) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(iii) A law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(iv) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(3) In the event of seizure under subsection (2) of this section, proceedings for forfeiture are deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property must be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, must be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) (c), (e), (f), or (g) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized is deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) (b), (c), (d), (e), (f), or (g) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons must be afforded a reasonable opportunity to be heard as to the claim or right. The hearing must be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except if the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing must be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed must be the district court if the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom must be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees. In cases involving personal property, the burden of producing evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence is upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture is upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a final determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1) (b), (c), (d), (e), (f), or (g) of this section.

(6) If property is forfeited under this chapter the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to the agency for training or use in enforcing this chapter;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or

(c) Destroy any articles that may not be lawfully possessed within the state of Washington, or that have a fair market value of less than one hundred dollars.

(7)(a) If property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the

property. The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure, and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(b) Each seizing agency shall retain records of forfeited property for at least seven years.

(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer the calendar quarter after the end of the fiscal year.

(d) The annual report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(8) The seizing law enforcement agency shall retain forfeited property and net proceeds exclusively for the expansion and improvement of gambling-related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(9) Gambling devices that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and must be seized and summarily forfeited to the state. Gambling equipment that is seized or comes into the possession of a law enforcement agency, the owners of which are unknown, are contraband and must be summarily forfeited to the state.

(10) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. The superior court shall enter orders for the forfeiture of real property, subject to court rules. The seizing agency shall file such an order in the county auditor's records in the county in which the real property is located.

(11)(a) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (6)(b) of this section, only if:

(i) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(ii) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer before asserting a claim under this section.

(A) Only if the funds applied under (a)(ii) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search; and

(B) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency shall notify the landlord of the status of the claim by the end of the thirty-day period. This section does not require the claim to be paid by the end of the sixty-day or thirty-day period.

(b) For any claim filed under (a)(ii) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency within seven days of receipt of notification of the illegal activity.

(12) The landlord's claim for damages under subsection (11) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (6)(b) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (7)(a) of this section.

(13) Subsections (11) and (12) of this section do not limit any other rights a landlord may have against a tenant to collect for damages.

However, if a law enforcement agency satisfies a landlord's claim under subsection (11) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

Sec. 8. RCW 9.46.0241 and 1987 c 4 s 11 are each amended to read as follows:

"Gambling device," as used in this chapter, means: (1) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance, including, but not limited to slot machines, video pull-tabs, video poker, and other electronic games of chance; (2) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (3) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (4) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. In the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

NEW SECTION. Sec. 9. A new section is added to chapter 9.46 RCW to read as follows:

Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs, or transports any gambling device or offers or solicits any interest therein, whether through an agent or employee or otherwise, is guilty of a felony and shall be fined not more than one hundred thousand dollars or imprisoned not more than five years or both. However, this section does not apply to persons licensed by the commission, or who are otherwise authorized by this chapter, or by commission rule, to conduct gambling activities without a license, respecting devices that are to be used, or are being used, solely in that activity for which the license was issued, or for which the person has been otherwise authorized if:

(1) The person is acting in conformance with this chapter and the rules adopted under this chapter; and

(2) The devices are a type and kind traditionally and usually employed in connection with the particular activity. This section also does not apply to any act or acts by the persons in furtherance of the activity for which the license was issued, or for which the person is authorized, when the activity is conducted in compliance with this chapter and in accordance with the rules adopted under this chapter. In the enforcement of this section direct possession of any such a gambling device is presumed to be knowing possession thereof.

NEW SECTION. Sec. 10. A new section is added to chapter 9.46 RCW to read as follows:

Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or buys, sells, offers, or solicits any interest therein, whether through an agent or employee or otherwise, is guilty of a gross misdemeanor. However, this section does not apply to records relating to and kept for activities authorized by this chapter when the records are of the type and kind traditionally and usually employed in connection with the particular activity. This section also does not apply to any act or acts in furtherance of the activities when conducted in compliance with this chapter

and in accordance with the rules adopted under this chapter. In the enforcement of this section direct possession of any such a gambling record is presumed to be knowing possession thereof.

Sec. 11. RCW 9.46.220 and 1991 c 261 s 10 are each amended to read as follows:

(1) A person is guilty of professional gambling in the first degree if he or she engages in, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling as defined in this chapter, and:

- (a) While engaging in professional gambling acts in concert with or conspires with five or more people;
- (b) Accepts wagers exceeding five thousand dollars during any (~~calendar month~~) thirty-day period on future contingent events; or
- (c) Operates, manages, or profits from the operation of a premises or location where persons are charged a fee to participate in card games, lotteries, or other gambling activities that are not authorized by this chapter or licensed by the commission.

(2) However, this section shall not apply to those activities enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted pursuant to this chapter.

(3) Professional gambling in the first degree is a class B felony subject to the penalty set forth in RCW 9A.20.021.

Sec. 12. RCW 9.46.221 and 1991 c 261 s 11 are each amended to read as follows:

(1) A person is guilty of professional gambling in the second degree if he or she engages in or knowingly causes, aids, abets, or conspires with another to engage in professional gambling as defined in this chapter, and:

- (a) While engaging in professional gambling acts in concert with or conspires with less than five people;
- (b) Accepts wagers exceeding two thousand dollars during any (~~calendar month~~) thirty-day period on future contingent events;
- (c) Maintains a "gambling premises" as defined in this chapter; or
- (d) Maintains gambling records as defined in RCW (~~9.46.020~~) 9.46.0253.

(2) However, this section shall not apply to those activities enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted pursuant to this chapter.

(3) Professional gambling in the second degree is a class C felony subject to the penalty set forth in RCW 9A.20.021.

Sec. 13. RCW 9.46.222 and 1991 c 261 s 12 are each amended to read as follows:

(1) A person is guilty of professional gambling in the third degree if he or she engages in, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling as defined in this chapter(~~(s)~~), and:

- (a) His or her conduct does not constitute first or second degree professional gambling;
- (b) He or she operates any of the unlicensed gambling activities authorized by this chapter in a manner other than as prescribed by this chapter; or
- (c) He or she is directly employed in but not managing or directing any gambling operation.

(2) This section shall not apply to those activities enumerated in RCW 9.46.0305 through 9.46.0361 or to any acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and the rules adopted pursuant to this chapter.

(3) Professional gambling in the third degree is a gross misdemeanor subject to the penalty established in RCW 9A.20.021.

Sec. 14. RCW 9.46.080 and 1981 c 139 s 6 are each amended to read as follows:

The commission shall employ a full time director, who shall be the administrator for the commission in carrying out its powers and duties and who shall issue rules and regulations adopted by the commission governing the activities authorized hereunder and shall supervise commission employees in carrying out the purposes and provisions of this chapter. In addition, the director shall employ a deputy director, (~~(two)~~) not more than three assistant directors, together with such investigators and enforcement officers and such staff as the commission determines is necessary to carry out the purposes and provisions of this chapter. The director, the deputy director, (~~(both)~~) the assistant directors, and personnel occupying positions requiring the performing of undercover investigative work shall be exempt from the provisions of chapter 41.06 RCW, as now law or hereafter amended. Neither the director nor any commission employee working therefor shall be an officer or manager of any bona fide charitable or bona fide nonprofit organization, or of any organization which conducts gambling activity in this state.

The director, subject to the approval of the commission, is authorized to enter into agreements on behalf of the commission for mutual assistance and services, based upon actual costs, with any state or federal agency or with any city, town, or county, and such state or local agency is authorized to enter into such an agreement with the commission. If a needed service is not available from another agency of state government within a reasonable time, the director may obtain that service from private industry.

Sec. 15. RCW 9.46.235 and 1987 c 191 s 1 are each amended to read as follows:

(1) For purposes of a prosecution under (~~(RCW 9.46.230(4))~~) section 9 of this act or a seizure, confiscation, or destruction order under (~~(RCW 9.46.230(1))~~) section 7 of this act, it shall be a defense that the gambling device involved is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or defendant's possession. Operation of an antique slot machine shall be only by free play or with coins provided at no cost by the owner. No slot machine, having been seized under this chapter, may be altered, destroyed, or disposed of without affording the owner thereof an opportunity to present a defense under this section. If the defense is applicable, the antique slot machine shall be returned to the owner or defendant, as the court may direct.

(2) (~~(RCW 9.46.230(2))~~) Section 7 of this act shall have no application to any antique slot machine that has not been operated for gambling purposes while in the owner's possession.

(3) For the purposes of this section, a slot machine shall be conclusively presumed to be an antique slot machine if it is at least twenty-five years old.

(4) Sections 7 and 9 of this act do not apply to gambling devices on board a passenger cruise ship which has been registered and bonded with the federal maritime commission, if the gambling devices are not operated for gambling purposes within the state.

Sec. 16. RCW 9.46.260 and 1973 1st ex.s. c 218 s 26 are each amended to read as follows:

Proof of possession of any device used for professional gambling or any record relating to professional gambling specified in (~~(RCW 9.46.230)~~) section 9 of this act is prima facie evidence of possession thereof with knowledge of its character or contents.

Sec. 17. RCW 9A.82.010 and 1992 c 210 s 6 and 1992 c 145 s 13 are each reenacted and amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

- (8) "Dealer in property" means a person who buys and sells property as a business.
- (9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.
- (10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.
- (11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.
- (12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.
- (13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.
- (14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:
- (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
 - (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
 - (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
 - (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
 - (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;
 - (f) Child selling or child buying, as defined in RCW 9A.64.030;
 - (g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;
 - (h) Gambling, as defined in RCW 9.46.220 and ~~(9.46.230)~~ sections 9 and 10 of this act;
 - (i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
 - (j) Extortionate extension of credit, as defined in RCW 9A.82.020;
 - (k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;
 - (l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
 - (m) Collection of an unlawful debt, as defined in RCW 9A.82.045;
 - (n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
 - (o) Trafficking in stolen property, as defined in RCW 9A.82.050;
 - (p) Leading organized crime, as defined in RCW 9A.82.060;
 - (q) Money laundering, as defined in RCW 9A.83.020;
 - (r) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
 - (s) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
 - (t) Promoting pornography, as defined in RCW 9.68.140;
 - (u) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
 - (v) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
 - (w) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
 - (x) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
 - (y) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
 - (z) A pattern of equity skimming, as defined in RCW 61.34.020; or
 - (aa) Commercial telephone solicitation in violation of RCW 19.158.040(1).
- (15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.
- (16) "Records" means any book, paper, writing, record, computer program, or other material.
- (17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.
- (18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:
- (a) In violation of any one of the following:
 - (i) Chapter 67.16 RCW relating to horse racing;
 - (ii) Chapter 9.46 RCW relating to gambling;
 - (b) In a gambling activity in violation of federal law; or
 - (c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.
- (19)(a) "Beneficial interest" means:
- (i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;
 - (ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or
 - (iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.
- (b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.
- (c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.
- (20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.
- (21)(a) "Trustee" means:
- (i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;
 - (ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or
 - (iii) A successor trustee to a person who is a trustee under subsection (21)(a) (i) or (ii) of this section.

- (b) "Trustee" does not mean a person appointed or acting as:
(i) A personal representative under Title 11 RCW;
(ii) A trustee of any testamentary trust;
(iii) A trustee of any indenture of trust under which a bond is issued; or
(iv) A trustee under a deed of trust.

Sec. 18. RCW 10.105.900 and 1993 c 288 s 1 are each amended to read as follows:

This chapter does not apply to property subject to forfeiture under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, ((9-46-230)) section 7 of this act, 9A.82.100, 9A.83.030, 7.48.090, or 77.12.101.

NEW SECTION. Sec. 19. RCW 9.46.230 and 1987 c 202 s 139, 1987 c 4 s 43, 1981 c 139 s 12, 1977 ex.s. c 326 s 16, 1974 ex.s. c 155 s 5, 1974 ex.s. c 135 s 5, & 1973 1st ex.s. c 218 s 23 are each repealed.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment to Second Substitute House Bill No. 2228.

The motion by Senator Prentice carried and the Committee on Labor and Commerce striking amendment was adopted.

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 4 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 9.46.010, 67.70.010, 67.70.040, 67.70.190, 9.46.0241, 9.46.220, 9.46.221, 9.46.222, 9.46.080, 9.46.235, 9.46.260, and 10.105.900; reenacting and amending RCW 9A.82.010; adding new sections to chapter 9.46 RCW; creating new sections; repealing RCW 9.46.230; prescribing penalties; and declaring an emergency."

On motion of Senator Prentice, the rules were suspended, Second Substitute House Bill No. 2228, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Drew, Senators Franklin, Skratek and Williams were excused.

On motion of Senator Oke, Senators Cantu and Deccio were excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2228, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2228, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 39.

Excused: Senators Cantu, Deccio, Franklin, Gaspard, McCaslin, Moore, Prince, Skratek, Vognild and Williams - 10.

SECOND SUBSTITUTE HOUSE BILL NO. 2228, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2478, by Representatives Foreman and G. Fisher (by request of Department of Revenue)

Requiring reporting to the department of revenue by purchasers of timber and logs.

The bill was read the second time.

MOTIONS

Senator Owen moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 84.33 RCW to read as follows:

(1) A purchaser of privately owned timber in an amount in excess of two hundred thousand board feet in a voluntary sale made in the ordinary course of business shall, on or before the last day of the month following the purchase of the timber, report the particulars of the purchase to the department.

(2) The report required in subsection (1) of this section shall contain all information relevant to the value of the timber purchased including, but not limited to, the following, as applicable: Purchaser's name and address, sale date, termination date in sale agreement, total sale price, total acreage involved in the sale, net volume of timber purchased, legal description of the area involved in the sale, road construction or improvements

required or completed, timber cruise data, and timber thinning data. A report may be submitted in any reasonable form or, at the purchaser's option, by submitting relevant excerpts of the timber sales contract. A purchaser may comply by submitting the information in the following form:

Purchaser's name:
Purchaser's address:
Sale date:
Termination date:
Total sale price:
Total acreage involved:
Net volume of timber purchased:
Legal description of sale area:
Property improvements:
Timber cruise data:
Timber thinning data:

(3) A purchaser of privately owned timber involved in a purchase described in subsection (1) of this section who fails to report a purchase as required shall be liable for a penalty of two hundred fifty dollars for each failure to report, as determined by the department.

(4) This section shall expire March 1, 1997."

Senator Owen moved that the following amendment by Senators Owen and Anderson to the Committee on Ways and Means striking amendment be adopted:

On page 2, line 3 of the committee amendment, after "required" strike "shall" and insert "may"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen and Anderson on page 2, line 3, to the Committee on Ways and Means striking amendment to House Bill No. 2478.

The motion by Senator Owen carried and the amendment to the Committee on Ways and Means striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to House Bill No. 2478.

The motion by Senator Owen carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 2 of the title, after "logs;" strike the remainder of the title and insert "adding a new section to chapter 84.33 RCW; and prescribing penalties."

On motion of Senator Owen, the rules were suspended, House Bill No. 2478, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Oke, Senators Amondson, Bluechel, Sellar and Winsley were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2478, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2478, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 2; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge and Wojahn - 35.

Voting nay: Senators Niemi and West - 2.

Excused: Senators Amondson, Bluechel, Cantu, Gaspard, McCaslin, Moore, Prince, Sellar, Skratek, Vognild, Williams and Winsley - 12.

HOUSE BILL NO. 2478, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2351, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Shin, Patterson, Campbell, Finkbeiner, Forner, Appelwick, J. Kohl and Johanson)

Modifying provisions relating to recovery of stray logs.

The bill was read the second time.

MOTION

Senator Owen moved that the following Committee on Natural Resources amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

- (1) Reduced levels of log raft storage and transportation on the waters of this state have resulted in a reduction of commercial log recovery activity and have eliminated the need for a separate licensing program for recovery of stray logs; and
- (2) While stray logs are a much less common problem today than when log raft transportation was more common, stray logs that are adrift on waters of this state may still pose a threat to navigation, life, and property; and
- (3) Recovery of submerged or stranded stray logs can result in damage to the environment.

Therefore, the legislature finds that an alternative method for encouraging the recovery of adrift stray logs must be established.

NEW SECTION. Sec. 2. A new section is added to chapter 76.40 RCW to read as follows:

For the purposes of this chapter, the following terms shall have the following meanings:

- (1) "Adrift" means floating without control; neither aground, beached, stranded, fully submerged, anchored in place, or secured in any way;
- (2) "Department" means the Washington state department of natural resources;
- (3) "Having a merchantable value" means capable of commanding value alone or in combination with other recovered logs;
- (4) "Person" means an individual, partnership, private corporation, or association of individuals of whatever nature, including public agencies;
- (5) "Stray logs" means logs, piling, poles, and boom sticks having a merchantable value that have escaped from their owner or the owner's agent during storage or while being transported. The term includes stray logs that are adrift, those that have been adrift and are stranded on beaches, marshes, tidelands, shorelands, or state-owned aquatic lands, and those that are partially or wholly submerged in the waters of the state; and
- (6) "Waters of the state" means bodies of fresh or salt water including all rivers and lakes and their tributaries, harbors, bays, bayous, and marshes within the state capable of being used for the transportation or storage of forest products.

NEW SECTION. Sec. 3. A new section is added to chapter 76.40 RCW to read as follows:

Any person may recover and secure adrift stray logs on waters of this state. Landowners may recover and secure stray logs that have become submerged or stranded on their property as the result of being adrift on waters of this state. A person who chooses to recover and secure stray logs must do so in a manner that does not damage beaches, marshes, tidelands, shorelands, aquatic lands, or other property and that does not diminish the merchantable value of the timber. Within thirty days of recovering stray logs, the person who recovered the logs must notify the owner of the logs that the logs have been recovered. Ownership of logs shall be determined under chapter 76.36 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 76.40 RCW to read as follows:

Within thirty days of receipt of notification that an owner's stray log or logs have been recovered, a log owner, the owner's agent, or the transportation agency of the log may retrieve the stray log or logs from the person who recovered them. The person that recovered the stray log or logs shall be entitled to a reasonable compensation, for the recovery effort and return of stray log or logs to the owner, the owner's agent, or the transportation agency provided compensation shall not exceed two hundred dollars or thirty percent of the value of the log or logs, whichever is less. A person shall not take into possession any stray logs including unbranded logs during the time that the owner, the owner's agent, or the transportation agency is attempting immediate recovery of the stray logs. If the owner, the owner's agent or the transportation agency chooses not to retrieve the stray logs, the person who recovered the logs may sell them or dispose of them as the person sees fit after ninety days, provided the person has made three attempts in writing to notify the owner. Of the written notice to the owner, one of the three must be a certified return receipt mail at the owner's last known address.

NEW SECTION. Sec. 5. A new section is added to chapter 76.40 RCW to read as follows:

Branded and marked logs, boom sticks, and boom chains shall be presumed to be the property of the person in whose name the brand or catch brand thereon is imprinted and is registered with the department of natural resources.

NEW SECTION. Sec. 6. A new section is added to chapter 76.40 RCW to read as follows:

Any person having possession of stray logs, boom sticks, or boom chains, except as provided in this chapter shall be presumed to have and to hold possession of same with intent to deprive and defraud the owner thereof and such possession shall be prima facie evidence to deprive and defraud.

NEW SECTION. Sec. 7. A new section is added to chapter 76.40 RCW to read as follows:

It shall be unlawful to purchase or otherwise acquire stray logs other than from the owner, or from a person who has recovered stray logs according to this chapter or to process or manufacture products from logs acquired in contravention of the provisions of this chapter or to possess such logs for such purpose.

NEW SECTION. Sec. 8. A new section is added to chapter 76.40 RCW to read as follows:

Any violation of this chapter shall be a gross misdemeanor. In addition, the owner who has been deprived of the use, benefit, or possession of any stray logs, booms sticks, or boom chains, in violation of this chapter, shall have a right of civil action to recover damages from any person causing such deprivation, including the purchaser of such stray logs, boom sticks, and boom chains.

NEW SECTION. Sec. 9. A new section is added to chapter 76.40 RCW to read as follows:

The department may close areas under its jurisdiction to log recovery activities if the department determines that log recovery in those areas would pose a threat to public safety or the environment.

NEW SECTION. Sec. 10. A new section is added to chapter 76.40 RCW to read as follows:

The department may enter into agreements with the state of Oregon and its applicable agencies to coordinate log recovery activities where possible.

Sec. 11. RCW 76.36.110 and 1984 c 60 s 6 are each amended to read as follows:

Every person:

(1) Except boom companies (~~(and log patrol companies)~~) organized as corporations for the purpose of catching or reclaiming and holding or disposing of forest products for the benefit of the owners, and authorized to do business under the laws of this state, who has or takes in tow or into custody or possession or under control, without the authorization of the owner of a registered mark or brand thereupon, any forest products or booming equipment having thereupon a mark or brand registered as required by the terms of this chapter, or, with or without such authorization, any forest products or booming equipment which may be branded under the terms of this chapter with a registered mark or brand and having no registered mark or brand impressed thereupon or cut therein; or,

(2) Who impresses upon or cut in any forest products or booming equipment a mark or brand that is false, forged or counterfeit; or,

(3) Who interferes with, prevents, or obstructs the owner of any registered mark or brand, or his or her duly authorized agent or representative, entering into or upon any tidelands, marshes or beaches of this state or any mill, mill site, mill yard or mill boom or rafting or storage grounds or any forest products or any raft or boom thereof for the purpose of searching for forest products and booming equipment having impressed thereupon a registered mark or brand belonging to him or her or retaking any forest products or booming equipment so found by him or her; or,

(4) Who impresses or cuts a catch brand that is not registered under the terms of this chapter upon or into any forest products or booming equipment upon which there is a registered mark or brand as authorized by the terms of this chapter or a catch brand, whether registered or not, upon any forest products or booming equipment that was not purchased or lawfully acquired by him or her from the owner; is guilty of a gross misdemeanor.

Sec. 12. RCW 76.42.020 and 1973 c 136 s 3 are each amended to read as follows:

"Wood debris" as used in this chapter is wood that is adrift on navigable waters or has been adrift thereon and stranded on beaches, marshes, or (~~(navigable tidall)~~) tidal and shorelands and which is not merchantable or economically salvageable under (~~(the Log Patrol Act,)~~) chapter 76.40 RCW.

"Removal" as used in this chapter shall include all activities necessary for the collection and disposal of such wood debris: PROVIDED, That nothing herein provided shall permit removal of wood debris from private property without written consent of the owner.

Sec. 13. RCW 76.42.030 and 1973 c 136 s 4 are each amended to read as follows:

The department of natural resources may by contract, license, or permit, or other arrangements, cause such wood debris to be removed by (~~(licensed log patrolmen, other)~~) private contractors, department of natural resources employees, or by other public bodies. Nothing contained in this chapter shall prohibit any individual from using any nonmerchantable wood debris for his own personal use.

Sec. 14. RCW 82.16.010 and 1991 c 272 s 14 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065 and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, ((log patrol,)) pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

NEW SECTION. Sec. 15. REPEALER. The following acts or parts of acts are each repealed:

(1) RCW 76.40.010 and 1984 c 60 s 9 & 1957 c 182 s 1;

(2) RCW 76.40.012 and 1984 c 60 s 10, 1955 c 108 s 1, & 1953 c 140 s 2;

(3) RCW 76.40.013 and 1984 c 60 s 11 & 1957 c 182 s 9;

(4) RCW 76.40.020 and 1984 c 60 s 12, 1957 c 182 s 2, 1955 c 27 s 1, 1953 c 140 s 9, & 1947 c 116 s 1;

(5) RCW 76.40.030 and 1984 c 60 s 13, 1979 ex.s. c 67 s 13, 1963 c 12 s 1, 1957 c 182 s 3, 1955 c 108 s 3, 1953 c 140 s 10, & 1947 c 116 s 3;

(6) RCW 76.40.040 and 1984 c 60 s 14, 1957 c 182 s 4, & 1947 c 116 s 5;

(7) RCW 76.40.050 and 1984 c 60 s 15, 1957 c 182 s 5, 1953 c 140 s 11, & 1947 c 116 s 5;

(8) RCW 76.40.060 and 1982 c 35 s 199 & 1947 c 116 s 6;

(9) RCW 76.40.070 and 1984 c 60 s 16, 1957 c 182 s 6, & 1947 c 116 s 8;

(10) RCW 76.40.080 and 1984 c 60 s 17 & 1947 c 116 s 9;

(11) RCW 76.40.090 and 1947 c 116 s 10;

(12) RCW 76.40.100 and 1984 c 60 s 18 & 1947 c 116 s 11;

(13) RCW 76.40.110 and 1957 c 182 s 7, 1953 c 140 s 12, & 1947 c 116 s 12;

(14) RCW 76.40.120 and 1984 c 60 s 19 & 1947 c 116 s 14;

(15) RCW 76.40.130 and 1947 c 116 s 13;

(16) RCW 76.40.135 and 1984 c 60 s 20;

(17) RCW 76.40.140 and 1984 c 60 s 21;

(18) RCW 76.40.145 and 1984 c 60 s 22;

(19) RCW 76.40.900 and 1947 c 116 s 15; and

(20) RCW 76.40.910 and 1947 c 116 s 16.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the motion by Senator Owen that the Committee on Natural Resources striking amendment to Substitute House Bill No. 2351 not be adopted.

The motion by Senator Owen carried and the Committee on Natural Resources striking amendment to Substitute House Bill No. 2351 was not adopted.

MOTION

Senator Owen moved that the following amendment by Senators Owen and Oke be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 76.36.110 and 1984 c 60 s 6 are each amended to read as follows:

Every person:

(1) Except boom companies (~~(and log patrol companies)~~) organized as corporations for the purpose of catching or reclaiming and holding or disposing of forest products for the benefit of the owners, and authorized to do business under the laws of this state, who has or takes in tow or into custody or possession or under control, without the authorization of the owner of a registered mark or brand thereupon, any forest products or booming equipment having thereupon a mark or brand registered as required by the terms of this chapter, or, with or without such authorization, any forest products or booming equipment which may be branded under the terms of this chapter with a registered mark or brand and having no registered mark or brand impressed thereupon or cut therein; or,

(2) Who impresses upon or cut in any forest products or booming equipment a mark or brand that is false, forged or counterfeit; or,

(3) Who interferes with, prevents, or obstructs the owner of any registered mark or brand, or his or her duly authorized agent or representative, entering into or upon any tidelands, marshes or beaches of this state or any mill, mill site, mill yard or mill boom or rafting or storage grounds or any forest products or any raft or boom thereof for the purpose of searching for forest products and booming equipment having impressed thereupon a registered mark or brand belonging to him or her or retaking any forest products or booming equipment so found by him or her; or,

(4) Who impresses or cuts a catch brand that is not registered under the terms of this chapter upon or into any forest products or booming equipment upon which there is a registered mark or brand as authorized by the terms of this chapter or a catch brand, whether registered or not, upon any forest products or booming equipment that was not purchased or lawfully acquired by him or her from the owner; is guilty of a gross misdemeanor.

Sec. 2. RCW 76.42.020 and 1973 c 136 s 3 are each amended to read as follows:

"Wood debris" as used in this chapter is wood that is adrift on navigable waters or has been adrift thereon and stranded on beaches, marshes, or (~~navigable tidall~~) tidal and shorelands and which is not merchantable or economically salvageable under (~~the Log Patrol Act,~~) chapter 76.40 RCW.

"Removal" as used in this chapter shall include all activities necessary for the collection and disposal of such wood debris: PROVIDED, That nothing herein provided shall permit removal of wood debris from private property without written consent of the owner.

Sec. 3. RCW 76.42.030 and 1973 c 136 s 4 are each amended to read as follows:

The department of natural resources may by contract, license, or permit, or other arrangements, cause such wood debris to be removed by (~~licensed log patrolmen, other~~) private contractors, department of natural resources employees, or by other public bodies. Nothing contained in this chapter shall prohibit any individual from using any nonmerchantable wood debris for his own personal use.

Sec. 4. RCW 82.16.010 and 1991 c 272 s 14 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010:

PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065 and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, ((log patrol,)) pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

NEW SECTION. Sec. 5. The department of natural resources shall convene a discussion between persons representative of the various interested parties including, but not limited to, log owners, transportation companies, recreational boaters, property owners, port authorities, local law enforcement agencies, and state agencies charged with the management and protection of aquatic resources to review issues related to stray log recovery.

On or before October 31, 1994, the department of natural resources shall report proposed guidelines for the recovery of adrift stray logs, to provide for the protection of: (1) Life, property, and navigational safety; and (2) the environment and publicly owned aquatic resources.

NEW SECTION. Sec. 6. REPEALER. The following acts or parts of acts are each repealed:

- (1) RCW 76.40.010 and 1984 c 60 s 9 & 1957 c 182 s 1;
- (2) RCW 76.40.012 and 1984 c 60 s 10, 1955 c 108 s 1, & 1953 c 140 s 2;
- (3) RCW 76.40.013 and 1984 c 60 s 11 & 1957 c 182 s 9;
- (4) RCW 76.40.020 and 1984 c 60 s 12, 1957 c 182 s 2, 1955 c 27 s 1, 1953 c 140 s 9, & 1947 c 116 s 1;
- (5) RCW 76.40.030 and 1984 c 60 s 13, 1979 ex.s. c 67 s 13, 1963 c 12 s 1, 1957 c 182 s 3, 1955 c 108 s 3, 1953 c 140 s 10, & 1947 c 116 s 3;
- (6) RCW 76.40.040 and 1984 c 60 s 14, 1957 c 182 s 4, & 1947 c 116 s 5;
- (7) RCW 76.40.050 and 1984 c 60 s 15, 1957 c 182 s 5, 1953 c 140 s 11, & 1947 c 116 s 5;
- (8) RCW 76.40.060 and 1982 c 35 s 199 & 1947 c 116 s 6;
- (9) RCW 76.40.070 and 1984 c 60 s 16, 1957 c 182 s 6, & 1947 c 116 s 8;
- (10) RCW 76.40.080 and 1984 c 60 s 17 & 1947 c 116 s 9;
- (11) RCW 76.40.090 and 1947 c 116 s 10;
- (12) RCW 76.40.100 and 1984 c 60 s 18 & 1947 c 116 s 11;
- (13) RCW 76.40.110 and 1957 c 182 s 7, 1953 c 140 s 12, & 1947 c 116 s 12;
- (14) RCW 76.40.120 and 1984 c 60 s 19 & 1947 c 116 s 14;
- (15) RCW 76.40.130 and 1947 c 116 s 13;
- (16) RCW 76.40.135 and 1984 c 60 s 20;
- (17) RCW 76.40.140 and 1984 c 60 s 21;
- (18) RCW 76.40.145 and 1984 c 60 s 22;
- (19) RCW 76.40.900 and 1947 c 116 s 15; and
- (20) RCW 76.40.910 and 1947 c 116 s 16."

POINT OF INQUIRY

Senator Oke: "Senator Owen, maybe we are trying to slow this process down a little bit. This was a 'trust me' amendment and I really want to do that, but I'm being asked by others, 'Exactly what does this do?' Are we actually now deleting the two hundred dollar or thirty percent value and going back to somewhere else?"

Senator Owen: "Yes, the original bill did not have that in. It was put on as an amendment--well there was an amendment similar put on in the House and we offered a different amendment that made it a little more acceptable. We've removed that by not accepting the committee amendment. We now are just proposing that the Department of Natural Resources bring the parties together that deal with this and come up with a recommendation for us in the future, so that provision that you asked for is now gone."

Senator Oke: "So, we are back to a study then?"

Senator Owen: "Well, we are back to repealing the log patrol statute for the Department of Natural Resources as they originally requested and a study to determine how we are going to deal with this next session."

Senator Oke: "Thank you."

Senator Owen: "I should add that Representative Shin who was vitally concerned about this and offered the original language has agreed to this."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen and Oke to Substitute House Bill No. 2351.

The motion by Senator Owen carried and the striking amendment to House Bill No. 2351 was adopted.

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "logs;" strike the remainder of the title and insert "amending RCW 76.36.110, 76.42.020, 76.42.030, and 82.16.010; creating a new section; and repealing RCW 76.40.010, 76.40.012, 76.40.013, 76.40.020, 76.40.030, 76.40.040, 76.40.050, 76.40.060, 76.40.070, 76.40.080, 76.40.090, 76.40.100, 76.40.110, 76.40.120, 76.40.130, 76.40.135, 76.40.140, 76.40.145, 76.40.900, and 76.40.910."

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2351, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Owen, in the repealing of these statutes, is there anticipated any savings to the state by this or does this only affect the private sector?"

Senator Owen: "I think any savings would be minimal, because the Department of Natural Resources does very little in that area--if anything right now--and that is why they just want to clean up the statutes and take it off."

MOTIONS

On motion of Senator Oke, Senator Linda Smith was excused.

On motion of Senator Loveland, Senators Bauer and Ludwig were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2351, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2351, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 0; Absent, 1; Excused, 14.

Voting yea: Senators Anderson, Bluechel, Deccio, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West and Williams - 34.

Absent: Senator Wojahn - 1.

Excused: Senators Amondson, Bauer, Cantu, Drew, Gaspard, Ludwig, McCaslin, Moore, Prince, Sellar, Skratek, Smith, L., Vognild and Winsley - 14.

SUBSTITUTE HOUSE BILL NO. 2351, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Oke moved to invoke Rule No 15.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Oke to invoke Rule No 15.

The motion by Senator Oke failed on a rising vote.

EDITOR'S NOTE: Rule No. 15 states: 'The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day, the Senate shall recess ninety minutes for dinner each working evening. The rule may be suspended by a majority.'

SECOND READING

HOUSE BILL NO. 2242, by Representatives Leonard, Cooke, Wolfe, Morris, L. Johnson, J. Kohl, Roland, Karahalios and Springer (by request of Department of Corrections and Department of Social and Health Services)

Authorizing the department of corrections to transfer juveniles under age eighteen to juvenile correctional institutions.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2242.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Drew, Moore, Prince and Smith, L. - 5.

HOUSE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Roach, Senator Oke was excused.

SECOND READING

HOUSE BILL NO. 2447, by Representatives Roland, Brough, Dorn, Thibaudeau and Patterson (by request of Department of Community Development)

Modifying the early childhood education and assistance program.

The bill was read the second time.

MOTIONS

On motion of Senator Pelz, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.215.100 and 1985 c 418 s 1 are each amended to read as follows:

It is the intent of the legislature to establish ~~((a-preschool))~~ an early childhood state education and assistance program. This special assistance program is a voluntary enrichment program to help prepare some children to enter the common school system and shall be offered only as funds are available. This program is not a part of the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution.

Sec. 2. RCW 28A.215.110 and 1990 c 33 s 213 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908.

(1) "Advisory committee" means the advisory committee under RCW 28A.215.140.

~~(2) ("At risk" means a child not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal head-start program.~~

~~(3))~~ "Department" means the department of community, trade, and economic development.

~~((4))~~ (3) "Eligible child" means ((an-at-risk child as defined in this section)) a child not eligible for kindergarten whose family income is at or below one hundred percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing ((like educational)) comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the ((preschool)) early childhood program. Priority for enrollment shall be given to children from families with the lowest income or to eligible children from families with multiple needs.

~~((5))~~ (4) "Approved ((preschool)) programs" means those state-supported education and special assistance programs which are recognized by the department of community, trade, and economic development as meeting the minimum program rules adopted by the department to qualify under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and are designated as eligible for funding by the department under RCW 28A.215.160 and 28A.215.180.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance.

Sec. 3. 1988 c 174 s 1 (uncodified) is amended to read as follows:

The legislature finds that the early childhood education and assistance program provides for the educational, social, health, nutritional, and cultural development of children at risk of failure when they reach school age. The long-term benefits to society in the form of greater educational attainment, employment, and projected lifetime earnings as well as the savings to be realized, from lower crime rates, welfare support, and reduced teenage pregnancy, have been demonstrated through lifelong research of at-risk children and ~~((preschool))~~ early childhood programs.

~~((The legislature further finds that existing federal head-start programs and state-supported early childhood education programs provide services for less than one-third of the eligible children in Washington.))~~

The legislature intends to encourage development of community partnerships for children at risk by authorizing a program of voluntary grants and contributions from business and community organizations to increase opportunities for children to participate in early childhood education.

Sec. 4. RCW 28A.215.120 and 1988 c 174 s 3 are each amended to read as follows:

The department of community, trade, and economic development shall administer a state-supported ~~((preschool))~~ early childhood education and assistance program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system. Eligible children shall be admitted to approved ~~((preschool))~~ early childhood programs to the extent that the legislature provides funds, and additional eligible children may be admitted to the extent that grants and contributions from community sources provide sufficient funds for a program equivalent to that supported by state funds.

Sec. 5. RCW 28A.215.130 and 1988 c 174 s 4 are each amended to read as follows:

Approved ~~((preschool))~~ early childhood programs shall receive state-funded support through the department. ~~((School districts, and existing head start grantees in cooperation with school districts))~~ Public or private nonsectarian organizations, including, but not limited to school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state ~~((preschool))~~ early childhood program. ~~((School districts may contract with other governmental or nongovernmental nonsectarian~~

organizations to conduct a portion of the state program.) Funds appropriated for the state program shall be used to continue to operate existing programs or to establish new or expanded ((preschool)) early childhood programs, and shall not be used to supplant federally supported head start programs. Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained, but shall not be used to supplant federally supported head start programs or state-supported ((preschool)) early childhood programs. Persons applying to conduct the ((preschool)) early childhood program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

Sec. 6. RCW 28A.215.150 and 1988 c 174 s 6 are each amended to read as follows:

The department shall adopt rules under chapter 34.05 RCW for the administration of the ((preschool)) early childhood program. ((Federal head start program criteria, including set aside provisions for the)) Approved early childhood programs shall conduct needs assessments of their service area, identify any targeted groups of children, to include but not be limited to children of seasonal and migrant farmworkers and native American populations living either on or off reservation, ((to the extent practicable, shall be considered as guidelines for the state preschool early childhood assistance program)) and provide to the department a service delivery plan, to the extent practicable, that addresses these targeted populations.

The department in developing rules for the ((preschool)) early childhood program shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and other ((preschool)) early childhood programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the ((preschool)) early childhood programs to provide for parental involvement ((at a level not less than that provided under the federal head start program criteria)) in participation with their child's program, in local program policy decisions, in development and revision of service delivery systems, and in parent education and training.

Sec. 7. 1987 c 518 s 1 (uncodified) is amended to read as follows:

The long-term social, community welfare, and economic interests of the state will be served by an investment in our children. Conclusive studies and experiences show that providing children with ((certain)) developmental experiences and providing parents with effective parental ((guidance)) partnership, empowerment, opportunities for involvement with their child's developmental learning, and expanding parenting skills, learning, and training can greatly improve ((their)) children's performance in school as well as increase the likelihood of ((their)) children's success as adults. National studies have also confirmed that special attention to, and educational assistance for, children ((and)) their school environment ((is)), and their families are the most effective ways in which to meet the state's social and economic goals.

The legislature intends to enhance the readiness to learn of certain children and students by: Providing for an expansion of the state early childhood education and assistance program for children from low-income families and establishing an adult literacy program for certain parents; assisting school districts to establish elementary counseling programs; instituting a program to address learning problems due to drug and alcohol use and abuse; and establishing a program directed at students who leave school before graduation.

The legislature intends further to establish programs that will allow for parental, business, and community involvement in assisting the school systems throughout the state to enhance the ability of children to learn.

Sec. 8. RCW 28A.215.160 and 1988 c 174 s 7 are each amended to read as follows:

The department shall review applications from public or private nonsectarian organizations for state funding of early childhood education and assistance programs and award funds ((on a competitive basis)) as determined by department rules and based on local community needs and demonstrated capacity to provide services.

Sec. 9. RCW 28A.215.170 and 1988 c 174 s 8 are each amended to read as follows:

The governor shall report to the legislature before each regular session of the legislature convening in an odd-numbered year, on the ((merits of continuing and expanding the preschool program or instituting other means of providing early childhood development assistance. The)) current status of the program, the state-wide need for early childhood program services, and the plans to address these needs. The department shall consult with the office of the superintendent of public instruction ((shall assist the governor)) in the preparation of the biennial report and ((shall be consulted)) on all issues of mutual concern addressed in ((said)) the report.

((If the governor recommends the continuation of a state-funded preschool program, then)) The governor's report shall include specific recommendations on at least the following issues:

- (1) The desired relationships of a state-funded ((preschool)) early childhood education and assistance program with the common school system;
- (2) The types of children and their needs that the program should serve;
- (3) The appropriate level of state support for implementing a comprehensive ((preschool)) early childhood education and assistance program for all eligible children, including related programs to prepare instructors and provide facilities, equipment, and transportation;
- (4) The state administrative structure necessary to implement the program; and
- (5) The establishment of a system to examine and monitor the effectiveness of ((preschool)) early childhood educational and assistance services for ((disadvantaged)) eligible children to measure, among other elements, if possible, how the average level of performance of children

completing this program compare to the average level of performance of all state students in their grade level, and to the average level of performance of those ((at-risk)) eligible students who ((de)) did not have access to this program. The evaluation system shall examine how the percentage of these children needing access to special education or remedial programs compares to the overall percentage of children needing such services and compares to the percentage of ((at-risk)) eligible students who ((de)) did not have access to this program needing such services.

Sec. 10. RCW 28A.215.180 and 1990 c 33 s 214 are each amended to read as follows:

For the purposes of RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, the department may award state support under RCW 28A.215.100 through 28A.215.160 to increase the numbers of eligible children assisted by the federal or state-supported ((pre-school)) early childhood programs in this state ((by up to five thousand additional children)). Priority shall be given to ((groups in)) those geographical areas which include a high percentage of families qualifying under the ((federal "at-risk")) "eligible child" criteria. The overall program funding level shall be based on an average grant per child consistent with state appropriations made for program costs: PROVIDED, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules.

Sec. 11. RCW 28A.215.200 and 1990 c 33 s 215 are each amended to read as follows:

The department may solicit gifts, grants, conveyances, bequests and devises for the use or benefit of the ((pre-school)) early childhood state education and assistance program established by RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908. The department shall actively solicit support from business and industry and from the federal government for the ((pre-school)) state early childhood education and assistance program and shall assist local programs in developing partnerships with the community for ((children-at-risk)) eligible children.

NEW SECTION. **Sec. 12.** This act shall take effect July 1, 1994."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, and 28A.215.200; amending 1988 c 174 s 1 (uncodified); amending 1987 c 518 s 1 (uncodified); and providing an effective date."

MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 2447, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2447, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2447, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Drew, Moore, Oke and Prince - 5.

HOUSE BILL NO. 2447, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2433, by House Committee on Revenue (originally sponsored by Representatives Peery, Ballard, G. Fisher, Foreman, Linville, Pruitt, Wineberry, Silver, Van Luven, L. Johnson, Cooke, Dunshee, Horn, Appelwick, Thibaudeau, Forner, Wang, H. Myers, Romero, Fuhrman, Wood, Valle, Brumsickle, Mastin, Finkbeiner, Ballasiotes, Chandler, Brough, Morris, Lemmon, Ogden, Springer, Quall, Wolfe, McMorris, Moak, Dorn, Sheahan, Carlson, R. Fisher, Karahalios, Johanson, Campbell, Edmondson, Cothorn, Kessler, Basich, J. Kohl, Conway, Jones, Shin, Sheldon, King, Orr, Patterson, Eide, Dellwo, Rayburn, Roland and Anderson)

Providing open government through unedited televised coverage of state government proceedings.

The bill was read the second time.

MOTIONS

Senator Rinehart moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.08 RCW to read as follows:

INTENT. The legislature finds that increasing citizens' access to information about both the processes of state government, and the issues dealt with by state government, will strengthen the democratic process. Recent technological developments in the area of telecommunications offer efficient and effective ways to expand this access to information about state government.

It is the intent of the legislature, in a partnership with the private sector, to establish a mechanism to produce unedited televised coverage of state government deliberations and other public policy events of state-wide significance. Funding provided by the state is intended to cover the annual operating cost of the core services, which include gavel-to-gavel coverage of state government deliberations and other public policy events of state-wide significance. This service is intended to increase citizen access to government, and is a public purpose for which public funds may be expended. It is assumed that private contributions will be raised to purchase equipment, and to cover the cost of programming activities such as curriculum development for use in school classrooms.

NEW SECTION. Sec. 2. A new section is added to chapter 43.08 RCW to read as follows:

ESCROW ACCOUNT. (1) The state treasurer shall contract with a qualified public deposit protection commission bank for the establishment of an escrow account. The account shall hold moneys appropriated by the legislature to the state treasurer specifically for the purposes of televising unedited, gavel-to-gavel coverage of state government deliberations and other public policy events of state-wide significance.

The account may also be used to pay for the direct costs of producing interactive hearings over the Washington interactive teleconferencing system. These hearings shall be linked to the public television system provided for in this section to broadcast the hearings to the general public.

The contracted bank shall disburse funds to the nonprofit organization, determined to be qualified by the office of financial management, on a quarterly basis to cover the annual operating expenses of the nonprofit organization. No more than one million seven hundred fifty thousand dollars may be disbursed for this purpose in the first year. Disbursements for this purpose may be increased by three percent per year thereafter. Expenditures for the production of interactive hearings must be approved by the administrative committees of both the house of representatives and the senate and may not exceed a total of fifty thousand dollars in any single year.

(2) A qualified nonprofit organization is a nonprofit corporation formed solely for the purpose of providing unedited televised coverage of state government deliberations and other events of state-wide significance, and which has received a determination of a tax exempt status under section 501(c)(3) of the federal internal revenue code.

(3) Interested qualified nonprofit organizations shall submit a four-year financial plan, a feasibility plan, and an engineering plan that includes a schedule of equipment needs and distribution plan to the office of financial management. The office of financial management may set criteria for these plans. The office of financial management shall review the submitted plans and, by May 2, 1994, select a qualified nonprofit organization to carry out sections 1 through 3 of this act from those nonprofit organizations whose plans indicate the ability to carry out sections 1 through 3 of this act.

(4) Beginning January 1995, the qualified nonprofit organization shall prepare an annual independent audit, an annual financial statement, an annual report, and operational benchmarks that measure the nonprofit organization's impact on success of this program in meeting the intent of sections 1 through 3 of this act.

(5) The initial selection award under this section shall be for a period of four years. The office of financial management shall by December 31, 1998, reopen the application process and select a qualified nonprofit organization.

NEW SECTION. Sec. 3. A new section is added to chapter 43.08 RCW to read as follows:

TERMS AND CONDITIONS. Placement and operation of equipment within legislative facilities are subject to terms and conditions between the qualified nonprofit organization and the respective houses of the legislature. Such terms and conditions may include but are not limited to: Programming standards requiring a fair and balanced presentation without regard to partisanship or ideology and a balance of possible subject matter and deliberating bodies.

The initial terms and conditions and any amendment to those terms and conditions shall be ratified by a two-thirds vote of each house of the legislature. Such ratification shall be made in the form of a concurrent resolution.

NEW SECTION. Sec. 4. CAPTIONS. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 5. APPROPRIATION. The sum of six million six hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the state treasurer for the purposes of this act.

NEW SECTION. Sec. 6. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Williams, the following amendment by Senators Williams, Sutherland, Gaspard, Rinehart and McDonald to the Committee on Ways and Means striking amendment was adopted:

On page 3, after line 16, strike all of section 5.

Renumber the sections consecutively

MOTION

On motion of Senator Spanel, further consideration of Substitute House Bill No. 2433 was deferred.

MOTION

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

MESSAGES FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6582,

SECOND SUBSTITUTE SENATE JOINT MEMORIAL NO. 8003,

SENATE JOINT MEMORIAL NO. 8013,

SENATE JOINT MEMORIAL NO. 8027,

SENATE CONCURRENT RESOLUTION NO. 8422, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 4, 1994

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1561,

SUBSTITUTE HOUSE BILL NO. 2151,

SUBSTITUTE HOUSE BILL NO. 2170,

HOUSE BILL NO. 2271,

HOUSE BILL NO. 2282,

HOUSE BILL NO. 2338,

SUBSTITUTE HOUSE BILL NO. 2414,

SUBSTITUTE HOUSE BILL NO. 2424,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2434,

HOUSE BILL NO. 2477,

HOUSE BILL NO. 2492,

SUBSTITUTE HOUSE BILL NO. 2541,

SUBSTITUTE HOUSE BILL NO. 2582, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 4, 1994

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1955,

SUBSTITUTE HOUSE BILL NO. 2182,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,

SUBSTITUTE HOUSE BILL NO. 2246,

SUBSTITUTE HOUSE BILL NO. 2526, and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1561,
SUBSTITUTE HOUSE BILL NO. 2151,
SUBSTITUTE HOUSE BILL NO. 2170,
HOUSE BILL NO. 2271,
HOUSE BILL NO. 2282,
HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2414,
SUBSTITUTE HOUSE BILL NO. 2424,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2434,
HOUSE BILL NO. 2477,

HOUSE BILL NO. 2492,
SUBSTITUTE HOUSE BILL NO. 2541,
SUBSTITUTE HOUSE BILL NO. 2582.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1955,
SUBSTITUTE HOUSE BILL NO. 2182,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,
SUBSTITUTE HOUSE BILL NO. 2246,
SUBSTITUTE HOUSE BILL NO. 2526.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2512, by Representatives Leonard, Cooke, Thibaudeau, Karahalios, Sheldon, J. Kohl and King (by request of Department of Social and Health Services)

Expanding eligibility criteria for funds for sexually aggressive youth.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:
On page 2, after line 17 insert the following:

"(3) The department may provide funds, under this section, for youth in the care and custody of a tribe or through a tribal court, for the treatment of sexually aggressive youth only if: (a) The tribe uses the same or equivalent definitions and standards for determining which youth are sexually aggressive; and (b) The department seeks to recover any federal funds available for the treatment of youth."

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 2512, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Roach, Senators Nelson and Schow were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2512, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2512, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Pelz - 1.

Excused: Senators Nelson, Prince and Schow - 3.

HOUSE BILL NO. 2512, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2571, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Schmidt, R. Meyers and Dorn) (by request of Insurance Commissioner)

Requiring certain capital and surplus for insurers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Moore, it says that they must meet the requirements as existed prior to the effective date of this act. Is that prior to when we enact this act or is this prior to when the grandfather clause was put in? Are you repealing the grandfather clause for the--"

Senator Moore: "For the companies outside the state, we are repealing the grandfather clause. Those within are still grandfathered, but still under the supervision of the Insurance Commissioner."

Senator West: "O.K., thank you."

MOTION

On motion of Senator Loveland, Senator Prentice was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2571.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2571 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 44.

Voting nay: Senator West - 1.

Absent: Senator Roach - 1.

Excused: Senators Nelson, Prentice and Prince - 3.

SUBSTITUTE HOUSE BILL NO. 2571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2278, by House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson and Springer)

Making laws relating to local government office vacancies more uniform.

The bill was read the second time.

MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.12 RCW to read as follows:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

- (1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.
- (2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.
- (3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.
- (4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.
- (5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.
- (6) As provided in RCW 29.15.190 and 29.21.410, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29.01.135 and shall service both the remainder of the unexpired term and the succeeding term.

Sec. 2. RCW 42.12.010 and 1993 c 317 s 9 are each amended to read as follows:

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) Except as provided in RCW 3.46.067 and 3.50.057, his or her ceasing to be a legally ~~((qualified elector))~~ registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

Sec. 3. RCW 43.06.010 and 1993 c 142 s 5 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) The governor shall supervise the conduct of all executive and ministerial offices;
- (2) The governor shall see that all offices are filled, including as provided in section 1 of this act, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) The governor shall make the appointments and supply the vacancies mentioned in this title;
- (4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of ~~((his))~~ the prosecutor's duties;
- (8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;
- (9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) The governor shall issue and transmit election proclamations as prescribed by law;
- (11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;
- (12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;
- (13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;
- (14) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

Sec. 4. RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to read as follows:

The board of airport district commissioners shall consist of three members ~~((, who shall each be a registered voter and actually a resident of the district))~~. The first commissioners shall be appointed by the county legislative authority. At the next general district election, held as provided in RCW 29.13.020, three airport district commissioners shall be elected. The term of office of airport district commissioners shall be two years, or until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170. Members of the board of airport district commissioners shall be elected at each regular district general election on a nonpartisan basis in accordance with the general election law. ~~((They shall be nominated by petition of ten registered voters of the district.))~~ Vacancies on the board of airport district commissioners shall occur and shall be filled ~~((by appointment by the remaining commissioners))~~ as provided in chapter 42.12 RCW. Members of the board of airport district commissioners shall receive no compensation for their services, but shall be reimbursed for actual necessary traveling and sustenance expenses incurred while engaged on official business.

Sec. 5. RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read as follows:

A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall be sufficient cause for the remaining members of the board to declare by resolution that such board member position is vacated. In addition, vacancies shall occur as provided in RCW 42.12.010.

Sec. 6. RCW 29.15.120 and 1990 c 59 s 86 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29.15.020 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the general election ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

NEW SECTION. Sec. 7. A new section is added to chapter 29.15 RCW to read as follows:

Each person who files a declaration of candidacy for an elected office of a city, town, or special district shall be given written notice of the date by which a candidate may withdraw his or her candidacy under RCW 29.15.120.

Sec. 8. RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each amended to read as follows:

If after both the normal filing period and special three day filing period as provided by RCW 29.15.170 and 29.15.180(~~as now or hereafter amended~~) have passed (~~and still~~), no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until (~~his~~) a successor is elected at the next election when such positions are voted upon (~~as provided by RCW 29.21.410, as now or hereafter amended~~).

NEW SECTION. Sec. 9. A new section is added to chapter 35.02 RCW to read as follows:

An election shall be held to elect city or town elected officials at the next municipal general election occurring more than twelve months after the date of the first election of councilmembers or commissioners. Candidates shall run for specific council or commission positions. The staggering of terms of members of the city or town council shall be established at this election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office. Newly elected councilmembers or newly elected commissioners shall serve until their successors are elected and qualified. The terms of office of newly elected commissioners shall not be staggered, as provided in chapter 35.17 RCW. All councilmembers and commissioners who are elected subsequently shall be elected to four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 10. RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended to read as follows:

All regular elections in cities organized under the statutory commission form of government shall be held quadrennially in the odd-numbered years on the dates provided in RCW 29.13.020. The commissioners shall be nominated and elected at large. Their terms shall be for four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. (~~If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.~~) Vacancies on a commission shall occur and shall be filled as provided in chapter 42.12 RCW, except that in every instance a person shall be elected to fill the remainder of the unexpired term at the next general municipal election that occurs twenty-eight or more days after the occurrence of the vacancy.

Sec. 11. RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended to read as follows:

The first election of commissioners shall be held (~~within~~) at the next special election that occurs at least sixty days after the (~~adoption of~~) election results are certified where the proposition to organize under the commission form was approved by city voters, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. The date of the second election for commissioners shall be in accordance with RCW 29.13.020 such that the term of the first commissioners will be as near as possible to, but not in excess of, four years calculated from the first day in January in the year after the year in which the first commissioners were elected.

Sec. 12. RCW 35.18.020 and 1981 c 260 s 7 are each amended to read as follows:

(1) The number of (~~councilmen~~) councilmembers in a city or town operating with a council-manager plan of government shall be (~~in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last~~) based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five (~~councilmen~~) councilmembers; and

(b) A city or town having more than two thousand, seven (~~councilmen~~) councilmembers.

(2) (~~All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. PROVIDED, HOWEVER,~~

That at the first general municipal election held in the city in accordance with RCW 29.13.020, after the election approving the council-manager plan, the following shall apply:

(a) One councilman shall be nominated and elected from each ward or such other existing district of said city as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered) Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Councilmembers may be elected on a city-wide or town-wide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29.70 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.

(3) When a ((municipality)) city or town has qualified for an increase in the number of ((councilmen)) councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management ((after the majority of the voters thereof have approved operation under the council-manager plan)), two additional council positions shall be filled at the ((first)) next municipal general election ((when two additional councilmen are to be elected, one of the two additional councilmen receiving)) with the person elected to one of the new council positions receiving the ((highest)) greatest number of votes ((shall be)) being elected for a four-year term of office and the person elected to the other additional ((councilman shall be)) council position being elected for a two-year term of office. The ((terms of the)) two additional ((councilmen)) councilmembers shall ((emerge)) assume office immediately when qualified in accordance with RCW 29.01.135, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office.

((4) In the event such population determination as provided in subsection (3) of this section requires an increase in the number of councilmen)) Prior to the election of the two new councilmembers, the city or town council shall fill the additional ((councilmanic)) positions by appointment not later than ((thirty)) forty-five days following the release of ((said)) the population determination, and ((the)) each appointee shall hold office only until ((the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term. In the event such population determination results in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election: PROVIDED, That)) the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) ((If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term)) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 13. RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended to read as follows:

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town ((at its next regular election)) shall elect the council required under the council-manager plan in number according to ((the)) its population ((of the municipality: PROVIDED, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately when they are qualified in accordance with RCW 29.01.135 following the canvass of votes as certified and shall remain in office until their successors are elected at the next general municipal election: PROVIDED, That such successor shall hold office for staggered terms as provided in RCW 35.18.020 as now or hereafter amended. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the county auditor as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five

days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names)) at the next municipal general election. However, special elections shall be held to nominate and elect the new city councilmembers at the next primary and general election held in an even-numbered year if the next municipal general election is more than one year after the date of the election at which the voters approved the council-manager plan. The staggering of terms of office shall occur at the election when the new councilmembers are elected, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office if the election is held in an odd-numbered year, or one-year terms of office if the election is held in an even-numbered year. The initial councilmembers shall take office immediately when they are elected and qualified, but the lengths of their terms of office shall be calculated from the first day in January in the year following the election.

Sec. 14. RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended to read as follows:

All municipal elections held under the provisions of this chapter shall be conducted according to the general election laws of this state(~~(, as far as practicable: PROVIDED, That any qualified voter of such city, duly registered for the general county or state election next preceding any municipal election, general or special, shall be qualified to vote at such municipal election. No person shall be qualified to vote at such election unless he is a qualified elector of the county and has resided in such city for at least thirty days next preceding such election))~~).

Sec. 15. RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended to read as follows:

The city council may declare an office vacant: (1) If anyone either elected or appointed to ~~that~~ office fails for ten days to qualify as required by law or fails to enter upon ((his)) ~~the~~ duties of ~~that office~~ at the time fixed by law or the orders of the city council, ((his)) ~~the~~ office shall become vacant; or (2) if such ~~an~~ officer ((absents himself)) ~~who serves for compensation is absent~~ from the city without the consent of the city council for three consecutive weeks or openly neglects or refuses to discharge ((his)) ~~the~~ duties(~~(, the council may declare his office vacant: PROVIDED, That this penalty for absence from the city shall not apply to such officers as serve without compensation.~~

If a vacancy occurs by reason of death, resignation, or otherwise in the office of mayor or councilman, the city council shall fill the vacancy until the next general municipal election)) of that office. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

If a vacancy occurs ((~~by reason of death, resignation, or otherwise~~)) in any other office it shall be filled by appointment of the mayor and confirmed by the council in the same manner as other appointments are made.

Sec. 16. RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended to read as follows:

At any time not within three months previous to an annual election the city council of a second class city may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any ((~~councilman, but he~~)) ~~councilmember, and councilmembers~~ shall serve out ((his)) ~~their~~ terms in the wards of ((his)) ~~their~~ residences at the time of ((his election: ~~PROVIDED, That if this results~~)) ~~their elections. However, if these boundary changes result~~ in one ward being represented by more ((~~councilmen~~)) ~~councilmembers~~ than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

((~~No person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election and removal of his residence from the ward for which he was elected renders his office vacant.~~))

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 17. RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended to read as follows:

General municipal elections in third class cities (not operating under the commission form of government shall be held biennially in the odd-numbered years ((~~as provided in RCW 29.43.020~~)) and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

((~~A councilman-at-large shall be elected biennially for a two-year term and until his or her successor is elected and qualified and assumes office in accordance with RCW 29.04.170. Of the other six councilmen, three shall be elected in each biennial general municipal election for terms of~~

~~four years and until their successors are elected and qualified and assume~~) Council positions shall be numbered in each third class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

In its discretion the council of a third class city may divide the city by ordinance into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29.70.100. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 18. RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended to read as follows:

All elections shall be held in accordance with the general election laws of the state (~~((insofar as the same are applicable and no person shall be entitled to vote at any election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election))~~).

Sec. 19. RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended to read as follows:

~~((In cities of))~~ The council of a third class city may declare a council position vacant if ((a member of the city council absents himself)) that councilmember is absent for three consecutive regular meetings (~~((thereof, unless by))~~) without the permission of the council(~~((his office may be declared vacant by the council.~~

~~Vacancies in the city council or in the office of mayor shall be filled by majority vote of the council))~~. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

Vacancies in offices other than that of mayor or city (~~((councilman))~~) councilmember shall be filled by appointment of the mayor.

~~((If a vacancy occurs in an elective office the appointee shall hold office only until the next regular election at which a person shall be elected to serve for the remainder of the unexpired term.))~~

If there is a temporary vacancy in an appointive office due to illness, absence from the city or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

Sec. 20. RCW 35.24.290 and 1993 c 83 s 6 are each amended to read as follows:

The city council of each third class city shall have power:

- (1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;
- (2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;
- (3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;
- (4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;
- (5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;
- (6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

~~(11) ((In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;~~

~~(12))~~ To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year, except that the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty, but no act that is a state crime may be made a civil violation;

~~((13))~~ (12) To establish fire limits, with proper regulations;

~~((14))~~ (13) To establish and maintain a free public library;

~~((15))~~ (14) To establish and regulate public markets and market places;

~~((16))~~ (15) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

~~((17))~~ (16) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

~~((18))~~ (17) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 21. RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended to read as follows:

All elections in towns shall be held in accordance with the general election laws of the state ~~((, so far as the same may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of the county, and has resided in the town for at least thirty days next preceding the election)).~~

Sec. 22. RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended to read as follows:

~~((If a member of))~~ The council of a town may declare a council position vacant if that councilmember is absent from the town for three consecutive council meetings ((unless by)) without the permission of the council ((his office shall be declared vacant by the council. A vacancy in the office of mayor and vacancies in the council shall be filled by a majority vote of the council)). In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

A vacancy in any other office shall be filled by appointment by the mayor. ~~((An appointee filling the vacancy in an elective office shall hold office only until the next general election at which time a person shall be elected to serve for the remainder of the unexpired term except that the person appointed to fill a vacancy in the office of mayor shall serve for the unexpired term.))~~

Sec. 23. RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended to read as follows:

At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected ~~((to hold office respectively for the following terms: Where the election is held in an odd-numbered year, one commissioner shall be elected to hold office for two years, two shall be elected to hold office for four years, and two shall be elected to hold office for six years. Where the election is held in an even-numbered year, one commissioner shall hold office for three years, two shall hold office for five years, and two shall hold office for seven years)).~~ The election of park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. No primary shall be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a commissioner. The staggering of the terms of office shall occur as follows: (1) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (2) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January ~~((ef))~~ in the year after they are elected. ~~((The term of each nominee for park commissioner shall be expressed on the ballot.))~~ Thereafter, all commissioners shall ~~((serve))~~ be elected to six-year terms of office ~~((and)).~~ All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled ~~((by majority action of the remaining commissioners appointing a voter to fill the remainder of the term of the vacant commissioner position))~~ as provided in chapter 42.12 RCW.

Sec. 24. RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended to read as follows:

Where used in this title with reference to procedures established by this title in regard to a change of plan or classification of government, unless a different meaning is plainly required by the context:

- (1) "Classify" means a change from a city of the first, second, or third class, or a town, to a code city.
- (2) "Classification" means either that portion of the general law under which a city or a town operates under Title 35 RCW as a first, second, or third class city, unclassified city, or town, or otherwise as a code city.
- (3) "Organize" means to provide for officers after becoming a code city, under the same general plan of government under which the city operated prior to becoming a code city, pursuant to RCW 35A.02.055.
- (4) "Organization" means the general plan of government under which a city operates.
- (5) "Plan of government" means ~~((either the))~~ a mayor-council form of government under chapter 35A.12 RCW, council-manager form of government under chapter 35A.13 RCW, or a mayor-council, council-manager, or commission form of government in general that is retained by a noncharter code city as provided in RCW 35A.02.130, without regard to variations in the number of elective offices or whether officers are elective or appointive.
- (6) "Reclassify" means changing from a code city to the classification, if any, held by such a city immediately prior to becoming a code city.
- (7) "Reclassification" means changing from city or town operating under Title 35 RCW to a city operating under Title 35A RCW, or vice versa; a change in classification.
- (8) "Reorganize" means changing the plan of government under which a city or town operates to a different general plan of government, for which an election of new officers under RCW 35A.02.050 is required. A city or town shall not be deemed to have reorganized simply by increasing or decreasing the number of members of its legislative body.
- (9) "Reorganization" means a change in general plan of government where an election of all new officers is required in order to accomplish this change, but an increase or decrease in the number of members of its legislative body shall not be deemed to constitute a reorganization.

Sec. 25. RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended to read as follows:

The first election of officers where required for reorganization under a different general plan of government newly adopted in a manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as now or hereafter amended, shall be at the next general municipal election if one is to be held more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or resolution, or otherwise at a special election to be held for that purpose in accordance with RCW 29.13.020. In the event that the first election of officers ~~((as herein provided))~~ is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.21.010 and 29.13.070. In the event that the first election of all officers ~~((as herein provided))~~ is to be held at a special election rather than at a general election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election to be held on a date authorized by RCW 29.13.010, and the persons nominated at that primary election shall be voted upon at the next succeeding special election that is authorized by RCW 29.13.010: PROVIDED, That in the event the ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A.02.040 in an even-numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in ~~((chapter 35A.29 RCW))~~ general election law.

Upon reorganization, candidates for all offices shall file or be nominated for and successful candidates shall be elected to specific council positions ~~((, and an))~~. The initial terms ~~((or))~~ of office for those elected at a first election of all officers ~~((to positions one and two for a five member council, or positions one through three for a seven member council, shall if the election occurs at a general municipal election be only until the second~~

Monday in January first following the next general municipal election two years hence and if the election occurs at a special election, the duration of these initial terms shall be until the second Monday in January in the first even-numbered year that follows the next general municipal election. The duration of the initial term attaching to the remaining councilmanic positions shall be until the second Monday in January two years next thereafter, so that staggered regular four year terms will ultimately result. Any declarations of candidacy for any primary or other election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as now or hereafter amended) shall be as follows: (1) A simple majority of the persons who are elected as councilmembers receiving the greatest numbers of votes and the mayor in a city with a mayor-council plan of government shall be elected to four-year terms of office, if the election is held in an odd-numbered year, or three-year terms of office, if the election is held in an even-numbered year; and (2) the other persons who are elected as councilmembers shall be elected to two-year terms of office, if the election is held in an odd-numbered year, or one-year terms of office, if the election is held in an even-numbered year. The newly elected officials shall take office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day of January in the year following the election. Thereafter, each person elected as a councilmember or mayor in a city with a mayor-council plan of government shall be elected to a four-year term of office. Each councilmember and mayor in a city with a mayor-council plan of government shall serve until a successor is elected and qualified and assumes office as provided in RCW 29.04.170.

The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. ((Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.))

Sec. 26. RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each amended to read as follows:

Any incorporated city or town governed under a plan of government authorized prior to the time this title takes effect may become a noncharter code city without changing such plan of government by the use of the petition-for-election or resolution-for-election procedures provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a proposal that such municipality adopt the classification of noncharter code city while retaining its existing plan of government, and upon a favorable vote on the proposal, such municipality shall be classified as a noncharter code city and retain its old plan of government, such reclassification to be effective upon the filing of the record of such election with the office of the secretary of state. Insofar as the provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an election on such a reclassification proposal they shall apply to such election.

Sec. 27. RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each amended to read as follows:

The classifications of municipalities which existed prior to the time this title goes into effect--first class city, second class city, third class ~~((and fourth class))~~ city, town, and unclassified city--and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city changes its plan of government to the provisions of either chapter 35A.12 or 35A.13 RCW.

Sec. 28. RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended to read as follows:

By use of the resolution for election or petition for election methods described in RCW 35A.06.040, any noncharter code city which has operated for more than six consecutive years under one of the optional plans of government authorized by this title, or for more than a combined total of six consecutive years under a particular plan of government both as a code city and under the same general plan under Title 35 RCW immediately prior to becoming a code city, may abandon such organization and may reorganize and adopt another plan of government authorized for noncharter code cities, but only after having been a noncharter code city for more than one year or a city after operating for more than six consecutive years under a particular plan of government as a noncharter code city ~~((or may reclassify and adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any))~~: PROVIDED, That these limitations shall not apply to a city seeking to adopt a charter.

In reorganization under a different general plan of government as a noncharter code city, officers shall all be elected as provided in RCW 35A.02.050. When a noncharter code city adopts a plan of government other than those authorized under Title 35A RCW, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law.

Sec. 29. RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended to read as follows:

The proposal for abandonment of a plan of government as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general municipal election if one is to be held within one hundred and eighty days or otherwise at a special election called for that purpose in accordance with RCW 29.13.020. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 29.27.060 and 35A.29.120 ~~((, as now or hereafter amended. If the plan proposed in the petition is not a plan authorized for noncharter code cities by this title, the ballot statement shall clearly set forth that adoption of such plan by the voters would require abandonment of the classification of noncharter code city and that government would be under the general law relating to cities of the class specified in the resolution or petition. If the plan proposed in the petition is a plan authorized for noncharter code cities the ballot statement shall clearly set forth that adoption of such plan by the voters would not affect the eligibility of the noncharter code city to be governed under this optional municipal code))~~.

Sec. 30. RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of ~~((councilmen))~~ councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old mayor-council plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 31. RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended to read as follows:

Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29 RCW. The mayor and the ~~((councilmen))~~ councilmembers shall be elected for ~~four-year terms of office~~ and until their successors are elected and qualified ~~((;-except that at any first election three councilmen in cities having seven councilmen, and two councilmen in cities having five councilmen, shall be elected for two year terms and the remaining councilmen shall be elected for four year terms))~~ and assume office in accordance with RCW 29.04.170. At any first election upon reorganization, councilmembers shall be elected as provided in RCW 35A.02.050. Thereafter the requisite number of ~~((councilmen))~~ councilmembers shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes ~~((;-as provided in RCW 35A.29.105. In any city which holds its first election under this title in the calendar year 1970, candidates elected for two year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1973 and candidates elected for four year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1975))~~. Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. ~~((The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law.))~~ The mayor and ~~((councilmen))~~ councilmembers shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 32. RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each amended to read as follows:

The office of a mayor or ~~((councilman))~~ councilmember shall become vacant if ~~((he))~~ the person who is elected or appointed to that position fails to qualify as provided by law ~~((or)),~~ fails to enter upon ~~((his))~~ the duties of that office at the time fixed by law without a justifiable reason, ~~((upon his death, resignation, removal from office by recall as provided by law, or when his office is forfeited))~~ or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office of mayor or in the council shall be filled ~~((for the remainder of the unexpired term, if any, at the next regular municipal election but the council, or the remaining members thereof, by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If at any time the membership of the council is reduced below the number required for a quorum, the remaining members, nevertheless, by majority action may appoint additional members to fill the vacancies until persons are elected to serve the remainder of the unexpired terms. If, after thirty days have passed since the occurrence of a vacancy, the council are unable to agree upon a person to be appointed to fill a vacancy in the council, the mayor may make the appointment from among the persons nominated by members of the council))~~ as provided in chapter 42.12 RCW.

Sec. 33. RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each amended to read as follows:

~~((A mayor or councilman shall forfeit his office, creating a vacancy, if he ceases to have the qualifications prescribed for such office by law, charter, or ordinance, or if he is convicted of a crime involving moral turpitude or an offense involving a violation of his oath of office. A councilman also shall forfeit his office if he))~~ In addition a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

Sec. 34. RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each amended to read as follows:

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any ~~((councilman, but he))~~ councilmember, and councilmembers shall serve out ~~((his))~~ their terms in the wards of ~~((his))~~ their residences at the time of ~~((his))~~ their elections: PROVIDED, That if this results in one ward being represented by more ~~((councilmen))~~ councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable. ~~((When the city has been divided into wards no person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election, and removal of his residence from the ward for which he was elected renders his office vacant.))~~

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

Sec. 35. RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read as follows:

The ~~((councilmen))~~ councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a council-manager code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of ~~((councilmen))~~ councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 36. RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each amended to read as follows:

In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan ~~((:PROVIDED, That))~~, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one ~~((on or after September 8, 1975.))~~ shall be the council chairman and shall carry out the duties prescribed by RCW 35A.13.030 ~~((as now or hereafter amended)).~~

Sec. 37. RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each amended to read as follows:

An annexation election shall be held in accordance with ~~((chapter 35A.29 RCW of this title))~~ general election law and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

Sec. 38. RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as

stated in the resolution, and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against Annexation and Adoption of Proposed Zoning Regulation", or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of all or a portion of indebtedness is proposed, shall contain an appropriate, separate proposition for or against the portion of indebtedness that the city requires to be assumed. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by ~~((RCW 35A.29.140))~~ general election law.

Sec. 39. RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each amended to read as follows:

~~((The election shall be conducted and the returns canvassed as provided in chapter 35A.29 RCW.))~~ Ballot titles shall be prepared by the city as provided in RCW 35A.29.120 and shall contain the words "For Dissolution" and "Against Dissolution", and shall contain on separate lines, alphabetically, the names of candidates for receiver. If a majority of the votes cast on the proposition are for dissolution, the municipal corporation shall be dissolved upon certification of the election results to the office of the secretary of state.

Sec. 40. RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each amended to read as follows:

~~((The election returns shall be canvassed as provided in RCW 35A.29.070 and))~~ If three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the ~~((legislative body, by an order entered on its minutes, shall direct the clerk to))~~ county auditor shall make and transmit to the office of the secretary of state a certified abstract of the vote.

NEW SECTION. **Sec. 41.** A new section is added to chapter 35A.29 RCW to read as follows:

Elections for code cities shall comply with general election law.

Sec. 42. RCW 36.69.020 and 1969 c 26 s 2 are each amended to read as follows:

The formation of a park and recreation district shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters residing within the area so described. ~~((No person signing the petition may withdraw his name therefrom after filing.))~~ The name of a person who has signed the petition may not be withdrawn from the petition after the petition has been filed.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof~~((and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate))~~.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with ~~((his))~~ a certificate of sufficiency attached thereto, to the county ~~((commissioners who))~~ legislative authority, which shall by resolution entered upon ~~((their))~~ its minutes~~((;))~~ receive it and fix a day and hour when ~~((they))~~ the legislative authority will publicly hear the petition, as provided in RCW 36.69.040.

Sec. 43. RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended to read as follows:

~~((All elections pursuant to this chapter shall be conducted in accordance with the provisions of chapter 29.13 RCW for district elections.))~~ A ballot proposition authorizing the formation of the proposed park and recreation district shall be submitted to the voters of the proposed district for their approval or rejection at the next general state election occurring sixty or more days after the county legislative authority fixes the boundaries of the proposed district. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district~~((, define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district,))~~ and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. ~~((The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.))~~

The initial park and recreation commissioners shall be elected at the same election, but this election shall be null and void if the district is not authorized to be formed. No primary shall be held to nominate candidates for the initial commissioner positions. Candidates shall run for specific commission positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person who receives the greatest number of votes for each commission position shall be elected to that position. The three persons who are elected receiving the greatest number of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year. The other two persons who are elected shall be elected to two-year terms of office if the election is held in an odd-numbered year or one-year terms of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately upon being elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election.

Sec. 44. RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended to read as follows:

If a majority of all votes cast upon the proposition favors the formation of the district, ~~((the))~~ the county legislative authority shall~~((it))~~, by resolution, declare the territory organized as a park and recreation district under the designated name ~~((theretofore designated, and shall declare the~~

candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district. These initial park and recreation commissioners shall take office immediately upon their election and qualification and hold office until their successors are elected and qualified and assume office as provided in RCW 36.69.090 as now or hereafter amended)).

Sec. 45. RCW 36.69.090 and 1987 c 53 s 1 are each amended to read as follows:

A park and recreation district shall be governed by a board of five commissioners. Except for the initial commissioners, all commissioners shall be elected to staggered four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Candidates shall run for specific commissioner positions.

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election in each odd-numbered year. ((Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election.)) Elections shall be held in accordance with the provisions of Title 29 RCW dealing with general elections. ((All commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. At the first election following the formation of the district, the two candidates receiving the highest number of votes shall serve for terms of four years, and the three candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for four year terms: PROVIDED, That if there would otherwise be two commissioners elected at the November 1987 general election, the candidate receiving the highest number of votes shall serve a four year term, and the commissioner receiving the second highest number of votes shall serve a two year term.))

Sec. 46. RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended to read as follows:

Vacancies on the board of park and recreation commissioners shall occur and shall be filled ((by a majority vote of the remaining commissioners)) as provided in chapter 42.12 RCW.

Sec. 47. RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to read as follows:

(1) If the petition filed under RCW 36.69.430 is found to contain a sufficient number of signatures, the legislative authority of each county shall set a time for a hearing on the petition for the formation of a park and recreation district as prescribed in RCW 36.69.040.

(2) At the public hearing the legislative authority ((for each authority)) for each county shall fix the boundaries for that portion of the proposed park and recreation district that lies within the county as provided in RCW 36.69.050. Each county shall notify the other county or counties of the determination of the boundaries within ten days.

(3) If the territories created by the county legislative authorities are not contiguous, a joint park and recreation district shall not be formed. If the territories are contiguous, the county containing the portion of the proposed joint district having the larger population shall determine the name of the proposed joint district.

(4) ((If the proposed district encompasses portions of two counties, the county containing the portion of the district having the larger population shall divide the territory into three subdivisions and shall name three resident electors as prescribed by RCW 36.69.060. The county containing the territory having the smaller population shall divide that territory into two subdivisions and name two resident electors.

(5) If the proposed district encompasses portions of more than two counties, the district shall be divided into five subdivisions and resident electors shall be named as follows:

The number of subdivisions and resident electors to be established by each county shall reflect the proportion of population within each county portion of the proposed district in relation to the total population of the proposed district, provided that each county shall designate one subdivision and one resident elector.

(6)) The proposition for the formation of the proposed joint park and recreation district shall be submitted to the voters of the district at the next general election, which election shall be conducted as required by RCW 36.69.070 and 36.69.080.

Sec. 48. RCW 52.14.010 and 1985 c 330 s 2 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three ((resident electors of)) registered voters residing in the district except as provided in RCW 52.14.015 and 52.14.020. Each member shall each receive fifty dollars per day or portion thereof, not to exceed four thousand eight hundred dollars per year, for attendance at board meetings and for performance of other services in behalf of the district.

In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all ((firemen)) fire fighters of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which ((said)) the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer ((fireman)) fire fighters without compensation. A commissioner actually serving as a volunteer ((fireman)) fire fighter may enjoy the rights and benefits of a volunteer ((fireman)) fire fighter. ((The first commissioners shall take office immediately when qualified in accordance with RCW 29.01.135 and shall serve until after the next general election for

the selection of commissioners and until their successors have been elected and have qualified and have assumed office in accordance with RCW 29.04.170-))

Sec. 49. RCW 52.14.013 and 1992 c 74 s 2 are each amended to read as follows:

The board of fire commissioners of a fire protection district may adopt a resolution by unanimous vote causing a ballot proposition to be submitted to voters of the district authorizing the creation of commissioner districts. The board of fire commissioners shall create commissioner districts if the ballot proposition authorizing the creation of commissioner districts is approved by a simple majority vote of the voters of the fire protection district voting on the proposition. Three commissioner districts shall be created for a fire protection district with three commissioners, and five commissioner districts shall be created for a fire protection district with five commissioners. No two commissioners may reside in the same commissioner district.

No change in the boundaries of any commissioner district shall be made within one hundred twenty days next before the date of a general district election, nor within twenty months after the commissioner districts have been established or altered. However, if a boundary change results in one commissioner district being represented by two or more commissioners, those commissioners having the shortest unexpired terms shall be assigned by the commission to commissioner districts where there is a vacancy, and the commissioners so assigned shall be deemed to be residents of the commissioner districts to which they are assigned for purposes of determining whether those positions are vacant.

The population of each commissioner district shall include approximately equal population. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW. Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire fire protection district may vote at a general election to elect a person as a commissioner of the commissioner district.

When a board of fire commissioners that has commissioner districts has been increased to five members under RCW 52.14.015, the board of fire commissioners shall divide the fire protection district into five commissioner districts before it appoints the two additional fire commissioners. The two additional fire commissioners who are appointed shall reside in separate commissioner districts in which no other fire commissioner resides.

Sec. 50. RCW 52.14.015 and 1990 c 259 s 14 are each amended to read as follows:

In the event a three member board of commissioners of any fire protection district determines by resolution (~~and approves by unanimous vote of the board~~) that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for such an increase in the number of commissioners of the district, the board shall submit a resolution to the county legislative authority or authorities of the county or counties in which the district is located requesting that an election be held. Upon receipt of the resolution, the legislative authority or authorities of the county or counties shall call a special election to be held within the fire protection district at which election the following proposition shall be submitted to the voters substantially as follows:

Shall the board of commissioners of county fire protection district no. . . . be increased from three members to five members?

Yes

No

If the fire protection district is located in more than a single county, this proposition shall indicate the name of the district.

If the proposition receives a majority approval at the election, the board of commissioners of the fire protection district shall be increased to five members. The two additional members shall be appointed in the same manner as provided in RCW 52.14.020.

Sec. 51. RCW 52.14.030 and 1984 c 230 s 31 are each amended to read as follows:

~~((The polling places for district elections shall be those of the county voting precincts which include any of the territory within the fire protection districts.—District elections))~~ The polling places for a fire protection district election may be located inside or outside the boundaries of the district ((and)), as determined by the auditor of the county in which the fire protection district is located, and the elections of the fire protection district shall not be held to be irregular or void on that account.

Sec. 52. RCW 52.14.050 and 1989 c 63 s 21 are each amended to read as follows:

~~((In the event of a vacancy occurring in the office of fire commissioner, the vacancy shall, within sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners.— If the board of commissioners fails to fill the vacancy within the sixty-day period, the county legislative authority of the county in which all, or the largest portion, of the district is located shall make the appointment.— If the number of vacancies is such that there is not a majority of the full number of commissioners in office as fixed by law, the county legislative authority of the county in which all, or the largest portion, of the district is located shall appoint someone to fill each vacancy, within thirty days of each vacancy, that is sufficient to create a majority as prescribed by law.—~~

~~An appointee shall serve ad interim until a successor has been elected and qualified at the next general election as provided in chapter 29.21 RCW.— A person who is so elected shall take office immediately after he or she is qualified and shall serve for the remainder of the unexpired term.—))~~

Vacancies on a board of fire commissioners shall occur as provided in chapter 42.12 RCW. In addition, if a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board, the office shall be declared vacant by the board of commissioners ((and the vacancy shall be filled as provided for in this section)). However, such an action shall not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting. Vacancies ((~~additionally shall occur~~)) on a board of fire commissioners shall be filled as provided in chapter 42.12 RCW.

Sec. 53. RCW 52.14.060 and 1989 c 63 s 22 are each amended to read as follows:

The initial three members of the board of fire commissioners shall be elected at the same election as when the ballot proposition is submitted to the voters authorizing the creation of the fire protection district. If the district is not authorized to be created, the election of the initial fire commissioners shall be null and void. If the district is authorized to be created, the initial fire commissioners shall take office immediately when qualified. Candidates shall file for each of the three separate fire commissioner positions. Elections shall be held as provided in chapter 29.21 RCW, with the county auditor opening up a special filing period as provided in RCW ((~~29.21.360 and 29.21.370~~)) 29.15.170 and 29.15.180, as if there were a vacancy. The ((~~candidate for each position~~)) person who receives the greatest number of votes for each position shall be elected to that position. ((~~If the election is held in an odd-numbered year, the winning candidate receiving the highest number of votes shall hold office for a term of six years, the winning candidate receiving the next highest number of votes shall hold office for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. If the election were held in an even-numbered year, the winning candidate receiving the greatest number of votes shall hold office for a term of five years, the winning candidate receiving the next highest number of votes shall hold office for a term of three years, and the winning candidate receiving the next highest number of votes shall hold office for a term of one year.~~)) The terms of office of the initial fire commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when elected and qualified and their terms of office ((~~of the initially elected fire commissioners~~)) shall be calculated from the first day of January in the year following their election.

The term of office of each subsequent commissioner shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

Sec. 54. RCW 53.12.140 and 1959 c 17 s 9 are each amended to read as follows:

A vacancy in the office of port commissioner shall occur ((~~by death, resignation, removal, conviction of a felony,~~)) as provided in chapter 42.12 RCW or by nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission((~~, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty~~)). A vacancy on a port commission shall be filled as provided in chapter 42.12 RCW.

Sec. 55. RCW 53.12.172 and 1992 c 146 s 2 are each reenacted to read as follows:

In every port district the term of office of each port commissioner shall be four years in each port district that is county-wide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in RCW 53.12.175, and until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170. The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

The terms of office of the initial port commissioners shall be staggered as follows in a port district that is county-wide with a population of one hundred thousand or more: (1) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29.04.170; and (2) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170. The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections.

Sec. 56. RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended to read as follows:

Whenever a proposition for the formation of a public utility district is to be submitted to voters in any county, the county legislative authority may by resolution call a special election, and at the request of petitioners for the formation of such district contained in the petition shall do so and shall provide for holding the same at the earliest practicable time. If the boundaries of the proposed district embrace an area less than the entire county, such election shall be confined to the area so included. The notice of such election shall state the boundaries of the proposed district and the object of such election; in other respects, such election shall be held and called in the same manner as provided by law for the holding and calling of general elections: PROVIDED, That notice thereof shall be given for not less than ten days nor more than thirty days prior to such special election. In submitting the ((said)) proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in substantially the following terms:

Public Utility District No. __. YES

Public Utility District No. __. NO

At the same special election on the proposition to form a public utility district, there shall also be an election for three public utility district commissioners(~~(:- PROVIDED, That)~~). However, the election of such commissioners shall be null and void if the proposition to form the public utility district does not receive approval by a majority of the voters voting on the proposition. (~~(Nomination for and election of public utility district commissioners shall conform with the provisions of RCW 54.12.010 as now or hereafter amended, except for the day of such election and the term of office of the original commissioners.-)~~) No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the commissioner of that district. Commissioner districts shall be established as provided in RCW 54.12.010. The terms of the initial commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an even-numbered year or a five-year term if the election is held in an odd-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an even-numbered year or a three-year term of office if the election is held in an odd-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an even-numbered year or a one-year term of office if the election is held in an odd-numbered year. The commissioners first to be elected at such special election shall (~~(hold office from the first day of the month following the commissioners' election for the terms as specified in this section which terms shall be computed from the first day in January next following the election. If such special election was held in an even-numbered year, the commissioners residing in commissioner district number one shall hold office for the term of six years, the commissioner residing in commissioner district number two shall hold office for the term of four years, and the commissioner residing in commissioner district number three shall hold office for the term of two years. If such special election was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner residing in commissioner district number two shall hold office for the term of three years, and the commissioner residing in commissioner district number three shall hold office for the term of one year)~~) assume office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day in January in the year following their elections.

The term "general election" as used herein means biennial general elections at which state and county officers in a noncharter county are elected.

Sec. 57. RCW 54.12.010 and 1990 c 59 s 109 are each amended to read as follows:

(~~(Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become)~~) A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

When the public utility district is (~~(e)extensive with the limits of such county)~~) county-wide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county (~~(e)commissioner)~~) legislative authority districts (~~(of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter)~~). When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is (~~(located in a county operating under a "Home Rule" charter)~~) county-wide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, (~~(having)~~) each with approximately equal population and (~~(boundaries,)~~) following (~~(ward and)~~) precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when (~~(they)~~) it changes the boundaries of the proposed public utility district, and one commissioner shall be elected (~~(from each of said)~~) as a commissioner of each of the public utility district commissioner districts. (~~(In all five~~

~~commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.)~~ Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((Except as otherwise provided,))~~ The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. ~~((One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.~~

~~When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.)~~

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. ~~((A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of Title 29 RCW. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of Title 29 RCW, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void.))~~

A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by ~~((death, resignation, removal, conviction of a felony,))~~ nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission ~~((, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.~~

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law). Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.

The boundaries of the public utility district ~~((commissioners'))~~ commissioner districts may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29.70 RCW, but ~~((said))~~ the boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility ~~((commissioners'))~~ commissioner districts shall be changed to include such additional territory. The proposed change of the boundaries of the public utility district ~~((commissioners'))~~ commissioner district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of ~~((said))~~ the petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 58. RCW 54.40.010 and 1977 ex.s. c 36 s 1 are each amended to read as follows:

A five commissioner public utility district is a district ~~((which shall have))~~ that either: (1) Has or had a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than two hundred and fifty million dollars, including interest during construction ~~((, and which shall have received the approval of the))~~ and voters of the district approved a ballot proposition authorizing the district to become a five commissioner district as provided ~~((herein))~~ under RCW 54.40.040; or (2) has a population of five hundred thousand or more. Once a

public utility district is a five commissioner district, it shall remain a five commissioner district. All other public utility districts shall be known as three commissioner districts.

Sec. 59. RCW 54.40.040 and 1977 ex.s. c 36 s 4 are each amended to read as follows:

A public utility district that has or had a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than two hundred fifty million dollars, including interest during construction, shall be classified as a five commissioner district ~~((only by approval of the qualified))~~ if voters of the district ~~((Such approval shall be by an election upon petition as hereinafter provided))~~ approve a ballot proposition authorizing the change. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot in substantially the following terms:

Shall Public Utility District No. . . . be reclassified a Five Commissioner District for the purpose of increasing the number of commissioners to five YES

NO

Should a majority of the voters voting on the question approve the proposition, the district shall be declared a five commissioner district upon the ~~((completion of the canvass))~~ certification of the election returns.

Sec. 60. RCW 54.40.050 and 1977 ex.s. c 36 s 5 are each amended to read as follows:

The question of reclassification of a public utility district that has or had a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than two hundred fifty million dollars, including interest during construction, as a five commissioner public utility district shall be submitted to the voters ~~((only upon filing))~~ if a petition proposing the change is filed with the county auditor of the county in which ~~((said))~~ the district is located, identifying the district by number and praying that an election be held to determine whether it shall become a five commissioner district. The petition must be signed by a number of ~~((qualified))~~ registered voters of the district equal to at least ten percent of the number of registered voters in the district who voted at the last general election ~~((In addition to the signature of the voter, the petition must indicate))~~ and include each signer's residence address ~~((and further indicate whether he is registered in a precinct in an unincorporated area or a precinct in an incorporated area and if the latter, give the name of the city or town wherein he is registered. Said)),~~

The petition shall be ~~((presented to))~~ filed with the county auditor for verification of the validity of the signatures. Within thirty days after receipt of the petition, the county auditor ~~((in conjunction with the city clerks of the incorporated areas in which any signer is registered,))~~ shall determine the sufficiency of the petition. If the petition is found insufficient, the person who filed the same shall be notified by mail and he shall have an additional fifteen days from the date of mailing such notice within which to submit additional signatures, and the county auditor shall have an additional thirty days after the submission of such additional signatures to determine the validity of the entire petition. No signature may be withdrawn after the petition has been filed.

If the petition, including these additional signatures if any, is found sufficient, the county auditor shall certify ~~((such fact))~~ its sufficiency to the public utility district and if the commissioners of the public utility district ~~((have theretofore))~~ had certified to the county auditor the eligibility of the district for reclassification as provided in this chapter, the county auditor shall submit to the voters of the district the question of whether the district shall become a five commissioner district. ~~((Such))~~ The election shall be held ~~((on a date fixed by the county auditor which date shall be held at the next general election after the date on which he certified the sufficiency of the petition. Notice of any election on the question shall be given in the manner prescribed for notice of an election on the formation of a public utility district))~~ at the next state general election occurring sixty or more days after the petition was certified as having sufficient valid signatures.

Sec. 61. RCW 54.40.060 and 1977 ex.s. c 36 s 6 are each amended to read as follows:

If the reclassification to a five commissioner district is approved by the voters, the public utility district commission within ~~((ten))~~ sixty days after the results of said election are certified shall divide the public utility district into two districts of as nearly equal population ~~((and area))~~ as possible, and shall designate ~~((such))~~ the districts as ~~((At-Large))~~ District A and ~~((At-Large))~~ District B.

The commission of a public utility district that has annual gross revenues in the previous calendar year in excess of two hundred million dollars shall divide the public utility district into two commissioner districts of as nearly equal population as possible and designate the districts as District A and District B within sixty days after the later of either: (1) The effective date of this section; or (2) the first day in January in the year after the district initially had a population of five hundred thousand or more.

Sec. 62. RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to read as follows:

Within thirty days after the public utility district commission ~~((shall))~~ divides the district into ~~((two at-large districts))~~ District A and District B, the county legislative authority shall call a special election, to be held at the next ~~((scheduled))~~ special election ~~((called pursuant to))~~ date provided for under RCW 29.13.010 ~~((or not more than ninety days after such))~~ that occurs sixty or more days after the call, at which time the initial commissioners ~~((to such at-large districts))~~ for District A and District B shall be elected ~~((;)).~~ No primary shall be held and a special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected.

The person who is elected receiving the ~~((largest))~~ greatest number of votes ~~((to serve for four years))~~ shall be elected to a four-year term of office, and the other person ~~((receiving the next largest number of votes to serve an initial term of two years))~~ who is elected shall be elected to a two-year term of office, if the election is held in an even-numbered year, or the person who is elected receiving the greatest number of votes shall be

elect to a three-year term of office, and the other person who is elected shall be elected to a one-year term of office, if the election is held in an odd-numbered year. The length of these terms of office shall be calculated from the first day in January in the year following their elections.

The newly elected commissioners shall assume office immediately after being elected and qualified and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Each successor shall be elected to a four-year term of office.

Sec. 63. RCW 56.12.015 and 1991 c 190 s 2 are each amended to read as follows:

If a three-member board of commissioners of any sewer district with ~~((any number of))~~ ten thousand or fewer customers determines by resolution that it would be in the best interest of the district to increase the number of commissioners from three to five, or if the board of a sewer district with ~~((any number of))~~ ten thousand or fewer customers is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the county auditor requesting that an election be held. Upon receipt of the resolution, the county auditor shall call a special election to be held within the sewer district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of (Name and/or No. of sewer district) be increased from three to five members?

Yes

No

If the proposition receives a majority approval at the election the board of commissioners of the sewer district shall be increased to five members. ~~((In any sewer district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to))~~ When the customers of any sewer district exceed ten thousand in number, the three-member board of commissioners of that sewer district shall by resolution increase the number of commissioners from three to five((,)). The number of commissioners shall be so increased((,)) without an election, unless within ninety days of adoption of that resolution, a petition requesting an election and signed by at least ten percent of the registered voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the county auditor, who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of sewer commissioners by this section shall be filled initially either as for a vacancy or by nomination under RCW 56.12.030, except that the appointees or newly elected commissioners shall draw lots, one appointee to serve until the next general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms.

Sec. 64. RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended to read as follows:

At the election held to form or reorganize a sewer district, ~~((there shall be elected three commissioners who shall assume office immediately when qualified in accordance with RCW 29.04.135 to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.~~

The term of each nominee shall be expressed on the ballot and shall be computed from the first day of January next following if the initial election of the sewer district commissioners was in a general district election as provided in RCW 29.13.020, or from the first day of January following the first general election for sewer districts after its creation if the initial election was on a date other than a general district election. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his or her successor is elected and qualified, at the general election held in the odd-numbered years, as provided in RCW 29.13.020, and conducted by the county auditor and the returns shall be canvassed by the county canvassing board of election returns: PROVIDED, That each such commissioner shall assume office in accordance with RCW 29.04.170)) three sewer district commissioners shall be elected. The election of sewer district commissioners shall be null and void if the ballot proposition to form or reorganize the sewer district is not approved. Candidates shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.

The newly elected sewer district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new sewer district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January in the year following the election.

Thereafter commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 65. RCW 56.12.030 and 1990 c 259 s 24 are each amended to read as follows:

~~((1) Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty registered voters or ten percent of the registered voters of the district who voted in the last general municipal election, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least forty five days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general elections laws. A vacancy or vacancies shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority. Any person residing in the district who is at the time of election a registered voter may vote at any election held in the sewer district.~~

~~(2) Subsection (1) of this section notwithstanding,) The board of commissioners of any sewer district may ((provide by majority vote that subsequent commissioners be elected from commissioner districts)) adopt a resolution providing that each subsequent commissioner be elected as a commissioner of a commissioner district within the district. If the board exercises this option, it shall divide the district into ((three)) a number of commissioner districts ((ef)) equal in number to the number of commissioners on the board, each with approximately equal population following current precinct and district boundaries as far as practicable. ((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the registered voters of the commissioner district.~~

~~(3) All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.) Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire sewer district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.~~

NEW SECTION. Sec. 66. A new section is added to chapter 56.12 RCW to read as follows:

Sewer district elections shall conform with general election laws.

Vacancies on a board of sewer commissioners shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 67. RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each amended to read as follows:

Whenever the boundaries or proposed boundaries of a water district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a sewer district) territory in more than one county, all duties delegated by Title 57 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to ((RCW 57.02.060, as now existing or hereafter amended)) general election law, actions subject to review and approval under RCW 57.02.040 and 56.02.070 shall be reviewed and approved only by the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signators reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 57.16.010 shall be limited to that part of such plans within the respective counties.

Sec. 68. RCW 57.12.015 and 1991 c 190 s 6 are each amended to read as follows:

In the event a three-member board of commissioners of any water district with ((any number of)) ten thousand or fewer customers determines by resolution that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board of a district with ((any number of)) ten thousand or fewer customers is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the county auditor requesting that an election be held. Upon receipt of the resolution, the county auditor shall call a special election to be held within the water district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of (Name and/or No. of water district) be increased from three to five members?

Yes

No

If the proposition receives a majority approval at the election the board of commissioners of the water district shall be increased to five members. ((In any water district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five,))

When the customers of any water district exceed ten thousand in number, the three-member board of commissioners of that water district shall by resolution increase the number of commissioners from three to five. The number of commissioners shall be so increased((;)) without an election, unless within ninety days of adoption of that resolution a petition requesting an election and signed by at least ten percent of the registered

voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the county auditor, who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of water commissioners by this section shall be filled initially either as for a vacancy or by nomination under RCW 57.12.039, except that the appointees or newly elected commissioners shall draw lots, one appointee to serve until the next general water district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general water district election after the appointment, at which two commissioners shall be elected for six-year terms.

Sec. 69. RCW 57.12.020 and 1990 c 259 s 30 are each amended to read as follows:

~~((Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least ten percent of the registered voters of the district who voted in the last general municipal election, filed in the auditor's office of the county in which the district is located, at least forty-five days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws.))~~

~~A vacancy ((or vacancies)) on the board shall occur and shall be filled ((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority.~~

~~Any person residing in the district who is a registered voter under the laws of the state may vote at any district election))~~ as provided in chapter 42.12 RCW.

Sec. 70. RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each amended to read as follows:

~~((The general laws of the state of Washington governing the registration of voters for a general or a special city election shall govern the registration of voters for elections held under this chapter. The manner of holding any general or special election for said)) Water district elections shall be held in accordance with the general election laws of this state. ((All elections in a water district shall be conducted under RCW 57.02.060. All expenses of elections for a water district shall be paid for out of the funds of the water district: PROVIDED, That if the voters fail to approve the formation of a water district, the expenses of the formation election shall be paid by each county in which the proposed district is located, in proportion to the number of registered voters in the proposed district residing in each county.))~~

~~Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of January following the election, and ((one commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor is)) commissioners shall serve until their successors are elected and qualified and assume((s)) office in accordance with RCW 29.04.170. ((All candidates shall be voted upon by the entire water district.))~~

~~Three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. ((The commissioner elected in commissioner position number one shall hold office for the term of six years; the commissioner elected in commissioner position number two shall hold office for the term of four years; and the commissioner elected in commissioner position number three shall hold office for the term of two years: PROVIDED, That the members of the first commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected shall also include the time intervening between the date that the results of their election are declared in the canvass of returns thereof and the first day of January following the next general district election as provided in RCW 29.13.020.))~~ The election of water district commissioners shall be null and void if the ballot proposition to form the water district is not approved. Each candidate shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.

The newly elected water district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new water district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 71. RCW 57.12.039 and 1986 c 41 s 2 are each amended to read as follows:

(1) Notwithstanding RCW 57.12.020 and 57.12.030, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district into three, or five if the number of commissioners has been increased under RCW 57.12.015, commissioner districts of approximately equal population following current

precinct and district boundaries. ~~((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the electors of the commissioner district.))~~

(2) Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire water district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

(3) In water districts in which commissioners are nominated from commissioner districts, at the inception of a five-member board of commissioners, the new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected at large at the general election. The persons elected as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29.01.135.

Sec. 72. RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each amended to read as follows:

The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county election officer of each county in which the districts are located. A special election shall be called by the county election officer ~~((under RCW 57.02.060))~~ for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 73. RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts vote in favor of the consolidation, the county canvassing board shall so declare in its canvass ~~((under RCW 57.02.060))~~ and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No.", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

NEW SECTION. Sec. 74. A new section is added to chapter 68.52 RCW to read as follows:

Cemetery district elections shall conform with general election laws.

A vacancy on a board of cemetery district commissioners shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 75. RCW 68.52.100 and 1947 c 6 s 2 are each amended to read as follows:

For the purpose of forming a cemetery district, a petition designating the boundaries of the proposed district by metes and bounds or describing the lands to be included in the proposed district by government townships, ranges and legal subdivisions, signed by not less than fifteen percent of the ~~((qualified))~~ registered ~~((electors, who are property owners or are purchasing property under contract and who are resident))~~ voters who reside within the boundaries of the proposed district, setting forth the object of the formation of such district and stating that the establishment thereof will be conducive to the public welfare and convenience, shall be filed with the county auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners agreeing to pay the cost of publishing the notice hereinafter provided for. The county auditor shall, within thirty days from the date of filing of such petition, examine the signatures and certify to the sufficiency or insufficiency thereof ~~((and for such purpose shall have access to registration books and records in possession of the registration officers of the election precincts included in whole or in part within the boundaries of the proposed district and to the tax rolls and other records in the offices of the county assessor and county treasurer. No person having))~~. The name of any person who signed a petition shall not be ~~((allowed to withdraw his name therefrom))~~ withdrawn from the petition after it has been filed with the county auditor. If the petition is found to contain a sufficient number of valid signatures ~~((of qualified persons))~~, the county auditor shall transmit it, with ~~((his))~~ a certificate of sufficiency attached, to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, which shall thereupon, by resolution entered upon its minutes, receive the same and fix a day and hour when it will publicly hear ~~((said))~~ the petition.

Sec. 76. RCW 68.52.140 and 1982 c 60 s 2 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall have full authority to hear and determine the petition, and if it finds that the formation of the district will be conducive to the public welfare and convenience, it shall by resolution so declare, otherwise it shall deny the petition. If the ~~((board))~~ county legislative authority finds in favor of the formation of the district, it shall designate the name and number of the district, fix the boundaries thereof, and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this chapter, and for the purpose of electing its first cemetery district commissioners. ~~((The board shall, prior to calling the said election, name three registered resident electors who are property owners or are purchasing property under contract within the boundaries of the district as candidates for election as cemetery district commissioners. These electors are exempt from the requirements of chapter 42.17 RCW.))~~ At

the same election three cemetery district commissioners shall be elected, but the election of the commissioners shall be null and void if the district is not created. No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall run for specific commissioner positions. The person receiving the greatest number of votes for each commissioner position shall be elected to that commissioner position. The terms of office of the initial commissioners shall be as provided in RCW 68.52.220.

Sec. 77. RCW 68.52.160 and 1947 c 6 s 8 are each amended to read as follows:

The ballot for ((said)) the election shall be in such form as may be convenient but shall present the propositions substantially as follows:

".....(insert county name)..... cemetery district No.(insert number).....

.....Yes.....

.....(insert county name)..... cemetery district No.(insert number).....

.....No....."

((and shall specify the names of the candidates nominated for election as the first cemetery district commissioners with appropriate space to vote for the same.))

Sec. 78. RCW 68.52.220 and 1990 c 259 s 33 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three ((qualified registered voters of the district)) members. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. ((The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They and all subsequently elected cemetery commissioners shall have the same qualifications as required of the first three cemetery commissioners and)) Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17 RCW. ((The candidate receiving the highest number of votes shall serve for a term of six years beginning on the first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from the date; and the candidate receiving the next higher number of votes shall serve for a term of two years from the date. Upon the expiration of their respective terms, all cemetery commissioners shall be elected for terms of six years to begin on the first day in January next succeeding the day of election and shall serve until their successors have been elected and qualified and assume office in accordance with RCW 29.04.170. Elections shall be called, noticed, conducted and canvassed and in the same manner and by the same officials as provided for general county elections.))

The initial cemetery district commissioners shall assume office immediately upon their election and qualification. Staggering of terms of office shall be accomplished as follows: (1) The person elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall assume office immediately after they are elected and qualified but their terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office as provided in RCW 29.04.170.

The polling places for a cemetery district election ((shall be those of the county voting precincts which include any of the territory within the cemetery district, and)) may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account.

Sec. 79. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

(1) The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except ((that: -(1))) as provided in this chapter.

A public hospital district shall be created when the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters of the proposed district voting on the proposition and the total vote cast upon the proposition ((to form a hospital district shall)) exceeds forty percent of the total number of votes cast in the ((precincts comprising the)) proposed district at the preceding state general ((and county)) election((; and (2) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election)).

At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected ((to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four

years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.04.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)). The election of the initial commissioners shall be null and void if the district is not authorized to be created.

No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the commissioner of that district. The terms of office of the initial public hospital district commissioners shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election. The term of office of each successor shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) Commissioner districts shall be used as follows: (a) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (b) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public hospital district may vote at a general election to elect a person as a commissioner of the commissioner district.

If the proposed public hospital district is county-wide, and the county has three county legislative authority districts, the county legislative authority districts shall be used as public hospital district commissioner districts. In all other instances the county auditor of the county in which all or the largest portion of the proposed public hospital district is located shall draw the initial three public hospital district commissioner districts, each of which shall constitute as nearly as possible one-third of the total population of the proposed public hospital district and number the districts one, two, and three. Each of the three commissioner positions shall be numbered one through three and associated with the district of the same number.

The public hospital district commissioners may redraw commissioner districts, if the public hospital district has boundaries that are not coterminous with the boundaries of a county with three county legislative authority districts, so that each district comprises as nearly as possible one-third of the total population of the public hospital district. The commissioners of a public hospital district that is not coterminous with the boundaries of a county that has three county legislative authority districts shall redraw hospital district commissioner boundaries as provided in chapter 29.70 RCW.

Sec. 80. RCW 70.44.045 and 1982 c 84 s 13 are each amended to read as follows:

A vacancy in the office of commissioner shall occur as provided in chapter 42.12 RCW or by ((death, resignation, removal, conviction of felony,)) nonattendance at meetings of the commission for sixty days, unless excused by the commission ((, by any statutory disqualification, by any permanent disability preventing the proper discharge of his duty, or by creation of positions pursuant to RCW 70.44.051, et seq)). A vacancy ((or vacancies on the board)) shall be filled ((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners as provided by RCW 70.44.040: PROVIDED, That if there is only one remaining commissioner, one vacancy shall be filled by appointment by the remaining commissioner and the remaining vacancy or vacancies shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners: PROVIDED FURTHER, That if there is a vacancy of the entire board, a new board may be appointed by the board of county commissioners or county council)) as provided in chapter 42.12 RCW.

Sec. 81. RCW 70.44.053 and 1967 c 77 s 2 are each amended to read as follows:

At any general or special election which may be called for that purpose the board of public hospital district commissioners may, or on petition of ten percent of the ((electors)) voters based on the total vote cast in the last district general election in the public hospital district shall, by resolution, submit to the voters of the district the proposition increasing the number of commissioners to ((any number authorized in RCW 70.44.054)) either five or seven members. The petition or resolution shall specify whether it is proposed to increase the number of commissioners to either five or seven members.

If the voters of the district approve the ballot proposition authorizing the increase in the number of commissioners to either five or seven members, the board of commissioners shall redistrict the public hospital district into the appropriate number of commissioner districts. The additional commissioners shall be elected from commissioner districts in which no existing commissioner resides at the next state general election occurring one hundred twenty days or more after the date of the election at which the voters of the district approved the ballot proposition authorizing the increase in the number of commissioners. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the candidate receiving the greatest number of votes for each position shall be elected. Except for the initial terms of office, persons elected to each of these additional commissioner positions shall be elected to a six-year term.

Where the number of commissioners is increased from three to five, the initial terms of the two new commissioners shall be staggered so that the person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term if the election is held in an even-numbered year, and the other person elected shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term if the election is held in an even-numbered year. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

Where the number of commissioners is increased from three or five to seven, the county auditor of the county in which all or the largest portion of the hospital district is located shall cause the initial terms of office of the additional commissioners to be staggered over the next three district general elections so that two commissioners would normally be elected at the first district general election following the election where the additional commissioners are elected, two commissioners are normally elected at the second district general election after the election of the additional commissioners, and three commissioners are normally elected at the third district general election following the election of the additional commissioners. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

NEW SECTION. Sec. 82. The following acts or parts of acts are each repealed:

- (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- (7) RCW 35A.02.001 and 1989 c 84 s 35;
- (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s 35A.02.110;
- (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
- (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
- (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
- (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
- (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
- (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
- (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
- (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s 35A.29.105;
- (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
- (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
- (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s 35A.29.150;
- (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s 36.54.080;
- (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;
- (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;
- (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;
- (31) RCW 44.70.010 and 1987 c 298 s 7;
- (32) RCW 53.12.047 and 1992 c 146 s 6;
- (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1, 1959 c 175 s 8, & 1959 c 17 s 8;
- (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;

- (35) RCW 68.52.240 and 1947 c 6 s 16;
- (36) RCW 70.44.051 and 1967 c 77 s 1;
- (37) RCW 70.44.055 and 1967 c 77 s 3; and
- (38) RCW 70.44.057 and 1967 c 77 s 4.

Sec. 83. 1992 c 146 s 14 (uncodified) is amended to read as follows:

The following acts or parts of acts are each repealed:

- (1) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;
- (2) RCW 53.12.035 and 1991 c 363 s 130, 1990 c 59 s 108, 1965 c 51 s 3, & 1959 c 175 s 9;
- (3) RCW 53.12.050 and 1959 c 17 s 5;
- (4) RCW 53.12.057 and 1965 c 51 s 6;
- (5) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204 s 1, & 1913 c 62 s 3;
- (6) ~~((RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;~~
- ~~(7))~~ RCW 53.12.180 and 1935 c 133 s 8;
- ~~((8))~~ (7) RCW 53.12.190 and 1935 c 133 s 10;
- ~~((9))~~ (8) RCW 53.12.200 and 1935 c 133 s 9;
- ~~((10))~~ (9) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s 2, & 1925 ex.s. c 113 s 2; and
- ~~((11))~~ (10) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2.

NEW SECTION. Sec. 84. (1) Section 2 of this act shall take effect January 1, 1995.

(2) Section 20 of this act shall take effect July 1, 1994."

Senator Haugen moved that the following amendments by Senators Haugen, Winsley and McCaslin to the Committee on Government Operations striking amendment be considered simultaneously and be adopted:

On page 42, beginning on line 13 of the amendment, strike all of section 55

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 70, after line 27 of the amendment, insert the following:

"Sec. 82. RCW 53.12.010 and 1992 c 146 s 1 are each amended to read as follows:

(1) The powers of the port district shall be exercised through a port commission consisting of three or, when permitted by this title, five members. Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into ~~((three)) the same number of~~ commissioner districts as there are commissioner positions, each having approximately equal population, unless provided otherwise under subsection (2) of this section. Where a port district with three commissioner positions is coextensive with the boundaries of a county that has a population of less than five hundred thousand and the county has three county legislative authority districts, the port ~~((district))~~ commissioner districts shall be the county legislative authority districts. In other instances where a port district is divided into commissioner districts, the ~~((petition proposing the formation of such a)) port commission shall divide the~~ port district ~~((shall describe three))~~ into commissioner districts ~~((each having approximately the same population and))~~ unless the commissioner districts have been described pursuant to section 84 of this act. The commissioner districts shall be altered as provided in chapter 53.16 RCW.

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only the voters of a commissioner district may vote at a primary ~~((election))~~ to nominate candidates for a commissioner of the commissioner district. Voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((In port districts having additional commissioners as authorized by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.))~~

(2) In port districts with five commissioners, two of the commissioner districts may include the entire port district if approved by the voters of the district either at the time of formation or at a subsequent port district election at which the issue is proposed pursuant to a resolution adopted by the board of commissioners and delivered to the county auditor.

NEW SECTION. Sec. 83. A new section is added to chapter 53.12 RCW to read as follows:

Any less than county-wide port district that uses commissioner districts may cease using commissioner districts as provided in this section.

A ballot proposition authorizing the elimination of commissioner districts shall be submitted to the voters of a less than county-wide port district that is divided into commissioner districts if (1) a petition is submitted to the port commission proposing that the port district cease using commissioner districts, that is signed by registered voters of the port district equal in number to at least ten percent of the number of voters who voted at the last district general election; or (2) the port commissioners adopt a resolution proposing that the port district cease using commissioner districts. The port commission shall transfer the petition or resolution immediately to the county auditor who shall, when a petition is submitted, review the signatures and certify its sufficiency. A ballot proposition authorizing the elimination of commissioner districts shall be submitted at the next district general election occurring sixty or more days after a petition with sufficient signatures was submitted. If the ballot proposition authorizing the port

district to cease using commissioner districts is approved by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections.

NEW SECTION. Sec. 84. A new section is added to chapter 53.04 RCW to read as follows:

Three commissioner districts, each with approximately the same population, shall be described in the petition proposing the creation of a port district under RCW 53.04.020, if the process to create the port district was initiated by voter petition, or shall be described by the county legislative authority, if the process to initiate the creation of the port district was by action of the county legislative authority. However, commissioner districts shall not be described if the commissioner districts of the proposed port district shall be the same as the county legislative authority districts.

The initial port commissioners shall be elected as provided in RCW 53.12.172.

Sec. 85. RCW 53.04.023 and 1993 c 70 s 1 are each amended to read as follows:

A less than county-wide port district with an assessed valuation of at least seventy-five million dollars may be created in a county that already has a less than county-wide port district located within its boundaries. Except as provided in this section, such a port district shall be created in accordance with the procedure to create a county-wide port district.

The effort to create such a port district is initiated by the filing of a petition with the county auditor calling for the creation of such a port district, describing the boundaries of the proposed port district, designating either three or five commissioner positions, describing commissioner districts if the petitioners propose that the commissioners represent districts, and providing a name for the proposed port district. The petition must be signed by voters residing within the proposed port district equal in number to at least ten percent of such voters who voted at the last county general election.

A public hearing on creation of the proposed port district shall be held by the county legislative authority if the county auditor certifies that the petition contained sufficient valid signatures. Notice of the public hearing must be published in the county's official newspaper at least ten days prior to the date of the public hearing. After taking testimony, the county legislative authority may make changes in the boundaries of the proposed port district if it finds that such changes are in the public interest and shall determine if the creation of the port district is in the public interest. No area may be added to the boundaries unless a subsequent public hearing is held on the proposed port district.

The county legislative authority shall submit a ballot proposition authorizing the creation of the proposed port district to the voters of the proposed port district, at any special election date provided in RCW 29.13.020, if it finds the creation of the port district to be in the public interest.

The port district shall be created if a majority of the voters voting on the ballot proposition favor the creation of the port district. The initial port commissioners shall be elected at the same election, from districts or at large, as provided in the petition initiating the creation of the port district. The election shall be otherwise conducted as provided in RCW 53.12.172, but the election of commissioners shall be null and void if the port district is not created. ~~((Commissioner districts shall not be used in the initial election of the port commissioners.))~~

This section shall expire July 1, 1997.

Sec. 86. RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and amended to read as follows:

(1) In every port district the term of office of each port commissioner shall be four years in each port district that is county-wide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in RCW 53.12.175, and until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

(3) The terms of office of the initial port commissioners shall be staggered as follows in a port district that is county-wide with a population of one hundred thousand or more: ~~((1))~~ (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29.04.170; and ~~((2))~~ (b) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(4) The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(5) The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections.

Sec. 87. RCW 53.12.115 and 1992 c 146 s 7 are each amended to read as follows:

A ballot proposition shall be submitted to the voters of any port district authorizing an increase in the number of port commissioners to five whenever the port commission adopts a resolution proposing the increase in number of port commissioners or a petition ((requesting)) proposing such an increase has been submitted to the county auditor of the county in which the port district is located that has been signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election. The ballot proposition shall be submitted at the next general or special election occurring sixty or more days after the petition was submitted or resolution was adopted.

At the next general or special election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130, and the voters may be asked to approve the nomination of commissioners from district-wide commissioner districts as permitted in RCW 53.12.010(2).

Sec. 88. RCW 53.12.120 and 1992 c 146 s 8 are each amended to read as follows:

When the population of a port district that has three commissioners reaches five hundred thousand, in accordance with the latest United States regular or special census or with the official state population estimate, there shall be submitted to the voters of the district, at the next district general election or at a special port election called for that purpose, the proposition of increasing the number of commissioners to five. ~~((At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is approved by the voters, the commission in that port district shall consist of five commissioners.))~~

At the next district general election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 89. RCW 53.12.130 and 1992 c 146 s 9 are each amended to read as follows:

Two additional port commissioners shall be elected at the next district general election following the election at which voters authorized the increase in port commissioners to five members. ~~((The two additional positions shall be numbered positions four and five.))~~

The port commissioners shall divide the port district into five commissioner districts prior to the first day of June in the year in which the two additional commissioners shall be elected, unless the voters approved the nomination of the two additional commissioners from district-wide commissioner districts as permitted in RCW 53.12.010(2). The new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected from commissioner districts four and five at the general election. The persons ((receiving the highest number of votes for each position shall be elected to that position and)) elected as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29.01.135.

In a port district where commissioners are elected to four-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a four-year term of office and the other additional commissioner thus elected shall be elected to a term of office of two years, if the election ~~((were))~~ is held in an odd-numbered year, or the additional commissioner thus elected receiving the highest number of votes shall be elected to a term of office of three years and the other shall be elected to a term of office of one year, if the election ~~((were))~~ is held in an even-numbered year. In a port district where the commissioners are elected to six-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a six-year term of office and the other additional commissioner shall be elected to a four-year term of office, if the election is held in an odd-numbered year, or the additional commissioner receiving the highest number of votes shall be elected to a term of office of five-years and the other shall be elected to a three-year term of office, if the election is held in an even-numbered year. The length of terms of office shall be computed from the first day of January in the year following this election.

~~((A successor to a commissioner holding position four or five whose term is about to expire, shall be elected at the general election next preceding such expiration, for a))~~ Successor commissioners from districts four and five shall be elected to terms of either six or four years, depending on the length of terms of office to which commissioners of that port district are elected. ~~((Positions four and five shall not be associated with a commissioner district and the elections to both nominate candidates for those positions and elect commissioners for these positions shall be held on a port district-wide basis.))~~

Sec. 90. RCW 53.12.175 and 1992 c 146 s 3 are each amended to read as follows:

A ballot proposition to reduce the terms of office of port commissioners from six years to four years shall be submitted to the voters of any port district that otherwise would have commissioners with six-year terms of office upon either resolution of the port commissioners or petition of voters of the port district proposing the reduction in terms of office, which petition has been signed by voters of the port district equal in number to at least ten percent of the number of voters in the port district voting at the last ~~((district))~~ general election. The petition shall be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition shall be submitted at the next ~~((district))~~ general or special election that occurs sixty or more days after the adoption of the resolution or submission of the petition.

If the ballot proposition reducing the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner or commissioners who are elected at that election shall be elected to four-year terms of office. The terms of office of the other commissioners shall not be reduced, but each successor shall be elected to a four-year term of office.

Sec. 91. RCW 53.16.015 and 1992 c 146 s 10 are each amended to read as follows:

~~((In a port district that is not coterminous with a county that has three county legislative authority districts and that has port commissioner districts.))~~ The port commission of a port district that uses commissioner districts may redraw the commissioner district boundaries as provided in chapter 29.70 RCW at any time and submit the redrawn boundaries to the county auditor if the port district is not coterminous with a county that has the same number of county legislative authority districts as the port has port commissioners. The new commissioner districts shall be used at the next election at which a port commissioner is regularly elected that occurs at least one hundred eighty days after the redrawn boundaries have been submitted. Each commissioner district shall encompass as nearly as possible ~~((one-third of the population of the port district))~~ the same population."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Haugen, Winsley and McCaslin on page 42, beginning on line 13, and page 70, after line 27, to the Committee on Government Operations striking amendment to Substitute House Bill No. 2278.

The motion by Senator Haugen carried and the amendments to the Committee on Government Operations striking amendment were adopted.

MOTIONS

On motion of Senator Haugen, the following amendments by Senators Haugen, Quigley, Loveland, Winsley, Adam Smith and Vognild to the Committee on Government Operations striking amendment were considered simultaneously and were adopted:

On page 49, beginning on line 3 of the amendment, strike all of section 58 and insert the following:

"**Sec. 58.** RCW 54.40.010 and 1977 ex.s. c 36 s 1 are each amended to read as follows:

A five commissioner public utility district is a district ~~((which shall have))~~ that (1) either: (a) Has or had a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than two hundred and fifty million dollars, including interest during construction~~((, and which shall have received the approval of the));~~ or (b) has a population of five hundred thousand or more; and (2) voters of the district approved a ballot proposition authorizing the district to become a five commissioner district as provided ~~((herein))~~ under RCW 54.40.040. All other public utility districts shall be known as three commissioner districts."

On page 49, line 22 of the amendment, after "construction" insert ", or has a population of five hundred thousand or more"

On page 50, line 8 of the amendment, after "construction" insert ", or has a population of five hundred thousand or more"

On page 51, beginning on line 20 of the amendment, strike everything from "The commission" through "more." on line 27

On page 52, at the beginning of line 23 of the amendment, strike "~~((any number of))~~ ten thousand or fewer" and insert "any number of"

On page 52, line 26 of the amendment, after "district with" strike "~~((any number of))~~ ten thousand or fewer" and insert "any number of"

On page 53, beginning on line 7 of the amendment, after "members." strike all material through "resolution" on line 12 and insert "In any sewer district with more than ten thousand customers, if a three-member board of commissioners determines by resolution ~~((and approves by unanimous vote of the board))~~ that it would be in the best interest of the district to"

On page 53, line 13 of the amendment, after "five" strike "~~((;))~~ The" and insert ", the"

On page 57, line 2 of the amendment, after "with" strike "~~((any number of))~~ ten thousand or fewer" and insert "any number of"

On page 57, beginning on line 5 of the amendment, after "with" strike "~~((any number of))~~ ten thousand or fewer" and insert "any number of"

On page 57, beginning on line 21 of the amendment, after "members." strike all material through "five. The" on line 29 and insert "In any water district with more than ten thousand customers, if a three-member board of commissioners determines by resolution ~~((and approves by unanimous vote of the board))~~ that it would be in the best interest of the district to increase the number of commissioners from three to five, the"

On motion of Senator Haugen, the following amendment by Senators Haugen, McCaslin and Winsley to the Committee on Government Operations striking amendment was adopted:

On page 70, after line 27 of the amendment, insert the following:

"**Sec. 82.** RCW 29.45.050 and 1973 c 102 s 2 are each amended to read as follows:

There shall be but one set of election officers at any one time in each precinct except as provided in this section.

In every precinct using paper ballots having two hundred or more registered voters there shall be appointed, and in every precinct having less than two hundred registered voters there may be appointed, at a state primary or state general election, two or more sets of precinct election officers as provided in RCW 29.04.020 and 29.45.010. The officer in charge of the election may appoint one or more counting boards at his discretion, when he decides that because of a long or complicated ballot or because of the number of expected voters, there is need of additional counting board or boards to improve the speed and accuracy of the count.

In making such appointments, one or more sets of precinct election officers shall be designated as the counting board or boards, the first of which shall consist of an inspector, two judges, and a clerk and the second set, if activated, shall consist of two judges and two clerks. The duties of the counting board or boards shall be the count of ballots cast and the return of the election records and supplies to the officer having jurisdiction of the election.

One set of precinct election officers shall be designated as the receiving board which shall have all other powers and duties imposed by law for such elections. Nothing in this section prevents the county auditor from appointing relief or replacement precinct election officers at any time during election day. Relief or replacement precinct election officers must be of the same political party as the officer they are relieving or replacing."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Substitute House Bill No. 2278.

The motion by Senator Haugen carried and the Committee on Government Operations striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.120, 29.15.200, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240, 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100, 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060, 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440, 52.14.010, 52.14.013, 52.14.015, 52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.010, 54.40.040, 54.40.050, 54.40.060, 54.40.070, 56.12.015, 56.12.020, 56.12.030, 57.02.050, 57.12.015, 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045, and 70.44.053; amending 1992 c 146 s 14 (uncodified); reenacting RCW 53.12.172; adding a new section to chapter 42.12 RCW; adding a new section to chapter 29.15 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35A.29 RCW; adding a new section to chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; repealing RCW 35.23.070, 35.24.070, 35.27.110, 35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057; and providing effective dates."

On page 72, line 36 of the title amendment, after "70.44.045," strike "and 70.44.053" and insert "70.44.053, and 29.45.050"

On page 72, line 36 of the title amendment, after "70.44.045," strike "and 70.44.053" and insert "70.44.053, 53.12.010, 53.04.023, 53.12.115, 53.12.120, 53.12.130, 53.12.175, and 53.16.015;"

On page 73, line 1 of the title amendment, after "reenacting" insert "and amending"

On page 73, line 5 of the title amendment, after "65.82 RCW;" insert "adding a new section to chapter 53.12 RCW; adding a new section to chapter 53.04 RCW;"

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2278, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2278, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2278, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Nelson - 1.

SUBSTITUTE HOUSE BILL NO. 2278, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2479 and the pending amendment by Senator Prince on page 6, after line 4, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute House Bill No. 2479 is a measure which clarifies language and corrects references in various tax statutes.

"The amendment proposed by Senator Prince would require development of a resale certificate for landlord-tenant relationships within the agricultural industry.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Prince on page 6, after line 4, to Substitute House Bill No. 2479 was ruled out of order.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Loveland, Senator Vognild was excused.

On motion of Senator Oke, Senators Moyer and Winsley were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2479.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2479 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 44.

Absent: Senators Amondson and Gaspard - 2.

Excused: Senators Moyer, Vognild and Winsley - 3.

SUBSTITUTE HOUSE BILL NO. 2479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 2320 and the pending amendment by Senators Owen, Oke and Sheldon on page 2, after line 8, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that House Bill No. 2320 is a measure which permits the Department of Ecology to delegate to local units of government review and approval authority relative to sewerage systems or disposal plants, under certain conditions.

"The amendment proposed by Senators Owen, Oke and Sheldon would, among other things, permit local health boards to vary from Department of Health standards on design and installation of some sewerage systems and allow counties, under certain circumstances, to issue permits for on site sanitary systems which vary from state standards without obtaining a waiver from the Department of Health.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Owen, Oke and Sheldon on page 2, after line 8, to House Bill No. 2320 was ruled out of order.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 2, after line 8, insert the following:

"NEW SECTION. Sec. 2. The state board of health shall conduct a comparative study of the effectiveness and cost of on-site sewage systems, including standard septic systems and all alternative systems including aerobic systems and aerobic systems with biomembranes. A report of the findings of the study and any related recommended statutory changes shall be made to the legislature by December 31, 1994. All existing administrative rules and guidelines relating to on-site sewage systems should be modified to accurately reflect the findings of the study, especially with regard to alternative systems.

The study shall consider at least the following: (1) The effectiveness of the treatment systems as measured by the five-day biochemical oxygen demand, the total suspended solids, and the coliform level found in effluent; (2) the historical performance record for each system; (3) the relative cost of each system; and (4) the maintenance needs and overall useful life span of the system.

NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW to read as follows:

(1) New installations of on-site sewage systems within two hundred feet of any body of water, whether marine or fresh, shall be capable of delivering effluent with a thirty-day average that does not exceed: A five-day biochemical oxygen demand of fifteen milligrams per liter; total suspended solids of eleven milligrams per liter; and a coliform level of two hundred parts per one hundred milliliters.

(2) New installations of on-site sewage systems within fifty feet of any body of water, whether marine or fresh, shall be capable of delivering effluent with a thirty-day average that does not exceed: A five-day biochemical oxygen demand of five milligrams per liter; total suspended solids of five milligrams per liter; and a coliform level of one hundred parts per one hundred milliliters."

MOTION

On motion of Senator Erwin, and there being no objection, Section 2 and Section 3 will be considered as separate amendments.

MOTION

Senator Erwin moved that Section 2 be adopted.

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe that both Section 2 and Section 3 exceed the scope and object of the bill."

REPLY BY THE PRESIDENT

President Pritchard: "Well, we haven't gotten to Section 3, but on Section 2, you raise scope and object? Do you want to discuss it?"

Senator Fraser: "Very briefly, Mr. President, Section 2 exceeds the scope and object. Again, because it addresses a department not currently addressed in the bill. The bill deals with the Department of Ecology; this deals with the State Board of Health. The amendment deals with a study; the bill deals with delegation of existing state authority."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. The President has ruled, in times past, where someone is going to raise scope and object on a series of amendments that the President will rule simultaneously in all the points of order. In response to the inquiry by Senator Fraser, the President raised some question in my mind, at least, about that policy,

insofar as she intended to raise scope and object on both of the amendments, as divided by Senator Erwin. If possible, Mr. President, would it be possible to rule on both of the matters, in order that we move expeditiously?"

REPLY BY THE PRESIDENT

President Pritchard: "Well, by allowing him to divide it, I believe the Chair--we have it so that we don't have Section 3 before us and, obviously, we will be looking at it within the total point. I don't think we can rule on it before it comes before us and technically, it is not before us. If you want, Senator Talmadge, if you would like permission of the body, we can set Section 2 down and take up Section 3 and then have a chance to rule on both of them."

Senator Talmadge: "It would be most appropriate."

President Pritchard: "All right, we can do that."

There being no objection, the President deferred further consideration of the amendment, Section 2, by Senator Erwin.

MOTION

Senator Erwin moved that Section 3 be adopted.

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I feel this amendment exceeds the scope and object of the bill. Again, the bill deals with the Department of Ecology. This amendment deals with the Department of Health. The bill deals with delegation of authority; this bill deals with new regulatory standards for septic tanks. It also broadens the bill by dealing with all septic tanks in the state, plus alternatives to them. I believe it exceeds the scope and object."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that House Bill No. 2320 is a measure which permits the Department of Ecology to delegate to local units of government review and approval authority relative to sewerage systems or disposal plants, under certain conditions.

"The amendment, Section 2, proposed by Senator Erwin orders the State Board of Health to conduct a comparative study of on site sewage systems and the amendment, Section 3, establishes new standards for new installations of on site sewage systems.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senator Erwin on page 2, after line 8--Sections 2 and 3--to House Bill No. 2320 were ruled out of order.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Moyer, Senator West was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2320.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2320 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 1; Excused, 1.

Voting yea: Senators Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Hochstatter, Morton, Oke, Prince, Sellar and Smith, L. - 13.

Absent: Senator Owen - 1.

Excused: Senator West - 1.

HOUSE BILL NO. 2320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2433, deferred earlier today after an amendment by Senators Williams, Sutherland, Gaspard, Rinehart and McDonald on page 3, after line 16, to the Committee on Ways and Means striking amendment was adopted.

MOTION

Senator Linda Smith moved that the following amendments to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 1, after line 14, strike all materials through and including "classrooms." on line 26 and insert the following:

"It is the intent of the legislature to encourage members of the private sector to establish a mechanism to produce unedited televised coverage of state government deliberations and other public policy events of state-wide significance. It is assumed that private contributions will be raised to cover all costs associated with such coverage, including annual operating costs, equipment costs, and the cost of programming activities such as curriculum development for use in classrooms. Funding provided by the state is intended to cover "start-up costs" to encourage private sector interest and involvement in the production of televised coverage of state government. The provision of such funding by the state is intended to increase citizen access to government, and is a public purpose for which public funds may be expended."

On page 1, beginning on line 33, strike all materials after "purposes of" through and including "a single year." on page 2, line 15 and insert the following:

"encouraging private sector interest and involvement in the production of televised coverage of state government. The contracted bank shall disburse funds to the nonprofit organization, determined to be qualified by the office of financial management, on a quarterly basis to cover expenses incurred by the nonprofit organization in soliciting private sector interest, involvement and financial contributions and for no other purpose."

On page 3, line 16, after "sum of" strike "six million six" and insert "two"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Linda Smith on page 1, after line 14, and beginning on line 33, and on page 3, line 16, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 2433.

The motion by Linda Smith failed and the amendments to the Committee on Ways and Means striking amendment were not adopted on a rising vote.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 2, after line 15, strike all materials through and including "revenue code." on line 20 and insert the following:

"(2) A qualified nonprofit organization is a nonprofit corporation (a) formed solely for the purpose of providing unedited televised coverage of state government deliberations and other events of state-wide significance, (b) which has received a determination of a tax-exempt status under section 501(c)(3) of the federal internal revenue code, and (c) which has as its chief executive officer a person with a minimum of four years professional experience in the field of television production."

Debate ensued.

Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 2, after line 15, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 2433.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McCaslin, Morton, Moyer, Nelson, Newhouse, Oke, Roach, Schow, Sellar, Skratek and Smith, L. - 17.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 32.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 2, after line 38, insert the following:

"(6) No portion of any funds disbursed pursuant to this section may be used, directly or indirectly, for any of the following purposes:

(a) Attempting to influence: (i) The passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town or other political subdivision of the state of Washington, or by the congress; or (ii) the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(b) Making contributions reportable under chapter 42.17 RCW;

(c) Providing any: (i) Gift; (ii) honoraria; or (iii) travel, lodging, meals or entertainment to a public officer or employee; or

(d) Providing to any employee, officer or agent of the qualified nonprofit corporation salaries, benefits or compensation which, when combined, would exceed fifty thousand dollars in a single year."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 2, after line 38, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 2433.

The motion by Senator Linda Smith carried and the amendment to the Committee on Ways and Means striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2433.

The motion by Senator Rinehart carried and the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2433 was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "adding new sections to chapter 43.08 RCW; creating a new section; making an appropriation; and declaring an emergency."

On page 3, line 29 of the title amendment, strike "making an appropriation;"

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2433, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Snyder: "Senator Rinehart, we struck the six million out on the floor. Is it your intention that that be included in the operating budget that we passed?"

Senator Rinehart: "Senator Snyder, as you know, the budget, at some point, will go into conference. It is my intent to argue for funding for this proposal at some reasonable level in the budget."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2433, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2433, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Ludwig, McAuliffe, McDonald, Moore, Moyer, Niemi, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Schow, Skratek, Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 29.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Franklin, Hochstatter, Loveland, McCaslin, Morton, Nelson, Newhouse, Oke, Owen, Quigley, Roach, Sellar, Sheldon, Smith, A., Snyder and Wojahn - 20.

SUBSTITUTE HOUSE BILL NO. 2433, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Reams, Anderson, Patterson, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, G. Cole, Moak, Valle, H. Myers, Kremen, Silver, Kessler, Conway, Cothorn, Morris, Rayburn and J. Kohl) (by request of Governor Lowry)

Restructuring boards, committees, commissions, and councils.

The bill was read the second time.

MOTION

Senator Haugen moved that the following committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"CHIROPRACTIC

NEW SECTION. **Sec. 101.** A new section is added to chapter 18.25 RCW to read as follows:

This chapter is enacted:

(1) In the exercise of the police power of the state and to provide an adequate public agency to act as a disciplinary body for the members of the chiropractic profession licensed to practice chiropractic in this state;

(2) Because the health and well-being of the people of this state are of paramount importance;

(3) Because the conduct of members of the chiropractic profession licensed to practice chiropractic in this state plays a vital role in preserving the health and well-being of the people of the state; and

(4) Because practicing other healing arts while licensed to practice chiropractic and while holding one's self out to the public as a chiropractor affects the health and welfare of the people of the state.

It is the purpose of the commission established under section 104 of this act to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state.

Sec. 102. RCW 18.25.005 and 1992 c 241 s 2 are each amended to read as follows:

(1) Chiropractic is the practice of health care that deals with the diagnosis or analysis and care or treatment of the vertebral subluxation complex and its effects, articular dysfunction, and musculoskeletal disorders, all for the restoration and maintenance of health and recognizing the recuperative powers of the body.

(2) Chiropractic treatment or care includes the use of procedures involving spinal adjustments, and extremity manipulation insofar as any such procedure is complementary or preparatory to a chiropractic spinal adjustment. Chiropractic treatment also includes the use of heat, cold, water, exercise, massage, trigger point therapy, dietary advice and recommendation of nutritional supplementation except for medicines of herbal, animal, or botanical origin, the normal regimen and rehabilitation of the patient, first aid, and counseling on hygiene, sanitation, and preventive measures. Chiropractic care also includes such physiological therapeutic procedures as traction and light, but does not include procedures involving the application of sound, diathermy, or electricity.

(3) As part of a chiropractic differential diagnosis, a chiropractor shall perform a physical examination, which may include diagnostic x-rays, to determine the appropriateness of chiropractic care or the need for referral to other health care providers. The chiropractic ((disciplinary board)) quality assurance commission shall provide by rule for the type and use of diagnostic and analytical devices and procedures consistent with this chapter.

(4) Chiropractic care shall not include the prescription or dispensing of any medicine or drug, the practice of obstetrics or surgery, the use of x-rays or any other form of radiation for therapeutic purposes, colonic irrigation, or any form of venipuncture.

(5) Nothing in this chapter prohibits or restricts any other practitioner of a "health profession" defined in RCW 18.120.020(4) from performing any functions or procedures the practitioner is licensed or permitted to perform, and the term "chiropractic" as defined in this chapter shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine.

Sec. 103. RCW 18.25.006 and 1992 c 241 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of the department of health or the secretary's designee.

(3) "Chiropractor" means an individual licensed under this chapter.

(4) (~~"Board" means the Washington state board of chiropractic examiners.-~~) "Commission" means the Washington state chiropractic quality assurance commission.

(5) "Vertebral subluxation complex" means a functional defect or alteration of the biomechanical and physiological dynamics in a joint that may cause neuronal disturbances, with or without displacement detectable by x-ray. The effects of the vertebral subluxation complex may include, but are not limited to, any of the following: Fixation, hypomobility, hypermobility, periarticular muscle spasm, edema, or inflammation.

(6) "Articular dysfunction" means an alteration of the biomechanical and physiological dynamics of a joint of the axial or appendicular skeleton.

(7) "Musculoskeletal disorders" means abnormalities of the muscles, bones, and connective tissue.

(8) "Chiropractic differential diagnosis" means a diagnosis to determine the existence of a vertebral subluxation complex, articular dysfunction, or musculoskeletal disorder, and the appropriateness of chiropractic care or the need for referral to other health care providers.

(9) "Chiropractic adjustment" means chiropractic care of a vertebral subluxation complex, articular dysfunction, or musculoskeletal disorder. Such care includes manual or mechanical adjustment of any vertebral articulation and contiguous articulations beyond the normal passive physiological range of motion.

(10) "Extremity manipulation" means a corrective thrust or maneuver applied to a joint of the appendicular skeleton. The use of extremity manipulation shall be complementary and preparatory to a chiropractic spinal adjustment to support correction of a vertebral subluxation complex and is considered a part of a spinal adjustment and shall not be billed separately from or in addition to a spinal adjustment.

NEW SECTION. **Sec. 104.** A new section is added to chapter 18.25 RCW to read as follows:

COMMISSION ESTABLISHED--MEMBERS APPOINTED BY THE GOVERNOR. The Washington state chiropractic quality assurance commission is established, consisting of fourteen members appointed by the governor to four-year terms, and including eleven practicing chiropractors and three public members. No member may serve more than two consecutive full terms. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint members of the previous boards and committees regulating this profession to the commission. Members of the commission hold office until their successors are appointed. The governor may appoint the members of the initial commissions to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. The governor may consider persons who are recommended for appointment by chiropractic associations of this state.

NEW SECTION. **Sec. 105.** A new section is added to chapter 18.25 RCW to read as follows:

COMMISSION--REMOVAL OF MEMBERS--VACANCIES. The governor may remove a member of the commission for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that a member of the commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the order of removal and statement of causes by certified mail to the last known post office address of the member. If a vacancy occurs on the commission, the governor shall appoint a replacement to fill the remainder of the unexpired term.

NEW SECTION. **Sec. 106.** A new section is added to chapter 18.25 RCW to read as follows:

COMMISSION--QUALIFICATIONS OF MEMBERS. Members must be citizens of the United States and residents of this state. Members must be licensed chiropractors for a period of five years before appointment. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

NEW SECTION. **Sec. 107.** A new section is added to chapter 18.25 RCW to read as follows:

COMMISSION--DUTIES AND POWERS. The commission shall elect officers each year. Meetings of the commission are open to the public, except that the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

Each member of the commission shall be compensated in accordance with RCW 43.03.240. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice chiropractic.

The commission may adopt such rules as are consistent with this chapter as may be deemed necessary and proper to carry out the purposes of this chapter.

Sec. 108. RCW 18.25.019 and 1987 c 150 s 12 are each amended to read as follows:

The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed practice ~~((and))~~ the issuance and denial of licenses, and the discipline of licensees under this chapter.

Sec. 109. RCW 18.25.020 and 1991 c 3 s 38 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him or her to do so, shall make application therefor to the secretary, upon such form and in such manner as may be adopted and directed by the secretary. Each applicant who matriculates to a chiropractic college after January 1, 1975, shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the ~~((board of chiropractic examiners))~~ commission and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his or her own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his or her educational advantages, his or her experience in matters pertaining to a knowledge of the care of the sick, how long he or she has studied chiropractic, under what teachers, what collateral branches, if any, he or she has studied, the length of time he or she has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the secretary by each applicant for a license, a fee determined by the secretary as provided in RCW 43.70.250 which shall accompany application and a fee determined by the secretary as provided in RCW 43.70.250, which shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Sec. 110. RCW 18.25.025 and 1980 c 51 s 3 are each amended to read as follows:

The ~~((board))~~ commission shall have authority to grant accreditation to chiropractic schools and colleges.

The ~~((board))~~ commission shall have authority to adopt educational standards which may include standards of any accreditation agency recognized by the office of education of the department of health and human services or its successor agency, or any portion of such standards, as the ~~((board's))~~ commission's standards: PROVIDED, That such standards, so adopted, shall contain, as a minimum of on-campus instruction in chiropractic, the following: Principles of chiropractic, two hundred hours; adjustive technique, four hundred hours; spinal roentgenology, one hundred seventy-five hours; symptomatology and diagnosis, four hundred twenty-five hours; clinic, six hundred twenty-five hours: PROVIDED FURTHER, That such standards shall not mandate, as a requirement for either graduation or accreditation, or include in the computation of hours of chiropractic instruction required by this section, instruction in the following: Mechanotherapy, physiotherapy, acupuncture, acupressure, or any other therapy.

The ~~((board))~~ commission shall approve and accredit chiropractic colleges and schools which apply for ~~((board))~~ commission accreditation and approval and which meet to the ~~((board's))~~ commission's satisfaction the educational standards adopted by the ~~((board))~~ commission. It shall be the responsibility of the college to apply for accreditation and approval, and of a student to ascertain whether a college or school has been accredited or approved by the ~~((board))~~ commission.

The ~~((board))~~ commission shall have authority to engage assistants in the giving of examinations called for under this chapter.

Sec. 111. RCW 18.25.030 and 1989 c 258 s 4 are each amended to read as follows:

Examinations for license to practice chiropractic shall be made by the ~~((board of chiropractic examiners))~~ commission according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by a number instead of his or her name, so that the identity shall not be discovered or disclosed to the members of the ~~((examining committee))~~ commission until after the examination papers are graded.

All examinations shall be in whole or in part in writing, the subject of which shall be as follows: Anatomy, physiology, spinal anatomy, microbiology-public health, general diagnosis, neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and adjusting, as taught by chiropractic schools and colleges. The ~~((board))~~ commission shall administer a practical examination to applicants which shall consist of diagnosis, principles and practice, x-ray, and adjustive technique consistent with chapter 18.25 RCW. A license shall be granted to all applicants whose score over each subject

tested is seventy-five percent. The ~~((board))~~ commission may enact additional requirements for testing administered by the national board of chiropractic examiners.

Sec. 112. RCW 18.25.035 and 1971 ex.s. c 227 s 5 are each amended to read as follows:

The ~~((board))~~ commission may, in its discretion, waive any examination required by this chapter of persons applying for a license to practice chiropractic if, in its opinion, the applicant has successfully passed an examination conducted by the national board of chiropractic examiners of the United States that is of equal or greater difficulty than the examination being waived by the ~~((board))~~ commission.

Sec. 113. RCW 18.25.040 and 1991 c 320 s 8 are each amended to read as follows:

Persons licensed to practice chiropractic under the laws of any other state, territory of the United States, the District of Columbia, Puerto Rico, or province of Canada, having qualifications substantially equivalent to those required by this chapter, may, in the discretion of the ~~((board of chiropractic examiners))~~ commission, and after such examination as may be required by rule of the ~~((board))~~ commission, be issued a license to practice in this state without further examination, upon payment of a fee determined by the secretary as provided in RCW 43.70.250.

Sec. 114. RCW 18.25.070 and 1991 c 3 s 40 are each amended to read as follows:

(1) Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the secretary at the time of application therefor, satisfactory proof showing attendance of at least twenty-five hours during the preceding twelve-month period, at one or more chiropractic symposiums which are recognized and approved by the ~~((board of chiropractic examiners: PROVIDED, That the board))~~ commission. The commission may, for good cause shown, waive said attendance. The following guidelines for such symposiums shall apply:

(a) The ~~((board))~~ commission shall set criteria for the course content of educational symposia concerning matters which are recognized by the state of Washington chiropractic licensing laws; it shall be the licensee's responsibility to determine whether the course content meets these criteria;

(b) The ~~((board))~~ commission shall adopt standards for distribution of annual continuing education credit requirements;

(c) Rules shall be adopted by the ~~((board))~~ commission for licensees practicing and residing outside the state who shall meet all requirements established by rule of the ~~((board by rules and regulations))~~ commission.

(2) Every person practicing chiropractic within this state shall pay on or before his or her birth anniversary date, after a license is issued to him or her as ~~((herein))~~ provided in this chapter, to ~~((said))~~ the secretary a renewal license fee to be determined by the secretary as provided in RCW 43.70.250. The secretary shall, thirty days or more before the birth anniversary date of each chiropractor in the state, mail to that chiropractor a notice of the fact that the renewal fee will be due on or before his or her birth anniversary date. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

The failure of any licensed chiropractor to pay his or her annual license renewal fee within thirty days of license expiration shall work a forfeiture of his or her license. It shall not be reinstated except upon evidence that continuing educational requirements have been fulfilled and the payment of a penalty to be determined by the secretary as provided in RCW 43.70.250, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. ~~((Should the licensee))~~ If the licensee allows his or her license to ~~((elapse))~~ lapse for more than three years, he or she may be reexamined as provided in RCW 18.25.040 at the discretion of the ~~((board))~~ commission.

Sec. 115. RCW 18.25.075 and 1991 c 3 s 41 are each amended to read as follows:

(1) An individual may place his or her license on inactive status. The holder of an inactive license shall not practice chiropractic in this state without first activating the license.

(2) The inactive renewal fee shall be established by the secretary pursuant to RCW 43.70.250. Failure to renew an inactive license shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with the rules established by the ~~((board))~~ commission.

(4) The provisions relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION. Sec. 116. A new section is added to chapter 18.25 RCW to read as follows:

(1) In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in this chapter includes failing to differentiate chiropractic care from any and all other methods of healing at all times.

(2) Proceedings involving alleged unprofessional conduct shall be prosecuted by the attorney general upon the direction of the commission.

Sec. 117. RCW 18.25.180 and 1991 c 222 s 9 are each amended to read as follows:

(1) A chiropractor may employ a technician to operate x-ray equipment after the technician has registered with the ~~((board))~~ commission.

(2) The ~~((board))~~ commission may adopt rules necessary and appropriate to carry out the purposes of this section.

Sec. 118. RCW 18.25.190 and 1991 c 320 s 10 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) The temporary practice in this state of chiropractic by any chiropractor licensed by another state, territory, or country in which he or she resides. However, the chiropractor shall not establish a practice open to the general public and shall not engage in temporary practice under this section for a period longer than thirty days. The chiropractor shall register his or her intention to engage in the temporary practice of chiropractic in this

state with the ~~((board of chiropractic examiners))~~ commission before engaging in the practice of chiropractic, and shall agree to be bound by such conditions as may be prescribed by rule by the ~~((board))~~ commission.

(2) The practice of chiropractic, except the administration of a chiropractic adjustment, by a person who is a regular senior student in an accredited school of chiropractic approved by the ~~((board))~~ commission if the practice is part of a regular course of instruction offered by the school and the student is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the ~~((board))~~ commission.

(3) The practice of chiropractic by a person serving a period of postgraduate chiropractic training in a program of clinical chiropractic training sponsored by a school of chiropractic accredited in this state if the practice is part of his or her duties as a clinical postgraduate trainee and the trainee is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the ~~((board))~~ commission.

(4) The practice of chiropractic by a person who is eligible and has applied to take the next available examination for licensing offered by the ~~((board of chiropractic examiners))~~ commission, except that the unlicensed chiropractor must provide all services under the direct control and supervision of a licensed chiropractor approved by the ~~((board))~~ commission. The unlicensed chiropractor may continue to practice as provided by this subsection until the results of the next available examination are published, but in no case for a period longer than six months. The ~~((board))~~ commission shall adopt rules necessary to effectuate the intent of this subsection.

Any provision of chiropractic services by any individual under subsection (1), (2), (3), or (4) of this section shall be subject to the jurisdiction of the ~~((chiropractic disciplinary board))~~ commission as provided in chapters 18.26 and 18.130 RCW.

NEW SECTION. Sec. 119. A new section is added to chapter 18.25 RCW to read as follows:

The commission is the successor in interest of the board of chiropractic examiners, the chiropractic disciplinary board, and the chiropractic peer review committee. All contracts, undertakings, agreements, rules, regulations, and policies of those bodies continue in full force and effect on the effective date of this act, unless otherwise repealed or rejected by chapter . . . , Laws of 1994 (this act) or by the commission.

NEW SECTION. Sec. 120. RCW 18.25.120, 18.25.130, 18.25.140, 18.25.150, 18.25.160, and 18.25.170 are each recodified within chapter 18.25 RCW between RCW 18.25.019 and 18.25.020.

NEW SECTION. Sec. 121. The following acts or parts of acts are each repealed:

- (1) RCW 18.25.015 and 1989 c 258 s 1, 1984 c 279 s 49, 1980 c 51 s 1, 1965 ex.s. c 50 s 1, & 1959 c 53 s 1;
- (2) RCW 18.25.016 and 1989 c 258 s 13;
- (3) RCW 18.25.017 and 1991 c 3 s 37, 1986 c 259 s 23, 1984 c 287 s 27, 1975-'76 2nd ex.s. c 34 s 32, 1974 ex.s. c 97 s 8, & 1959 c 53 s 2;
- (4) RCW 18.26.010 and 1989 c 258 s 7 & 1967 c 171 s 1;
- (5) RCW 18.26.020 and 1991 c 3 s 43, 1989 c 258 s 8, & 1967 c 171 s 2;
- (6) RCW 18.26.028 and 1987 c 150 s 13 & 1986 c 259 s 22;
- (7) RCW 18.26.030 and 1986 c 259 s 25, 1979 ex.s. c 111 s 17, 1975 1st ex.s. c 39 s 1, 1974 ex.s. c 97 s 12, & 1967 c 171 s 3;
- (8) RCW 18.26.040 and 1989 c 258 s 9 & 1980 c 46 s 1;
- (9) RCW 18.26.050 and 1991 c 3 s 44, 1979 c 158 s 21, & 1967 c 171 s 5;
- (10) RCW 18.26.060 and 1967 c 171 s 6;
- (11) RCW 18.26.070 and 1991 c 3 s 45, 1984 c 287 s 28, & 1980 c 46 s 2;
- (12) RCW 18.26.080 and 1967 c 171 s 8;
- (13) RCW 18.26.090 and 1989 c 258 s 11 & 1967 c 171 s 9;
- (14) RCW 18.26.110 and 1986 c 259 s 26, 1975 1st ex.s. c 39 s 2, & 1967 c 171 s 11;
- (15) RCW 18.26.320 and 1991 c 320 s 1;
- (16) RCW 18.26.330 and 1991 c 320 s 2;
- (17) RCW 18.26.340 and 1991 c 320 s 3;
- (18) RCW 18.26.350 and 1991 c 320 s 4;
- (19) RCW 18.26.360 and 1991 c 320 s 5;
- (20) RCW 18.26.370 and 1991 c 320 s 6;
- (21) RCW 18.26.380 and 1991 c 320 s 7;
- (22) RCW 18.26.390 and 1991 c 320 s 11; and
- (23) RCW 18.26.900 and 1967 c 171 s 31.

DENTAL

NEW SECTION. Sec. 201. A new section is added to chapter 18.32 RCW to read as follows:

The legislature finds that the health and well-being of the people of this state are of paramount importance.

The legislature further finds that the conduct of members of the dental profession licensed to practice dentistry in this state plays a vital role in preserving the health and well-being of the people of the state.

The legislature further finds that there is no effective means of handling disciplinary proceedings against members of the dental profession licensed in this state when such proceedings are necessary for the protection of the public health.

Therefore, the legislature declares its intention to exercise the police power of the state to protect the public health, to promote the welfare of the state, and to provide a commission to act as a disciplinary and regulatory body for the members of the dental profession licensed to practice dentistry in this state.

It is the purpose of the commission established in section 204 of this act to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensure, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state.

Sec. 202. RCW 18.32.010 and 1991 c 3 s 58 are each amended to read as follows:

Words used in the singular in this chapter may also be applied to the plural of the persons and things; words importing the plural may be applied to the singular; words importing the masculine gender may be extended to females also; the term "~~((board))~~ commission" used in this chapter shall mean the Washington state ~~((board of dental examiners))~~ dental quality assurance commission; and the term "secretary" shall mean the secretary of health of the state of Washington.

Sec. 203. RCW 18.32.030 and 1991 c 3 s 59 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved under RCW 18.32.040, and the practice of dentistry by students in Washington state dental schools or colleges approved by the ~~((board))~~ commission, when acting under the direction and supervision of Washington state-licensed dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the ~~((board of dental examiners))~~ commission;

(5) The use of roentgen and other rays for making radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by the dentist, and the prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the secretary or the secretary's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon or osteopathic physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) The performing of dental operations or services by persons not licensed under this chapter when performed under the supervision of a licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall in no event perform the following dental operations or services unless permitted to be performed by the person under this chapter or chapters 18.29, 18.57, 18.71, and ~~((18.88 RCW:))~~ 18.-- RCW (sections 401 through 431 of this act) as it applies to registered nurses and advanced registered nurse practitioners:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

NEW SECTION. Sec. 204. A new section is added to chapter 18.32 RCW to read as follows:

COMMISSION ESTABLISHED--MEMBERS APPOINTED. The Washington state dental quality assurance commission is established, consisting of fourteen members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, members of the previous boards and

committees regulating these professions be appointed to the commission. Members of the commission hold office until their successors are appointed. The governor may appoint members of the initial commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Twelve members of the commission must be dentists and two members must be public members.

NEW SECTION. Sec. 205. A new section is added to chapter 18.32 RCW to read as follows:

COMMISSION--REMOVAL OF MEMBERS--VACANCIES. The governor may remove a member of the commission for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that a member of the commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the order of removal and statement of causes by certified mail to the last known post office address of the member. If a vacancy occurs on the commission, the governor shall appoint a replacement to fill the remainder of the unexpired term.

NEW SECTION. Sec. 206. A new section is added to chapter 18.32 RCW to read as follows:

COMMISSION--QUALIFICATIONS OF MEMBERS. Members must be citizens of the United States and residents of this state. Dentist members must be licensed dentists in the active practice of dentistry for a period of five years before appointment. Of the twelve dentists appointed to the commission, at least four must reside and engage in the active practice of dentistry east of the summit of the Cascade mountain range. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

NEW SECTION. Sec. 207. A new section is added to chapter 18.32 RCW to read as follows:

COMMISSION--DUTIES AND POWERS. The commission shall elect officers each year. Meetings of the commission are open to the public, except the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels consisting of not less than three members. A quorum for transaction of any business shall be a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice dentistry.

The attorney general shall advise the commission and represent it in all legal proceedings.

NEW SECTION. Sec. 208. A new section is added to chapter 18.32 RCW to read as follows:

Each member of the commission shall be compensated in accordance with RCW 43.03.240. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. Commission members shall be compensated and reimbursed for their activities in developing or administering a multistate licensing examination, as provided in this chapter.

NEW SECTION. Sec. 209. A new section is added to chapter 18.32 RCW to read as follows:

The commission may contract with competent persons on a temporary basis to assist in developing or administering examinations for licensure.

The commission may enter into compacts and agreements with other states and with organizations formed by several states, for the purpose of conducting multistate licensing examinations. The commission may enter into the compacts and agreements even though they would result in the examination of a candidate for a license in this state by an examiner or examiners from another state or states, and even though the compacts and agreements would result in the examination of a candidate or candidates for a license in another state or states by an examiner or examiners from this state.

NEW SECTION. Sec. 210. A new section is added to chapter 18.32 RCW to read as follows:

The commission may adopt rules in accordance with chapter 34.05 RCW to implement this chapter and chapter 18.130 RCW.

Sec. 211. RCW 18.32.040 and 1991 c 3 s 61 are each amended to read as follows:

The ((beard)) commission shall require that every applicant for a license to practice dentistry shall:

(1) Present satisfactory evidence of graduation from a dental college, school, or dental department of an institution approved by the ((beard)) commission;

(2) Submit, for the files of the ((beard)) commission, a recent picture duly identified and attested; and

(3) Pass an examination prepared or approved by and administered under the direction of the ((beard)) commission. The dentistry licensing examination shall consist of practical and written tests upon such subjects and of such scope as the ((beard)) commission determines. The ((beard)) commission may accept, in lieu of all or part of a written examination, a certificate granted by a national or regional testing organization

approved by the ~~((beard))~~ commission. The ~~((beard))~~ commission shall set the standards for passing the examination. The secretary shall keep on file the examination papers and records of examination for at least one year. This file shall be open for inspection by the applicant or the applicant's agent unless the disclosure will compromise the examination process as determined by the ~~((beard))~~ commission or is exempted from disclosure under RCW 42.17.250 through 42.17.340.

Sec. 212. RCW 18.32.050 and 1984 c 287 s 30 are each amended to read as follows:

~~((The members of the board shall each be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in attending the meetings of the board in accordance with RCW 43.03.050 and 43.03.060. Board))~~ Commission members shall be compensated and reimbursed pursuant to this section for their activities in administering a multi-state licensing examination pursuant to the ~~((beard's))~~ commission's compact or agreement with another state or states or with organizations formed by several states ~~((:—PROVIDED, That any))~~ Compensation or reimbursement received by a ~~((beard))~~ commission member from another state, or organization formed by several states, for such member's services in administering a multi-state licensing examination, shall be deposited in the state general fund.

Sec. 213. RCW 18.32.100 and 1991 c 3 s 62 are each amended to read as follows:

The applicant for a dentistry license shall file an application on a form furnished by the secretary, stating the applicant's name, age, place of residence, the name of the school or schools attended by the applicant, the period of such attendance, the date of the applicant's graduation, whether the applicant has ever been the subject of any disciplinary action related to the practice of dentistry, and shall include a statement of all of the applicant's dental activities. This shall include any other information deemed necessary by the ~~((beard))~~ commission.

The application shall be signed by the applicant and sworn to by the applicant before some person authorized to administer oaths, and shall be accompanied by proof of the applicant's school attendance and graduation.

Sec. 214. RCW 18.32.120 and 1991 c 3 s 64 are each amended to read as follows:

When the application and the accompanying proof are found satisfactory, the secretary shall notify the applicant to appear before the ~~((beard))~~ commission at a time and place to be fixed by the ~~((beard))~~ commission.

The examination papers, and all grading thereon, and the grading of the practical work, shall be preserved for a period of not less than one year after the ~~((beard))~~ commission has made and published its decisions thereon. All examinations shall be conducted by the ~~((beard))~~ commission under fair and wholly impartial methods.

Any applicant who fails to make the required grade by his or her fourth examination may be reexamined only under rules adopted by the ~~((beard))~~ commission.

Applicants for examination or reexamination shall pay a fee as determined by the secretary as provided in RCW 43.70.250.

Sec. 215. RCW 18.32.160 and 1991 c 3 s 65 are each amended to read as follows:

All licenses issued by the secretary on behalf of the ~~((beard))~~ commission shall be signed by the secretary or chairperson and secretary of the ~~((beard))~~ commission.

Sec. 216. RCW 18.32.180 and 1991 c 3 s 67 are each amended to read as follows:

(1) Every person licensed to practice dentistry in this state shall register with the secretary, and pay a renewal registration fee determined by the secretary as provided in RCW 43.70.250. Any failure to register and pay the renewal registration fee renders the license invalid, and the practice of dentistry shall not be permitted. The license shall be reinstated upon written application to the secretary and payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250, together with all delinquent license renewal fees.

(2) A person who fails to renew the license for a period of three years may not renew the license under subsection (1) of this section. In order to obtain a license to practice dentistry in this state, such a person shall file an original application as provided for in this chapter, along with the requisite fees. The ~~((beard))~~ commission, in its sole discretion, may permit the applicant to be licensed without examination, and with or without conditions, if it is satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of dentistry.

Sec. 217. RCW 18.32.190 and 1991 c 3 s 68 are each amended to read as follows:

Every person who engages in the practice of dentistry in this state shall cause his or her license to be, at all times, displayed in a conspicuous place, in his or her office wherein he or she shall practice such profession, and shall further, whenever requested, exhibit such license to any of the members of ~~((said beard))~~ the commission, or its authorized agent, and to the secretary or his or her authorized agent. Every licensee shall notify the secretary of the address or addresses, and of every change thereof, where the licensee shall engage in the practice of dentistry.

Sec. 218. RCW 18.32.195 and 1992 c 59 s 1 are each amended to read as follows:

The ~~((beard))~~ commission may, without examination, issue a license to persons who possess the qualifications set forth in this section.

(1) The ~~((beard))~~ commission may, upon written request of the dean of the school of dentistry of the University of Washington, issue a license to practice dentistry in this state to persons who have been licensed or otherwise authorized to practice dentistry in another state or country and who have been accepted for employment by the school of dentistry as full-time faculty members. For purposes of this subsection, this means teaching members of the faculty of the school of dentistry of the University of Washington who are so employed on a one hundred percent of work time basis. Such license shall permit the holder thereof to practice dentistry within the confines of the university facilities for a period of one year while he or she is so employed as a full-time faculty member by the school of dentistry of the University of Washington. It shall terminate whenever the holder ceases to

be such a full-time faculty member. Such license shall permit the holder thereof to practice dentistry only in connection with his or her duties in employment with the school of dentistry of the University of Washington. This limitation shall be stated on the license.

(2) The ~~((board))~~ commission may, upon written request of the dean of the school of dentistry of the University of Washington, issue a limited license to practice dentistry in this state to university residents in postgraduate dental education. The license shall permit the resident dentist to provide dental care only in connection with his or her duties as a university resident.

(3) The ~~((board))~~ commission may condition the granting of a license under this section with terms the ~~((board))~~ commission deems appropriate. All persons licensed under this section shall be subject to the jurisdiction of the ~~((dental-disciplinary-board))~~ commission to the same extent as other members of the dental profession, in accordance with this chapter, and in addition the licensee may be disciplined by the ~~((dental-disciplinary-board))~~ commission after a hearing has been held in accordance with the provisions set forth in this chapter, and determination by the ~~((dental-disciplinary-board))~~ commission that such licensee has violated any of the restrictions set forth in this section.

(4) Persons applying for licensure pursuant to this section shall pay the application fee determined by the secretary and, in the event the license applied for is issued, a license fee at the rate provided for licenses generally. After review by the ~~((board-of-dental-examiners))~~ commission, licenses issued under this section may be renewed annually if the licensee continues to be employed as a full-time faculty member of the school of dentistry of the University of Washington, or a university resident in postgraduate dental education, and otherwise meets the requirements of the provisions and conditions deemed appropriate by the ~~((board-of-dental-examiners))~~ commission. Any person who obtains a license pursuant to this section may, without an additional application fee, apply for licensure under this chapter, in which case the applicant shall be subject to examination and the other requirements of this chapter.

Sec. 219. RCW 18.32.215 and 1989 c 202 s 30 are each amended to read as follows:

An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the ~~((board))~~ commission determines that the other state's licensing standards are substantively equivalent to the standards in this state~~((:-PROVIDED, That))~~. The ~~((board))~~ commission may also require the applicant to: (1) File with the ~~((board))~~ commission documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the ~~((board))~~ commission deems necessary pertaining to the conditions and criteria of the Uniform Disciplinary Act, chapter 18.130 RCW, and to demonstrate to the ~~((board))~~ commission a knowledge of Washington law pertaining to the practice of dentistry.

Sec. 220. RCW 18.32.534 and 1991 c 3 s 72 are each amended to read as follows:

(1) To implement an impaired dentist program as authorized by RCW 18.130.175, the ~~((dental-disciplinary-board))~~ commission shall enter into a contract with a voluntary substance abuse monitoring program. The impaired dentist program may include any or all of the following:

- (a) Contracting with providers of treatment programs;
- (b) Receiving and evaluating reports of suspected impairment from any source;
- (c) Intervening in cases of verified impairment;
- (d) Referring impaired dentists to treatment programs;
- (e) Monitoring the treatment and rehabilitation of impaired dentists including those ordered by the ~~((board))~~ commission;
- (f) Providing education, prevention of impairment, posttreatment monitoring, and support of rehabilitated impaired dentists; and
- (g) Performing other related activities as determined by the ~~((board))~~ commission.

(2) A contract entered into under subsection (1) of this section shall be financed by a surcharge of up to fifteen dollars on each license issuance or renewal to be collected by the department of health from every dentist licensed under chapter 18.32 RCW. These moneys shall be placed in the health professions account to be used solely for the implementation of the impaired dentist program.

Sec. 221. RCW 18.32.640 and 1988 c 217 s 1 are each amended to read as follows:

- (1) The ~~((board))~~ commission may adopt~~((,-amend,-and-revise))~~ such rules as it deems necessary to carry out this chapter.
- (2) The ~~((board))~~ commission may adopt rules governing administration of sedation and general anesthesia by persons licensed under this chapter, including necessary training, education, equipment, and the issuance of any permits, certificates, or registration as required.

Sec. 222. RCW 18.32.655 and 1986 c 259 s 35 are each amended to read as follows:

The ~~((dental-disciplinary-board-has-the-power-and-it-shall-be-its-duty-to))~~ commission shall:

(1) Require licensed dentists to keep and maintain a copy of each laboratory referral instruction, describing detailed services rendered, for a period to be determined by the ~~((board))~~ commission but not more than three years, and ~~((to))~~ may require the production of all such records for examination by the ~~((board))~~ commission or its authorized representatives; and

(2) ~~((Promulgate))~~ Adopt reasonable rules ~~((and-regulations))~~ requiring licensed dentists to make, maintain, and produce for examination by the ~~((board))~~ commission or its authorized representatives such other records as may be reasonable and proper in the performance of its duties and enforcing the provisions of this chapter.

Sec. 223. RCW 18.32.665 and 1986 c 259 s 36 are each amended to read as follows:

It shall be unlawful for any person, firm, or corporation to publish, directly or indirectly, or circulate any fraudulent, false, or misleading statements within the state of Washington as to the skill or method of practice of any person or operator; or in any way to advertise in print any matter with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug,

formula, medicine, which is either falsely advertised or misnamed; or to employ "capper" or "steerers" to obtain patronage; and any person committing any offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this chapter: PROVIDED, That any person licensed under this chapter may announce credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered. The ~~((dental disciplinary board))~~ commission may adopt such rules as are necessary to carry out the intent of this section.

Sec. 224. RCW 18.32.745 and 1991 c 3 s 73 are each amended to read as follows:

No manager, proprietor, partnership, or association owning, operating, or controlling any room, office, or dental parlors, where dental work is done, provided, or contracted for, shall employ or retain any unlicensed person or dentist as an operator; nor shall fail, within ten days after demand made by the secretary of health~~((;))~~ or the ~~((state board of dental examiners, or the dental disciplinary board))~~ commission in writing sent by certified mail, addressed to any such manager, proprietor, partnership, or association at ~~((said))~~ the room, office, or dental parlor, to furnish the secretary of health~~((;))~~ or the ~~((state board of dental examiners, or the dental disciplinary board))~~ commission with the names and addresses of all persons practicing or assisting in the practice of dentistry in his or her place of business or under his or her control, together with a sworn statement showing by what license or authority ~~((said))~~ the persons are practicing dentistry.

The sworn statement shall not be used as evidence in any subsequent court proceedings, except in a prosecution for perjury connected with its execution.

Any violation of the provisions of this section ~~((shall constitute))~~ is improper, unprofessional, and dishonorable conduct; it ~~((shall))~~ also ~~((constitute))~~ is grounds for injunction proceedings as provided by this chapter, and in addition ~~((shall constitute))~~ is a gross misdemeanor, except that the failure to furnish the information as may be requested in accordance with this section ~~((shall constitute))~~ is a misdemeanor.

Sec. 225. RCW 18.32.755 and 1986 c 259 s 37 are each amended to read as follows:

Any advertisement or announcement for dental services must include for each office location advertised the names of all persons practicing dentistry at that office location.

Any violation of the provisions of this section ~~((shall constitute))~~ is improper, unprofessional, and dishonorable conduct; it ~~((shall))~~ also ~~((constitute))~~ is grounds for injunction proceedings as provided by RCW 18.130.190~~((2))~~ (4), and in addition ~~((shall constitute))~~ is a gross misdemeanor.

NEW SECTION. Sec. 226. A new section is added to chapter 18.32 RCW to read as follows:

The commission is the successor in interest of the board of dental examiners and the dental disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on the effective date of this act, unless otherwise repealed or rejected by chapter ..., Laws of 1994 (this act) or by the commission.

NEW SECTION. Sec. 227. The following acts or parts of acts are each repealed:

- (1) RCW 18.32.035 and 1989 c 202 s 14, 1984 c 279 s 50, 1979 c 38 s 1, 1975 c 49 s 1, 1953 c 93 s 2, 1941 c 92 s 1, & 1935 c 112 s 2;
- (2) RCW 18.32.037 and 1991 c 3 s 60, 1989 c 202 s 15, & 1935 c 112 s 3;
- (3) RCW 18.32.042 and 1989 c 202 s 28;
- (4) RCW 18.32.500 and 1989 c 202 s 24, 1986 c 259 s 39, & 1977 ex.s. c 5 s 37;
- (5) RCW 18.32.510 and 1977 ex.s. c 5 s 1;
- (6) RCW 18.32.520 and 1991 c 3 s 71, 1989 c 202 s 25, 1986 c 259 s 40, 1979 c 158 s 36, & 1977 ex.s. c 5 s 2;
- (7) RCW 18.32.560 and 1984 c 279 s 51 & 1977 ex.s. c 5 s 6;
- (8) RCW 18.32.570 and 1977 ex.s. c 5 s 7;
- (9) RCW 18.32.580 and 1977 ex.s. c 5 s 8;
- (10) RCW 18.32.590 and 1977 ex.s. c 5 s 9;
- (11) RCW 18.32.600 and 1984 c 287 s 31 & 1977 ex.s. c 5 s 10;
- (12) RCW 18.32.610 and 1977 ex.s. c 5 s 11; and
- (13) RCW 18.32.620 and 1984 c 279 s 62 & 1977 ex.s. c 5 s 12.

MEDICAL

NEW SECTION. Sec. 301. A new section is added to chapter 18.71 RCW to read as follows:

It is the purpose of the medical quality assurance commission to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state of Washington.

Sec. 302. RCW 18.71.010 and 1991 c 3 s 158 are each amended to read as follows:

The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

- (1) ~~(("Board" means the board of medical examiners))~~ "Commission" means the Washington state medical quality assurance commission.
- (2) "Secretary" means the secretary of health.

(3) "Resident physician" means an individual who has graduated from a school of medicine which meets the requirements set forth in RCW 18.71.055 and is serving a period of postgraduate clinical medical training sponsored by a college or university in this state or by a hospital accredited by this state. For purposes of this chapter, the term shall include individuals designated as intern or medical fellow.

(4) "Emergency medical care" or "emergency medical service" has the same meaning as in chapter 18.73 RCW.

Sec. 303. RCW 18.71.015 and 1991 c 44 s 1 and 1991 c 3 s 159 are each reenacted and amended to read as follows:

~~((There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington, one individual who is licensed as a physician assistant under chapter 18.71A RCW, and two individuals who are not physicians, to be known as the Washington state board of medical examiners.))~~ The Washington state medical quality assurance commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed as physician assistants under chapter 18.71A RCW, and four individuals who are members of the public. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The ~~((board))~~ members of the commission shall be appointed by the governor. ~~((On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member.))~~ Members of the initial commission may be appointed to staggered terms of one to four years, and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter . . ., Laws of 1994 (this act) be appointed to the commission. No member may serve more than two consecutive full terms. Each member shall hold office until ~~((the expiration of the term for which such member is appointed or until))~~ a successor ~~((shall have been))~~ is appointed ~~((and shall have qualified))~~.

Each member of the ~~((board shall))~~ commission must be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The ~~((board))~~ commission shall meet as soon as practicable after appointment and elect ~~((a chair and a vice chair from its members))~~ officers each year. Meetings shall be held at least four times a year and at such place as the ~~((board shall))~~ commission determines and at such other times and places as the ~~((board))~~ commission deems necessary. A majority of the ~~((board))~~ commission members appointed and serving ~~((shall))~~ constitutes a quorum for the transaction of ~~((board))~~ commission business.

~~((It shall require))~~ The affirmative vote of a majority of a quorum of the ~~((board))~~ commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of ~~((the members appointed to a panel of the board shall constitute))~~ a quorum ~~((for))~~ of the panel is required to transact business delegated to it by the ~~((board))~~ commission.

Each member of the ~~((board))~~ commission shall be compensated in accordance with RCW 43.03.240 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the ~~((board))~~ commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

~~((Any member of the board may be removed by the governor for))~~ Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the ~~((board))~~ commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

Sec. 304. RCW 18.71.017 and 1961 c 284 s 11 are each amended to read as follows:

The board may ~~((make))~~ adopt such rules ~~((and regulations))~~ as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on the effective date of this act, unless otherwise repealed or rejected by this chapter or by the commission.

Sec. 305. RCW 18.71.019 and 1987 c 150 s 45 are each amended to read as follows:

The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed practice and the issuance and denial of licenses and discipline of licensees under this chapter.

Sec. 306. RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552 are each reenacted and amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

- (1) The furnishing of medical assistance in cases of emergency requiring immediate attention;
- (2) The domestic administration of family remedies;
- (3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.210 RCW;
- (4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, ~~((pediatry))~~ podiatric medicine and surgery, optometry, naturopathy, or any other healing art licensed under the methods or means permitted by such license;
- (5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;
- (6) The practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;
- (7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the ~~((board))~~ commission, however, the performance of such services be only pursuant to a regular course of instruction or assignments from his or her instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;
- (8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state, however, the performance of such services shall be only pursuant to his or her duties as a trainee;
- (9) The practice of medicine by a person who is regularly enrolled in a physician assistant program approved by the ~~((board))~~ commission, however, the performance of such services ~~((shall))~~ shall be only pursuant to a regular course of instruction in said program and such services are performed only under the supervision and control of a person licensed pursuant to this chapter;
- (10) The practice of medicine by a licensed physician assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;
- (11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;
- (12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the ~~((board of medical examiners))~~ commission, however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist, and the ~~((medical disciplinary board shall have))~~ commission has jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to ~~((the provisions of chapter 18.72 RCW))~~ this chapter and chapter 18.130 RCW;
- (13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;
- (14) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW ~~((18.88.295))~~ 18.220 (section 429 of this act) and 28A.210.280.

Sec. 307. RCW 18.71.050 and 1991 c 3 s 161 are each amended to read as follows:

- (1) Each applicant who has graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the ~~((board))~~ commission on a form prepared by the secretary with the approval of the ~~((board))~~ commission. Each applicant shall furnish proof satisfactory to the ~~((board))~~ commission of the following:
 - (a) That the applicant has attended and graduated from a school of medicine approved by the ~~((board))~~ commission;
 - (b) That the applicant has completed two years of postgraduate medical training in a program acceptable to the ~~((board))~~ commission, provided that applicants graduating before July 28, 1985, may complete only one year of postgraduate medical training;
 - (c) That the applicant is of good moral character; and
 - (d) That the applicant is physically and mentally capable of safely carrying on the practice of medicine. The ~~((board))~~ commission may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine.

(2) Nothing in this section shall be construed as prohibiting the ~~((board))~~ commission from requiring such additional information from applicants as it deems necessary. The issuance and denial of licenses are subject to chapter 18.130 RCW, the Uniform Disciplinary Act.

Sec. 308. RCW 18.71.051 and 1991 c 3 s 162 are each amended to read as follows:

Applicants for licensure to practice medicine who have graduated from a school of medicine located outside of the states, territories, and possessions of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the ~~((board))~~ commission on a form prepared by the secretary with the approval of the ~~((board))~~ commission. Each applicant shall furnish proof satisfactory to the ~~((board))~~ commission of the following:

(1) That he or she has completed in a school of medicine a resident course of professional instruction equivalent to that required in this chapter for applicants generally;

(2) That he or she meets all the requirements which must be met by graduates of the United States and Canadian school of medicine except that he or she need not have graduated from a school of medicine approved by the ~~((board))~~ commission;

(3) That he or she has satisfactorily passed the examination given by the educational council for foreign medical graduates or has met the requirements in lieu thereof as set forth in rules ~~((and regulations))~~ adopted by the ~~((board))~~ commission;

(4) That he or she has the ability to read, write, speak, understand, and be understood in the English language.

Sec. 309. RCW 18.71.055 and 1975 1st ex.s. c 171 s 8 are each amended to read as follows:

The ~~((board))~~ commission may approve any school of medicine which is located in any state, territory, or possession of the United States, the District of Columbia, or in the Dominion of Canada, provided that it:

(1) Requires collegiate instruction which includes courses deemed by the ~~((board))~~ commission to be prerequisites to medical education;

(2) Provides adequate instruction in the following subjects: Anatomy, biochemistry, microbiology and immunology, pathology, pharmacology, physiology, anaesthesiology, dermatology, gynecology, internal medicine, neurology, obstetrics, ~~((ophthalmology))~~ ophthalmology, orthopedic surgery, otolaryngology, pediatrics, physical medicine and rehabilitation, preventive medicine and public health, psychiatry, radiology, surgery, and urology, and such other subjects determined by the ~~((board))~~ commission;

(3) Provides clinical instruction in hospital wards and out-patient clinics under guidance.

Approval may be withdrawn by the ~~((board))~~ commission at any time a medical school ceases to comply with one or more of the requirements of this section.

(4) Nothing in this section shall be construed to authorize the ~~((board))~~ commission to approve a school of osteopathy, osteopathy and surgery, or osteopathic medicine, for purposes of qualifying an applicant to be licensed under this chapter by direct licensure, reciprocity, or otherwise.

Sec. 310. RCW 18.71.060 and 1975 1st ex.s. c 171 s 9 are each amended to read as follows:

~~((Said board))~~ The commission shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application. ~~((Said))~~ The record shall be evidence of all the proceedings of ~~((said board which))~~ the commission that are set forth ~~((therein))~~ in it.

Sec. 311. RCW 18.71.070 and 1985 c 322 s 3 are each amended to read as follows:

With the exception of those applicants granted licensure through the provisions of RCW 18.71.090 or 18.71.095, applicants for licensure must successfully complete an examination administered by the ~~((board))~~ commission to determine their professional qualifications. The ~~((board))~~ commission shall prepare and give, or approve the preparation and giving of, an examination which shall cover those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine conferred by approved colleges or schools of medicine in the United States. Notwithstanding any other provision of law, the ~~((board shall have))~~ commission has the sole responsibility for determining the proficiency of applicants under this chapter, and, in so doing, may waive any prerequisite to licensure not set forth in this chapter.

The ~~((board))~~ commission may by rule establish the passing grade for the examination.

Examination results shall be part of the records of the ~~((board))~~ commission and shall be permanently kept with the applicant's file.

Sec. 312. RCW 18.71.080 and 1991 c 195 s 1 and 1991 c 3 s 163 are each reenacted and amended to read as follows:

Every person licensed to practice medicine in this state shall register with the secretary of health annually, and pay an annual renewal registration fee determined by the secretary as provided in RCW 43.70.250. The ~~((board))~~ commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules ~~((and regulations))~~ shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the secretary, and payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew the license for a period of three years, shall in no event be entitled to renew the license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The ~~((board))~~ commission, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 313. RCW 18.71.085 and 1991 c 44 s 2 are each amended to read as follows:

The ~~((board))~~ commission may adopt rules pursuant to this section authorizing an inactive license status.

(1) An individual licensed pursuant to chapter 18.71 RCW may place his or her license on inactive status. The holder of an inactive license shall not practice medicine and surgery in this state without first activating the license.

(2) The inactive renewal fee shall be established by the secretary pursuant to RCW 43.70.250. Failure to renew an inactive license shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with rules established by the ~~((board))~~ commission.

(4) Provisions relating to disciplinary action against a person with a license shall be applicable to a person with an inactive license, except that when disciplinary proceedings against a person with an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

Sec. 314. RCW 18.71.090 and 1985 c 322 s 5 are each amended to read as follows:

Any applicant who meets the requirements of RCW 18.71.050 and has been licensed under the laws of another state, territory, or possession of the United States, or of any province of Canada, or an applicant who has satisfactorily passed examinations given by the national board of medical examiners may, in the discretion of the ~~((board))~~ commission, be granted a license without examination on the payment of the fees required by this chapter: PROVIDED, That the applicant must file with the ~~((board))~~ commission a copy of the license certified by the proper authorities of the issuing state to be a full, true copy thereof, and must show that the standards, eligibility requirements, and examinations of that state are at least equal in all respects to those of this state.

Sec. 315. RCW 18.71.095 and 1991 c 3 s 164 are each amended to read as follows:

The ~~((board))~~ commission may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The ~~((board))~~ commission may, upon the written request of the secretary of the department of social and health services or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections.

(2) The ~~((board))~~ commission may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the ~~((board))~~ commission, the ~~((board))~~ commission may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

(4)(a) Upon nomination by the dean of the school of medicine at the University of Washington or the chief executive officer of a hospital or other appropriate health care facility licensed in the state of Washington, the ~~((board))~~ commission may issue a limited license to a physician applicant invited to serve as a teaching-research member of the institution's instructional staff if the sponsoring institution and the applicant give evidence that he or she has graduated from a recognized medical school and has been licensed or otherwise privileged to practice medicine at his or her location of origin. Such license shall permit the recipient to practice medicine only within the confines of the instructional program specified in the application and shall terminate whenever the holder ceases to be involved in that program, or at the end of one year, whichever is earlier. Upon request of the applicant and the institutional authority, the license may be renewed for no more than a total of two years.

(b) Upon nomination by the dean of the school of medicine of the University of Washington or the chief executive officer of any hospital or appropriate health care facility licensed in the state of Washington, the ~~((board))~~ commission may issue a limited license to an applicant selected by the sponsoring institution to be enrolled in one of its designated departmental or divisional fellowship programs provided that the applicant shall have graduated from a recognized medical school and has been granted a license or other appropriate certificate to practice medicine in the location of the applicant's origin. Such license shall permit the holder only to practice medicine within the confines of the fellowship program to which he or she has been appointed and, upon the request of the applicant and the sponsoring institution, the license may be renewed by the ~~((board))~~ commission for no more than a total of two years.

All persons licensed under this section shall be subject to the jurisdiction of the ~~((medical disciplinary board))~~ commission to the same extent as other members of the medical profession, in accordance with this chapter and chapter~~((s-18.72 and))~~ 18.130 RCW.

Persons applying for licensure pursuant to this section shall pay an application fee determined by the secretary as provided in RCW 43.70.250 and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter, but shall submit a new application form and comply with all other licensing requirements of this chapter.

Sec. 316. RCW 18.71.205 and 1992 c 128 s 1 are each amended to read as follows:

(1) The secretary of the department of health, in conjunction with the advice and assistance of the emergency medical services licensing and certification advisory committee as prescribed in RCW 18.73.050, and the ~~((board of medical examiners))~~ commission, shall prescribe:

(a) Minimum standards and performance requirements for the certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics; and

(b) Procedures for certification, recertification, and decertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

(2) Initial certification shall be for a period of three years.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period of three years.

(4) As used in chapters 18.71 and 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.

(5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

Sec. 317. RCW 18.71.230 and 1986 c 259 s 112 are each amended to read as follows:

A right to practice medicine and surgery by an individual in this state pursuant to RCW 18.71.030 (5) through (12) shall be subject to discipline by order of the ~~((board))~~ commission upon a finding by the ~~((board))~~ commission of an act of unprofessional conduct as defined in RCW 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. Such physician shall have the same rights of notice, hearing, and judicial review as provided licensed physicians generally ~~((pursuant to chapters 18.72 and))~~ under this chapter and chapter 18.130 RCW.

Sec. 318. RCW 18.71A.010 and 1990 c 196 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Physician assistant" means a person who is licensed by the ~~((board))~~ commission to practice medicine to a limited extent only under the supervision of a physician as defined in chapter 18.71 RCW and who is academically and clinically prepared to provide health care services and perform diagnostic, therapeutic, preventative, and health maintenance services.

(2) "~~((Board))~~ Commission" means the ~~((board of medical examiners))~~ medical quality assurance commission.

(3) "Practice medicine" ~~((shall have))~~ has the meaning defined in RCW 18.71.011.

(4) "Secretary" means the secretary of health or the secretary's designee.

(5) "Department" means the department of health.

Sec. 319. RCW 18.71A.020 and 1993 c 28 s 5 are each amended to read as follows:

(1) The ~~((board))~~ commission shall adopt rules fixing the qualifications and the educational and training requirements for licensure as a physician assistant or for those enrolled in any physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the ~~((board))~~ commission and eligibility to take an examination approved by the ~~((board, provided such))~~ commission, if the examination tests subjects substantially equivalent to the curriculum of an accredited physician assistant training program. Physician assistants licensed by the board of medical examiners as of June 7, 1990, shall continue to be licensed.

(2)(a) The ~~((board))~~ commission shall adopt rules governing the extent to which:

(i) Physician assistant students may practice medicine during training; and

(ii) Physician assistants may practice after successful completion of a physician assistant training course.

(b) Such rules shall provide:

(i) That the practice of a physician assistant shall be limited to the performance of those services for which he or she is trained; and

(ii) That each physician assistant shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician or physicians at the place where services are rendered.

(3) Applicants for licensure shall file an application with the ~~((board))~~ commission on a form prepared by the secretary with the approval of the ~~((board))~~ commission, detailing the education, training, and experience of the physician assistant and such other information as the ~~((board))~~ commission may require. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250. Each applicant shall furnish proof satisfactory to the ~~((board))~~ commission of the following:

(a) That the applicant has completed an accredited physician assistant program approved by the ~~((board))~~ commission and is eligible to take the examination approved by the ~~((board))~~ commission;

(b) That the applicant is of good moral character; and

(c) That the applicant is physically and mentally capable of practicing medicine as a physician assistant with reasonable skill and safety.

The ~~((board))~~ commission may require an applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical or mental capability, or both, to safely practice as a physician assistant.

(4) The ~~((board))~~ commission may approve, deny, or take other disciplinary action upon the application for license as provided in the Uniform Disciplinary Act, chapter 18.130 RCW. The license shall be renewed on a periodic basis as determined by the secretary under RCW 43.70.280, upon payment of a fee determined by the secretary as provided in RCW 43.70.250, and submission of a completed renewal application, in addition to any late renewal penalty fees as determined by the secretary as provided in RCW 43.70.250. The ~~((board))~~ commission may authorize the use of alternative supervisors who are licensed either under chapter 18.57 or 18.71 RCW.

Sec. 320. RCW 18.71A.030 and 1993 c 28 s 6 are each amended to read as follows:

A physician assistant ~~((as defined in this chapter))~~ may practice medicine in this state only with the approval of the practice arrangement plan by the ~~((board))~~ commission and only to the extent permitted by the ~~((board))~~ commission. A physician assistant who has received a license but who has not received ~~((board))~~ commission approval of the practice arrangement plan under RCW 18.71A.040 may not practice. A physician assistant shall be subject to discipline under chapter 18.130 RCW.

Sec. 321. RCW 18.71A.040 and 1993 c 28 s 7 are each amended to read as follows:

(1) No physician assistant practicing in this state shall be employed or supervised by a physician or physician group without the approval of the ~~((board))~~ commission.

(2) Prior to commencing practice, a physician assistant licensed in this state shall apply to the ~~((board))~~ commission for permission to be employed or supervised by a physician or physician group. The practice arrangement plan shall be jointly submitted by the physician or physician group and physician assistant. The secretary may charge a fee as provided in RCW 43.70.250 to recover the cost for the plan review. The practice arrangement plan shall delineate the manner and extent to which the physician assistant would practice and be supervised. Whenever a physician assistant is practicing in a manner inconsistent with the approved practice arrangement plan, the medical disciplinary board may take disciplinary action under chapter 18.130 RCW.

Sec. 322. RCW 18.71A.045 and 1988 c 113 s 2 are each amended to read as follows:

Foreign medical school graduates shall not be eligible for ~~((registration))~~ licensing as physician assistants after July 1, 1989. ~~((These applying on or before that date shall remain eligible to register as a physician assistant after July 1, 1989. PROVIDED, That the graduate does not violate chapter 18.130 RCW or the rules of the board. The board shall adopt rules regarding applications for registration. The rules shall include board approval of training as required in RCW 18.71.051(1) and receipt of original translated transcripts directly from the medical school.))~~

Sec. 323. RCW 18.71A.050 and 1993 c 28 s 8 are each amended to read as follows:

No physician who supervises a licensed physician assistant in accordance with and within the terms of any permission granted by the ~~((medical examining board shall be))~~ commission is considered as aiding and abetting an unlicensed person to practice medicine. The supervising physician and physician assistant shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.011 when performed by the physician assistant.

Sec. 324. RCW 18.71A.060 and 1990 c 196 s 6 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training, or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030~~((, paragraphs))~~ (1) and (8), shall not apply to a physician assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of ~~((pediatry))~~ podiatric medicine and surgery as defined in chapter 18.22 RCW.

Sec. 325. RCW 18.71A.085 and 1990 c 196 s 10 are each amended to read as follows:

Any physician assistant acupuncturist currently licensed by the ~~((board))~~ commission may continue to perform acupuncture under the physician assistant license as long as he or she maintains licensure as a physician assistant.

Sec. 326. RCW 18.72.155 and 1991 c 3 s 168 are each amended to read as follows:

The secretary of the department of health shall appoint, from a list of three names supplied by the ~~((board))~~ commission, an executive ~~((secretary))~~ director who shall act to carry out the provisions of this chapter. The secretary shall also employ such additional staff including administrative assistants, investigators, and clerical staff as are required to enable the ~~((board))~~ commission to accomplish its duties and responsibilities. The executive ~~((secretary shall be))~~ director is exempt from the provisions of the civil service law, chapter 41.06 RCW, as now or hereafter amended.

Sec. 327. RCW 18.72.165 and 1986 c 300 s 5 are each amended to read as follows:

(1) A licensed health care professional licensed under this chapter (~~(18.71 RCW)~~) shall report to the (~~(medical disciplinary board)~~) commission when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of a county or state medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The (~~(medical disciplinary board)~~) commission may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the (~~(board)~~) commission who has failed to comply with this section.

Sec. 328. RCW 18.72.265 and 1986 c 259 s 117 are each amended to read as follows:

(1) The contents of any report file under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.17 RCW, except that it may be reviewed (a) by the licensee involved or his or her counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the (~~(medical disciplinary board)~~) commission, or investigator thereof, who has been assigned to review the activities of a licensed physician.

Upon a determination that a report is without merit, the (~~(board's)~~) commission's records may be purged of information relating to the report.

(2) Every individual, medical association, medical society, hospital, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, and agency of the federal, state, or local government shall be immune from civil liability, whether direct or derivative, for providing information to the (~~(board subsequent to)~~) commission under RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260 (~~(as now or hereafter amended)~~).

Sec. 329. RCW 18.72.301 and 1989 c 119 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 18.72.306 through 18.72.321 (as recodified by this act).

(1) (~~"Board" means the medical disciplinary board of this state.~~

~~(2))~~ "Committee" means a nonprofit corporation formed by physicians who have expertise in the areas of alcoholism, drug abuse, or mental illness and who broadly represent the physicians of the state and that has been designated to perform any or all of the activities set forth in RCW 18.72.306(1) (as recodified by this act) pursuant to rules adopted by the (~~(board)~~) commission under chapter 34.05 RCW.

~~(3))~~ ~~(2)~~ "Impaired" or "impairment" means the presence of the diseases of alcoholism, drug abuse, mental illness, or other debilitating conditions.

~~(4))~~ ~~(3)~~ "Impaired physician program" means the program for the prevention, detection, intervention, and monitoring of impaired physicians established by the (~~(board)~~) commission pursuant to RCW 18.72.306(1) (as recodified by this act).

~~(5))~~ ~~(4)~~ "Physician" means a person licensed under this chapter (~~(18.71 RCW)~~).

~~(6))~~ ~~(5)~~ "Treatment program" means a plan of care and rehabilitation services provided by those organizations or persons authorized to provide such services to be approved by the (~~(board)~~) commission for impaired physicians taking part in the impaired physician program created by RCW 18.72.306 (as recodified by this act).

Sec. 330. RCW 18.72.306 and 1991 c 3 s 169 are each amended to read as follows:

(1) The (~~(board)~~) commission shall enter into a contract with the committee to implement an impaired physician program. The impaired physician program may include any or all of the following:

(a) Contracting with providers of treatment programs;

(b) Receiving and evaluating reports of suspected impairment from any source;

(c) Intervening in cases of verified impairment;

(d) Referring impaired physicians to treatment programs;

(e) Monitoring the treatment and rehabilitation of impaired physicians including those ordered by the (~~(board)~~) commission;

(f) Providing post-treatment monitoring and support of rehabilitative impaired physicians;

(g) Performing such other activities as agreed upon by the (~~(board)~~) commission and the committee; and

(h) Providing prevention and education services.

(2) A contract entered into under subsection (1) of this section shall be financed by a surcharge of up to twenty-five dollars on each license renewal or issuance of a new license to be collected by the department of health from every physician and surgeon licensed under this chapter (~~(18.71 RCW)~~) in addition to other license fees and the medical discipline assessment fee established under RCW 18.72.380. These moneys shall be placed in the health professions account to be used solely for the implementation of the impaired physician program.

Sec. 331. RCW 18.72.311 and 1987 c 416 s 3 are each amended to read as follows:

The committee shall develop procedures in consultation with the ((beard)) commission for:

- (1) Periodic reporting of statistical information regarding impaired physician activity;
- (2) Periodic disclosure and joint review of such information as the ((beard)) commission may deem appropriate regarding reports received, contacts or investigations made, and the disposition of each report: PROVIDED, That the committee shall not disclose any personally identifiable information except as provided in subsections (3) and (4) of this section;
- (3) Immediate reporting to the ((beard)) commission of the name and results of any contact or investigation regarding any impaired physician who is believed to constitute an imminent danger to the public;
- (4) Reporting to the ((beard)) commission, in a timely fashion, any impaired physician who refuses to cooperate with the committee, refuses to submit to treatment, or whose impairment is not substantially alleviated through treatment, and who, in the opinion of the committee, is unable to practice medicine with reasonable skill and safety. However, impairment, in and of itself, shall not give rise to a presumption of the inability to practice medicine with reasonable skill and safety;
- (5) Informing each participant of the impaired physician program of the program procedures, the responsibilities of program participants, and the possible consequences of noncompliance with the program.

Sec. 332. RCW 18.72.316 and 1987 c 416 s 4 are each amended to read as follows:

If the ((beard)) commission has reasonable cause to believe that a physician is impaired, the ((beard)) commission shall cause an evaluation of such physician to be conducted by the committee or the committee's designee or the ((beard's)) commission's designee for the purpose of determining if there is an impairment. The committee or appropriate designee shall report the findings of its evaluation to the ((beard)) commission.

Sec. 333. RCW 18.72.340 and 1993 c 367 s 17 are each amended to read as follows:

- (1) Every institution or organization providing professional liability insurance to physicians shall send a complete report to the ((~~medical disciplinary board~~) commission) of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a five-year time period as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.
- (2) Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

Sec. 334. RCW 18.72.345 and 1991 c 215 s 2 are each amended to read as follows:

To assist in identifying impairment related to alcohol abuse, the ((beard)) commission may obtain a copy of the driving record of a physician or a physician assistant maintained by the department of licensing.

NEW SECTION. Sec. 335. (1) RCW 18.72.155, 18.72.165, 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340, and 18.72.345, as amended by this act, are each recodified as sections in chapter 18.71 RCW.

(2) RCW 18.72.010, 18.72.321, 18.72.380, 18.72.390, and 18.72.400 are each recodified as sections in chapter 18.71 RCW.

NEW SECTION. Sec. 336. The following acts or parts of acts are each repealed:

- (1) RCW 18.72.020 and 1986 c 259 s 115 & 1955 c 202 s 2;
- (2) RCW 18.72.045 and 1991 c 215 s 1;
- (3) RCW 18.72.090 and 1955 c 202 s 9;
- (4) RCW 18.72.100 and 1991 c 3 s 166, 1984 c 287 s 45, 1979 ex.s. c 111 s 3, 1979 c 158 s 59, 1975-'76 2nd ex.s. c 34 s 42, & 1955 c 202 s 10;
- (5) RCW 18.72.110 and 1955 c 202 s 11;
- (6) RCW 18.72.120 and 1991 c 3 s 167 & 1955 c 202 s 12;
- (7) RCW 18.72.130 and 1979 ex.s. c 111 s 4 & 1955 c 202 s 13;
- (8) RCW 18.72.150 and 1986 c 259 s 116, 1979 ex.s. c 111 s 5, 1975 c 61 s 4, & 1955 c 202 s 15;
- (9) RCW 18.72.154 and 1986 c 259 s 107;
- (10) RCW 18.72.190 and 1989 c 373 s 18 & 1955 c 202 s 19;
- (11) RCW 18.72.900 and 1955 c 202 s 46; and
- (12) RCW 18.72.910 and 1955 c 202 s 48.

NURSING CARE

NEW SECTION. Sec. 401. It is the purpose of the nursing care quality assurance commission to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state of Washington.

NEW SECTION. Sec. 402. Unless a different meaning is plainly required by the context, the definitions set forth in this section apply throughout this chapter.

- (1) "Commission" means the Washington state nursing care quality assurance commission.
- (2) "Department" means the department of health.
- (3) "Secretary" means the secretary of health or the secretary's designee.
- (4) "Diagnosis," in the context of nursing practice, means the identification of, and discrimination between, the person's physical and psycho-social signs and symptoms that are essential to effective execution and management of the nursing care regimen.
- (5) "Diploma" means written official verification of completion of an approved nursing education program.
- (6) "Nurse" or "nursing," unless otherwise specified as a practical nurse or practical nursing, means a registered nurse or registered nursing.

NEW SECTION. Sec. 403. (1) It is unlawful for a person to practice or to offer to practice as a registered nurse in this state unless that person has been licensed under this chapter. A person who holds a license to practice as a registered nurse in this state may use the title "registered nurse" and the abbreviation "R.N." No other person may assume that title or use the abbreviation or any other words, letters, signs, or figures to indicate that the person using them is a registered nurse.

(2) It is unlawful for a person to practice or to offer to practice as an advanced registered nurse practitioner or as a nurse practitioner in this state unless that person has been licensed under this chapter. A person who holds a license to practice as an advanced registered nurse practitioner in this state may use the titles "advanced registered nurse practitioner" and "nurse practitioner" and the abbreviations "A.R.N.P." and "N.P." No other person may assume those titles or use those abbreviations or any other words, letters, signs, or figures to indicate that the person using them is an advanced registered nurse practitioner or nurse practitioner.

(3) It is unlawful for a person to practice or to offer to practice as a licensed practical nurse in this state unless that person has been licensed under this chapter. A person who holds a license to practice as a licensed practical nurse in this state may use the title "licensed practical nurse" and the abbreviation "L.P.N." No other person may assume that title or use that abbreviation or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

NEW SECTION. Sec. 404. (1) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

- (a) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others;
- (b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the commission to be performed by registered nurses licensed under this chapter and that are authorized by the commission through its rules;
- (c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, medical clinic, or office, concerning its administration and supervision;
- (d) The teaching of nursing;
- (e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, or (b) the practice of licensed practical nursing by a licensed practical nurse.

NEW SECTION. Sec. 405. "Advanced registered nursing practice" means the performance of the acts of a registered nurse and the performance of an expanded role in providing health care services as recognized by the medical and nursing professions, the scope of which is defined by rule by the commission. Upon approval by the commission, an advanced registered nurse practitioner may prescribe legend drugs and controlled substances contained in Schedule V of the Uniform Controlled Substances Act, chapter 69.50 RCW.

Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This section does not prohibit (1) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be an advanced registered nurse practitioner, or (2) the practice of registered nursing by a licensed registered nurse or the practice of licensed practical nursing by a licensed practical nurse.

NEW SECTION. Sec. 406. "Licensed practical nursing practice" means the performance of services requiring the knowledge, skill, and judgment necessary for carrying out selected aspects of the designated nursing regimen under the direction and supervision of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, physician assistant, osteopathic physician assistant, podiatric physician and surgeon, advanced registered nurse practitioner, or registered nurse.

Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This section does not prohibit the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a licensed practical nurse.

NEW SECTION. Sec. 407. (1) The state nursing care quality assurance commission is established, consisting of eleven members to be appointed by the governor to four-year terms. No person may serve as a member of the commission for more than two consecutive full terms.

(2) There must be three registered nurse members, two advanced registered nurse practitioner members, three licensed practical nurse members, two public members, and one nonvoting midwife member licensed under chapter 18.50 RCW, on the commission. Each member of the commission must be a citizen of the United States and a resident of this state.

(3) Registered nurse members of the commission must:

(a) Be licensed as registered nurses under this chapter; and

(b) Have had at least five years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(4) Advanced registered nurse practitioner members of the commission must:

(a) Be licensed as advanced registered nurse practitioners under this chapter; and

(b) Have had at least five years' experience in the active practice of advanced registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the commission must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least five years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

(7) The nonvoting licensed midwife member of the commission must:

(a) Be licensed as a midwife under chapter 18.50 RCW; and

(b) Have had at least five years' actual experience as a licensed midwife and have been engaged in practice as a midwife within two years of appointment.

In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint the existing members of the board of nursing and the board of practical nursing repealed under chapter . . ., Laws of 1994 (this act). The governor may appoint initial members of the commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the commission hold office until their successors are appointed.

NEW SECTION. Sec. 408. The governor may remove a member of the commission for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. Whenever the governor is satisfied that a member of the commission has been guilty of neglect of duty, misconduct, malfeasance or misfeasance in office, or of incompetency or unprofessional conduct, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member. If a vacancy occurs on the commission, the governor shall appoint a replacement member to fill the remainder of the unexpired term.

NEW SECTION. Sec. 409. Each commission member shall be compensated in accordance with RCW 43.03.240 and shall be paid travel expenses when away from home in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 410. The commission shall annually elect officers from among its members. The commission shall meet at least quarterly at times and places it designates. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the commission members appointed and serving constitutes a quorum at a meeting. All meetings of the commission must be open and public, except that the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Carrying a motion or resolution, adopting a rule, or passing a measure requires the affirmative vote of a majority of a quorum of the commission. The commission may appoint panels consisting of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

NEW SECTION. Sec. 411. The commission shall keep a record of all of its proceedings and make such reports to the governor as may be required. The commission shall define by rules what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing profession. The commission may adopt rules or issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners, and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The commission shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter. The commission shall approve such schools of nursing as meet the requirements of this chapter and the commission, and the commission shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The commission shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years' inactive or

lapsed status. The commission shall establish criteria for licensing by endorsement. The commission shall determine examination requirements for applicants for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter, and shall certify to the secretary for licensing duly qualified applicants.

The commission shall adopt such rules under chapter 34.05 RCW as are necessary to fulfill the purposes of this chapter.

The commission is the successor in interest of the board of nursing and the board of practical nursing. All contracts, undertakings, agreements, rules, regulations, decisions, orders, and policies of the former board of nursing or the board of practical nursing continue in full force and effect under the commission until the commission amends or rescinds those rules, regulations, decisions, orders, or policies.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

NEW SECTION. Sec. 412. The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 413. The secretary shall appoint, after consultation with the commission, an executive director who shall act to carry out this chapter. The secretary shall also employ such professional, secretarial, clerical, and other assistants as may be necessary to effectively administer this chapter. The secretary shall fix the compensation and provide for travel expenses for the executive director and all such employees, in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 414. The executive director must be a graduate of an approved nursing education program and of a college or university, with a masters' degree, and currently licensed as a registered nurse under this chapter; have a minimum of eight years' experience in nursing in any combination of administration and nursing education; and have been actively engaged in the practice of registered nursing or nursing education within two years immediately before the time of appointment.

NEW SECTION. Sec. 415. An institution desiring to conduct a school of registered nursing or a school or program of practical nursing, or both, shall apply to the commission and submit evidence satisfactory to the commission that:

- (1) It is prepared to carry out the curriculum approved by the commission for basic registered nursing or practical nursing, or both; and
- (2) It is prepared to meet other standards established by law and by the commission.

The commission shall make, or cause to be made, such surveys of the schools and programs, and of institutions and agencies to be used by the schools and programs, as it determines are necessary. If in the opinion of the commission, the requirements for an approved school of registered nursing or a school or program of practical nursing, or both, are met, the commission shall approve the school or program.

NEW SECTION. Sec. 416. (1) An applicant for a license to practice as a registered nurse shall submit to the commission:

- (a) An attested written application on a department form;
- (b) Written official evidence of a diploma from an approved school of nursing; and
- (c) Any other official records specified by the commission.

(2) An applicant for a license to practice as an advanced registered nurse practitioner shall submit to the commission:

- (a) An attested written application on a department form;
- (b) Written official evidence of completion of an advanced registered nurse practitioner training program meeting criteria established by the commission; and
- (c) Any other official records specified by the commission.

(3) An applicant for a license to practice as a licensed practical nurse shall submit to the commission:

- (a) An attested written application on a department form;
- (b) Written official evidence that the applicant is over the age of eighteen;
- (c) Written official evidence of a high school diploma or general education development certificate or diploma;
- (d) Written official evidence of completion of an approved practical nursing program, or its equivalent; and
- (e) Any other official records specified by the commission.

(4) At the time of submission of the application, the applicant for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse must not be in violation of chapter 18.130 RCW or this chapter.

(5) The commission shall establish by rule the criteria for evaluating the education of all applicants.

NEW SECTION. Sec. 417. An applicant for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse must pass an examination in subjects determined by the commission. The examination may be supplemented by an oral or practical examination. The commission shall establish by rule the requirements for applicants who have failed the examination to qualify for reexamination.

NEW SECTION. Sec. 418. When authorized by the commission, the department shall issue an interim permit authorizing the applicant to practice registered nursing, advanced registered nursing, or licensed practical nursing, as appropriate, from the time of verification of the completion of the school or training program until notification of the results of the examination. Upon the applicant passing the examination, and if all other requirements established by the commission for licensing are met, the department shall issue the applicant a license to practice registered nursing,

advanced registered nursing, or licensed practical nursing, as appropriate. If the applicant fails the examination, the interim permit expires upon notification to the applicant, and is not renewable. The holder of an interim permit is subject to chapter 18.130 RCW.

NEW SECTION. Sec. 419. Upon approval of the application by the commission, the department shall issue a license by endorsement without examination to practice as a registered nurse or as a licensed practical nurse to a person who is licensed as a registered nurse or licensed practical nurse under the laws of another state, territory, or possession of the United States, and who meets all other qualifications for licensing.

An applicant who has graduated from a school or program of nursing outside the United States and is licensed as a registered nurse or licensed practical nurse, or their equivalents, outside the United States must meet all qualifications required by this chapter and pass examinations as determined by the commission.

2 NEW SECTION. Sec. 420. An applicant for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse shall pay a fee as determined by the secretary under RCW 43.70.250 to the state treasurer.

NEW SECTION. Sec. 421. A license issued under this chapter, whether in an active or inactive status, must be renewed, except as provided in this chapter. The licensee shall send the renewal form to the department with a renewal fee, as determined by the secretary under RCW 43.70.250, before the expiration date. Upon receipt of the renewal form and the appropriate fee, the department shall issue the licensee a license, which declares the holder to be a legal practitioner of registered nursing, advanced registered nursing practice, or licensed practical nursing, as appropriate, in either active or inactive status, for the period of time stated on the license.

NEW SECTION. Sec. 422. A person licensed under this chapter who allows his or her license to lapse by failing to renew the license, shall on application for renewal pay a penalty determined by the secretary under RCW 43.70.250. If the licensee fails to renew the license before the end of the current licensing period, the department shall issue the license for the next licensing period upon receipt of a written application and fee determined by the secretary under RCW 43.70.250. Persons on lapsed status for three or more years must provide evidence of knowledge and skill of current practice as required by the commission.

NEW SECTION. Sec. 423. A person licensed under this chapter who desires to retire temporarily from registered nursing practice, advanced registered nursing practice, or licensed practical nursing practice in this state shall send a written notice to the secretary.

Upon receipt of the notice the department shall place the name of the person on inactive status. While remaining on this status the person shall not practice in this state any form of nursing provided for in this chapter. When the person desires to resume practice, the person shall apply to the commission for renewal of the license and pay a renewal fee to the state treasurer. Persons on inactive status for three years or more must provide evidence of knowledge and skill of current practice as required by the commission or as provided in this chapter.

NEW SECTION. Sec. 424. (1) In the context of the definition of registered nursing practice and advanced registered nursing practice, this chapter shall not be construed as:

- (a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice registered nursing within the meaning of this chapter;
- (b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;
- (c) Prohibiting the practice of nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing aides;
- (d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;
- (e) Prohibiting the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a registered nurse licensed to practice in this state;
- (f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in the practice of nursing as defined in this chapter;
- (g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or a bureau, division, or agency thereof, while in the discharge of his or her official duties;
- (h) Permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses for the aid thereof;
- (i) Permitting the prescribing or directing the use of, or using, an optical device in connection with ocular exercises, visual training, vision training, or orthoptics;
- (j) Permitting the prescribing of contact lenses for, or the fitting and adaptation of contact lenses to, the human eye;
- (k) Prohibiting the performance of routine visual screening;
- (l) Permitting the practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW, respectively;
- (m) Permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulation of the spine;
- (n) Permitting the practice of podiatric medicine and surgery as defined in chapter 18.22 RCW;

(o) Permitting the performance of major surgery, except such minor surgery as the commission may have specifically authorized by rule adopted in accordance with chapter 34.05 RCW;

(p) Permitting the prescribing of controlled substances as defined in Schedules I through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, except as provided in (r) of this subsection;

(q) Prohibiting the determination and pronouncement of death;

(r) Prohibiting advanced registered nurse practitioners, approved by the commission as certified registered nurse anesthetists from selecting, ordering, or administering controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, consistent with their commission-recognized scope of practice; subject to facility-specific protocols, and subject to a request for certified registered nurse anesthetist anesthesia services issued by a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a podiatric physician and surgeon licensed under chapter 18.22 RCW; the authority to select, order, or administer Schedule II through IV controlled substances being limited to those drugs that are to be directly administered to patients who require anesthesia for diagnostic, operative, obstetrical, or therapeutic procedures in a hospital, clinic, ambulatory surgical facility, or the office of a practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the decision-making process of choosing a drug, dosage, route, and time of administration; and "order" meaning the process of directing licensed individuals pursuant to their statutory authority to directly administer a drug or to dispense, deliver, or distribute a drug for the purpose of direct administration to a patient, under instructions of the certified registered nurse anesthetist. "Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia.

(2) In the context of the definition of licensed practical nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice practical nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of practical nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing assistants;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting or preventing the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a licensed practical nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in licensed practical nurse practice as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of his or her official duties.

NEW SECTION. Sec. 425. An advanced registered nurse practitioner under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in sections 426 and 427 of this act:

(1) Perform specialized and advanced levels of nursing as recognized jointly by the medical and nursing professions, as defined by the commission;

(2) Prescribe legend drugs and Schedule V controlled substances, as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, within the scope of practice defined by the commission;

(3) Perform all acts provided in section 426 of this act;

(4) Hold herself or himself out to the public or designate herself or himself as an advanced registered nurse practitioner or as a nurse practitioner.

NEW SECTION. Sec. 426. A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in section 427 of this act:

(1) At or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required;

(2) Delegate to other persons engaged in nursing, the functions outlined in subsection (1) of this section;

(3) Instruct nurses in technical subjects pertaining to nursing;

(4) Hold herself or himself out to the public or designate herself or himself as a registered nurse.

NEW SECTION. Sec. 427. A licensed practical nurse under his or her license may perform nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof may, under the direction of a licensed physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, advanced registered nurse practitioner acting under the scope of his or her license, or at the direction and under the supervision of a registered nurse, administer drugs, medications, treatments, tests, injections, and inoculations, whether or not the piercing of tissues is involved and whether or not a degree of independent judgment and skill is required, when selected to do so by one of the licensed practitioners designated in this section, or by a registered nurse who need not be physically present; if the order given is reduced to writing within a reasonable time and made a part of the patient's record.

NEW SECTION. Sec. 428. It is not a violation of chapter 18.71 RCW or of chapter 18.57 RCW for a registered nurse, at or under the general direction of a licensed physician and surgeon, or osteopathic physician and surgeon, to administer prescribed drugs, injections, inoculations, tests, or treatment whether or not the piercing of tissues is involved.

NEW SECTION. Sec. 429. (1) In accordance with rules adopted by the commission, public school districts and private schools that offer classes for any of grades kindergarten through twelve may provide for clean, intermittent bladder catheterization of students or assisted self-catheterization of students who are in the custody of the school district or private school at the time. After consultation with staff of the superintendent of public instruction, the commission shall adopt rules in accordance with chapter 34.05 RCW, that provide for the following and such other matters as the commission deems necessary to the proper implementation of this section:

(a) A requirement for a written, current, and unexpired request from a parent, legal guardian, or other person having legal control over the student that the school district or private school provide for the catheterization of the student;

(b) A requirement for a written, current, and unexpired request from a physician licensed under chapter 18.71 or 18.57 RCW, that catheterization of the student be provided for during the hours when school is in session or the hours when the student is under the supervision of school officials;

(c) A requirement for written, current, and unexpired instructions from an advanced registered nurse practitioner or a registered nurse licensed under this chapter regarding catheterization that include (i) a designation of the school district or private school employee or employees who may provide for the catheterization, and (ii) a description of the nature and extent of any required supervision; and

(d) The nature and extent of acceptable training that shall (i) be provided by a physician, advanced registered nurse practitioner, or registered nurse licensed under chapter 18.71 or 18.57 RCW, or this chapter, and (ii) be required of school district or private school employees who provide for the catheterization of a student under this section, except that a licensed practical nurse licensed under this chapter is exempt from training.

(2) This section does not require school districts to provide intermittent bladder catheterization of students.

NEW SECTION. Sec. 430. The department, subject to chapter 34.05 RCW, the Washington Administrative Procedure Act, may adopt such reasonable rules as may be necessary to carry out the duties imposed upon it in the administration of this chapter.

NEW SECTION. Sec. 431. As of the effective date of this act, all rules, regulations, decisions, and orders of the board of nursing under chapter 18.88 RCW or the board of practical nursing under chapter 18.78 RCW continue to be in effect under the commission, until the commission acts to modify the rules, regulations, decisions, or orders.

NEW SECTION. Sec. 432. Sections 401 through 431 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 433. The following acts or parts of acts are each repealed:

- (1) RCW 18.78.005 and 1991 c 84 s 1 & 1983 c 55 s 1;
- (2) RCW 18.78.010 and 1991 c 84 s 13, 1991 c 3 s 185, 1983 c 55 s 2, 1967 c 79 s 1, 1963 c 15 s 1, & 1949 c 222 s 1;
- (3) RCW 18.78.020 and 1991 c 84 s 2, 1983 c 55 s 3, 1967 c 79 s 2, & 1949 c 222 s 2;
- (4) RCW 18.78.030 and 1991 c 84 s 3, 1983 c 55 s 4, & 1949 c 222 s 3;
- (5) RCW 18.78.040 and 1991 c 84 s 4, 1984 c 287 s 47, 1983 c 55 s 5, 1975-76 2nd ex.s. c 34 s 45, 1967 c 188 s 4, & 1949 c 222 s 4;
- (6) RCW 18.78.050 and 1991 c 84 s 5, 1988 c 211 s 4, 1986 c 259 s 129, 1983 c 55 s 6, 1979 c 158 s 64, 1967 c 79 s 3, & 1949 c 222 s 5;
- (7) RCW 18.78.054 and 1987 c 150 s 49 & 1986 c 259 s 128;

- (8) RCW 18.78.055 and 1991 c 84 s 6 & 1983 c 55 s 7;
- (9) RCW 18.78.058 and 1987 c 150 s 50;
- (10) RCW 18.78.060 and 1991 c 84 s 7, 1988 c 212 s 1, 1983 c 55 s 8, 1971 ex.s. c 292 s 26, 1963 c 15 s 2, & 1949 c 222 s 6;
- (11) RCW 18.78.070 and 1986 c 259 s 130, 1983 c 55 s 9, & 1949 c 222 s 7;
- (12) RCW 18.78.072 and 1988 c 211 s 3;
- (13) RCW 18.78.080 and 1991 c 84 s 8, 1985 c 7 s 65, 1979 c 158 s 65, 1975 1st ex.s. c 30 s 68, 1963 c 15 s 3, & 1949 c 222 s 9;
- (14) RCW 18.78.090 and 1991 c 84 s 9, 1986 c 259 s 131, 1985 c 7 s 66, 1983 c 55 s 10, 1979 c 158 s 66, 1975 1st ex.s. c 30 s 69, 1971 ex.s. c 266 s 14, 1967 c 79 s 4, 1963 c 15 s 4, & 1949 c 222 s 10;
- (15) RCW 18.78.100 and 1991 c 84 s 10, 1991 c 3 s 190, 1983 c 55 s 11, 1971 c 68 s 1, & 1949 c 222 s 11;
- (16) RCW 18.78.160 and 1991 c 84 s 12, 1983 c 55 s 15, & 1949 c 222 s 17;
- (17) RCW 18.78.182 and 1991 c 84 s 11, 1983 c 55 s 19, 1971 c 68 s 2, & 1967 c 79 s 6;

- (18) RCW 18.78.225 and 1991 c 3 s 192 & 1988 c 211 s 12;
- (19) RCW 18.78.900 and 1949 c 222 s 19;
- (20) RCW 18.78.901 and 1983 c 55 s 22;
- (21) RCW 18.88.010 and 1973 c 133 s 1 & 1949 c 202 s 1;
- (22) RCW 18.88.020 and 1973 c 133 s 2 & 1949 c 202 s 2;
- (23) RCW 18.88.030 and 1991 c 3 s 213, 1989 c 114 s 1, 1979 c 158 s 69, 1973 c 133 s 3, 1961 c 288 s 1, & 1949 c 202 s 4;
- (24) RCW 18.88.050 and 1989 c 114 s 2, 1973 c 133 s 4, & 1949 c 202 s 5;
- (25) RCW 18.88.060 and 1973 c 133 s 5, 1961 c 288 s 3, & 1949 c 202 s 6;
- (26) RCW 18.88.070 and 1989 c 114 s 3, 1973 c 133 s 6, & 1949 c 202 s 7;
- (27) RCW 18.88.080 and 1991 c 3 s 214, 1988 c 211 s 8, 1984 c 287 s 50, 1977 c 75 s 12, 1975-'76 2nd ex.s. c 34 s 50, 1973 c 133 s 7, 1961 c 288 s 4, & 1949 c 202 s 8;
- (28) RCW 18.88.086 and 1987 c 150 s 57 & 1986 c 259 s 135;
- (29) RCW 18.88.090 and 1991 c 3 s 215, 1975-'76 2nd ex.s. c 34 s 51, 1973 c 133 s 8, 1961 c 288 s 5, & 1949 c 202 s 9;
- (30) RCW 18.88.100 and 1973 c 133 s 9, 1961 c 288 s 6, & 1949 c 202 s 10;
- (31) RCW 18.88.110 and 1973 c 133 s 10 & 1949 c 202 s 11;
- (32) RCW 18.88.120 and 1973 c 133 s 11 & 1949 c 202 s 12;
- (33) RCW 18.88.130 and 1989 c 114 s 4, 1973 c 133 s 12, 1961 s 288 s 7, & 1949 c 202 s 13;
- (34) RCW 18.88.140 and 1989 c 114 s 5, 1973 c 133 s 13, 1961 c 288 s 8, & 1949 c 202 s 14;
- (35) RCW 18.88.150 and 1989 c 114 s 6, 1988 c 211 s 5, 1973 c 133 s 14, 1961 c 288 s 9, & 1949 c 202 s 15;
- (36) RCW 18.88.160 and 1991 c 3 s 216, 1985 c 7 s 68, 1975 1st ex.s. c 30 s 77, 1973 c 133 s 15, 1961 c 288 s 10, & 1949 c 202 s 16;
- (37) RCW 18.88.170 and 1973 c 133 s 16 & 1949 c 202 s 17;
- (38) RCW 18.88.175 and 1991 c 3 s 217 & 1988 c 211 s 13;
- (39) RCW 18.88.190 and 1991 c 3 s 218, 1988 c 211 s 9, 1985 c 7 s 69, 1979 ex.s. c 106 s 1, 1975 1st ex.s. c 30 s 78, 1973 c 133 s 18, 1971 ex.s. c 266 s 18, 1961 c 288 s 11, & 1949 c 202 s 19;
- (40) RCW 18.88.200 and 1991 c 3 s 219, 1988 c 211 s 10, 1985 c 7 s 70, 1975 1st ex.s. c 30 s 79, 1973 c 133 s 19, 1961 c 288 s 12, & 1949 c 202 s 20;
- (41) RCW 18.88.220 and 1991 c 3 s 220, 1988 c 211 s 11, 1973 c 133 s 20, & 1949 c 202 s 22;
- (42) RCW 18.88.270 and 1986 c 259 s 136, 1973 c 133 s 26, & 1949 c 202 s 27;
- (43) RCW 18.88.280 and 1993 c 225 s 1, 1989 c 114 s 7, 1988 c 37 s 1, 1973 c 133 s 27, 1961 c 288 s 13, & 1949 c 202 s 28;
- (44) RCW 18.88.285 and 1989 c 114 s 8, 1973 c 133 s 28, 1967 c 79 s 9, & 1961 c 288 s 14;
- (45) RCW 18.88.290 and 1955 c 62 s 1;
- (46) RCW 18.88.295 and 1988 c 48 s 1;
- (47) RCW 18.88.300 and 1973 c 133 s 29;
- (48) RCW 18.88.900 and 1949 c 202 s 29; and
- (49) RCW 18.88A.070 and 1991 c 16 s 9, 1991 c 3 s 223, 1989 c 300 s 9, & 1988 c 267 s 9.

MENTAL HEALTH CARE

Sec. 501. RCW 18.19.070 and 1991 c 3 s 22 are each amended to read as follows:

(1) ~~(Within sixty days of July 26, 1987, the secretary shall have authority to appoint advisory committees to further the purposes of this chapter. Each such committee shall be composed of five members, one member initially appointed for a term of one year, two for terms of two years, and two for terms of three years. No person may serve as a member of the committee for more than two consecutive terms.)~~ The Washington state mental health quality assurance council is created, consisting of nine members appointed by the secretary. All appointments shall be for a term of four years. No person may serve as a member of the council for more than two consecutive full terms.

Voting members of the council must include one social worker certified under RCW 18.19.110, one mental health counselor certified under RCW 18.19.120, one marriage and family therapist certified under RCW 18.19.130, one counselor registered under RCW 18.19.090, one hypnotherapist registered under RCW 18.19.090, and two public members. Each member of the council must be a citizen of the United States and a resident of this state. Public members of the council may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the council, or have a material or financial interest in the rendering of health services regulated by the council.

The secretary may appoint the initial members of the council to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the council hold office until their successors are appointed.

The secretary may remove any member of the (~~advisory committees~~) council for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(2) The ~~((advisory committees))~~ council shall ~~((each))~~ meet at the times and places designated by the secretary and shall hold meetings during the year as necessary to provide advice to the secretary.

Each member of ~~((an advisory committee))~~ the council shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the ~~((committees))~~ council shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of ~~((their committee.~~

~~((3) Members of an advisory committee shall be residents of this state. Each committee shall be composed of four individuals registered or certified in the category designated by the committee title, and one member who is a member of the public))~~ the council. The members of the council are immune from suit in an action, civil or criminal, based on their official acts performed in good faith as members of the council.

ACUPUNCTURE

Sec. 502. RCW 4.24.240 and 1985 c 326 s 25 are each amended to read as follows:

(1)(a) A person licensed by this state to provide health care or related services, including, but not limited to, a ~~((certified))~~ licensed acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, ~~((pediatrist))~~ podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, including, in the event such person is deceased, his or her estate or personal representative;

(b) An employee or agent of a person described in subparagraph (a) of this subsection, acting in the course and scope of his or her employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subparagraph (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, trustee, employee, or agent thereof acting in the course and scope of his or her employment, including in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative;

shall be immune from civil action for damages arising out of the good faith performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

(2) No member, employee, staff person, or investigator of a professional review committee shall be liable in a civil action as a result of acts or omissions made in good faith on behalf of the committee; nor shall any person be so liable for filing charges with or supplying information or testimony in good faith to any professional review committee; nor shall a member, employee, staff person, or investigator of a professional society, of a professional examining or licensing board, of a professional disciplinary board, of a governing board of any institution, or of any employer of professionals be so liable for good faith acts or omissions made in full or partial reliance on recommendations or decisions of a professional review committee or examining board.

Sec. 503. RCW 7.70.020 and 1985 c 326 s 27 are each amended to read as follows:

As used in this chapter "health care provider" means either:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a ~~((certified))~~ licensed acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, ~~((pediatrist))~~ podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his or her estate or personal representative;

(2) An employee or agent of a person described in part (1) above, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in part (1) above, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his or her employment, including in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative.

Sec. 504. RCW 18.06.010 and 1992 c 110 s 1 are each amended to read as follows:

The following terms in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Acupuncture" means a health care service based on ~~((a traditional))~~ an Oriental system of medical theory utilizing Oriental diagnosis and treatment to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians. Acupuncture includes ~~((but is not necessarily limited to))~~ the following techniques:

- (a) Use of acupuncture needles to stimulate acupuncture points and meridians;
- (b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;
- (c) Moxibustion;
- (d) Acupressure;
- (e) Cupping;
- (f) Dermal friction technique;
- (g) Infra-red;

- (h) Sonopuncture;
- (i) Laserpuncture;
- (j) ~~((Dietary advice based on traditional Oriental medical theory; and~~

~~(k)) Point injection therapy (aquapuncture); and~~

(k) Dietary advice based on Oriental medical theory provided in conjunction with techniques under (a) through (j) of this subsection.

(2) "Acupuncturist" means a person ~~((certified))~~ licensed under this chapter.

(3) "Department" means the department of health.

(4) "Secretary" means the secretary of health or the secretary's designee.

Sec. 505. RCW 18.06.020 and 1991 c 3 s 5 are each amended to read as follows:

(1) No one may hold themselves out to the public as an acupuncturist or ~~((certified))~~ licensed acupuncturist or any derivative thereof which is intended to or is likely to lead the public to believe such a person is an acupuncturist or ~~((certified))~~ licensed acupuncturist unless ~~((certified))~~ licensed as provided for in this chapter.

(2) A person may not practice acupuncture if the person is not licensed under this chapter.

(3) No one may use any configuration of letters after their name (including Ac.) which indicates a degree or formal training in acupuncture unless ~~((certified))~~ licensed as provided for in this chapter.

~~((3))~~ (4) The secretary may by rule proscribe or regulate advertising and other forms of patient solicitation which are likely to mislead or deceive the public as to whether someone is ~~((certified))~~ licensed under this chapter.

Sec. 506. RCW 18.06.045 and 1992 c 110 s 2 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice ~~((by an individual licensed, certified, or registered))~~ by an individual credentialed under the laws of this state and performing services within such individual's authorized scope of practice. Health professions authorized to perform acupuncture under other chapters of state law may follow recommended guidelines developed by the acupuncture advisory committee to assist in determining the level of training sufficient to allow for the provision of safe acupuncture services;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) The practice of acupuncture by any person ~~((licensed or certified))~~ credentialed to perform acupuncture in any other jurisdiction where such person is doing so in the course of regular instruction of a school of acupuncture approved by the secretary or in an educational seminar by a professional organization of acupuncture, provided that in the latter case, the practice is supervised directly by a person ~~((certified pursuant to))~~ licensed under this chapter or licensed under any other healing art whose scope of practice includes acupuncture.

Sec. 507. RCW 18.06.080 and 1992 c 110 s 3 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a ~~((certification))~~ licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by ~~((certified))~~ licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of ~~((Certified))~~ Licensed Acupuncturist.

Sec. 508. RCW 18.06.090 and 1985 c 326 s 9 are each amended to read as follows:

Before ~~((certification))~~ licensure, each applicant shall demonstrate sufficient fluency in reading, speaking, and understanding the English language to enable the applicant to communicate with other health care providers and patients concerning health care problems and treatment.

Sec. 509. RCW 18.06.110 and 1991 c 3 s 11 are each amended to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of ~~((certificates))~~ licenses, and the disciplining of ~~((certificate))~~ license holders under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 510. RCW 18.06.120 and 1992 c 110 s 4 are each amended to read as follows:

(1) Every person ~~((certified))~~ licensed in acupuncture shall register with the secretary annually and pay an annual renewal ~~((registration))~~ fee determined by the secretary as provided in RCW 43.70.250 on or before the ~~((certificate))~~ license holder's birth anniversary date. The ~~((certificate))~~ license of the person shall be renewed for a period of one year or longer in the discretion of the secretary. A person whose practice is exclusively out-of-state or who is on sabbatical shall be granted an inactive ~~((certification))~~ licensure status and pay a reduced ~~((registration))~~ fee. The reduced fee shall be set by the secretary under RCW 43.70.250.

(2) Any failure to register and pay the annual renewal (~~(registration)~~) fee shall render the (~~(certificate)~~) license invalid. The (~~(certificate)~~) license shall be reinstated upon: (a) Written application to the secretary; (b) payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250; and (c) payment to the state of all delinquent annual (~~(certificate)~~) license renewal fees.

(3) Any person who fails to renew his or her (~~(certification)~~) license for a period of three years shall not be entitled to renew (~~(such certification)~~) the licensure under this section. Such person, in order to obtain a (~~(certification)~~) licensure in acupuncture in this state, shall file a new application under this chapter, along with the required fee, and shall meet examination or continuing education requirements as the secretary, by rule, provides.

(4) All fees collected under this section and RCW 18.06.070 shall be credited to the health professions account as required under RCW 43.70.320.

Sec. 511. RCW 18.06.130 and 1991 c 3 s 13 are each amended to read as follows:

The secretary shall develop a form to be used by an acupuncturist to inform the patient of the acupuncturist's scope of practice and qualifications. All (~~(certificate)~~) license holders shall bring the form to the attention of the patients in whatever manner the secretary, by rule, provides.

Sec. 512. RCW 18.06.140 and 1991 c 3 s 14 are each amended to read as follows:

Every (~~(certified)~~) licensed acupuncturist shall develop a written plan for consultation, emergency transfer, and referral to other health care practitioners operating within the scope of their authorized practices. The written plan shall be submitted with the initial application for (~~(certification)~~) licensure as well as annually thereafter with the (~~(certificate)~~) license renewal fee to the department. The department may withhold (~~(certification)~~) licensure or renewal of (~~(certification)~~) licensure if the plan fails to meet the standards contained in rules (~~(promulgated)~~) adopted by the secretary.

When the acupuncturist sees patients with potentially serious disorders such as cardiac conditions, acute abdominal symptoms, and such other conditions, the acupuncturist shall immediately request a consultation or recent written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW. In the event that the patient with the disorder refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued.

Sec. 513. RCW 18.06.190 and 1991 c 3 s 18 are each amended to read as follows:

The secretary may (~~(certify)~~) license a person without examination if such person is (~~(licensed or certified)~~) credentialed as an acupuncturist in another jurisdiction if, in the secretary's judgment, the requirements of that jurisdiction are equivalent to or greater than those of Washington state.

Sec. 514. RCW 18.06.200 and 1985 c 326 s 20 are each amended to read as follows:

Nothing in this chapter may be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person (~~(registered or certified)~~) licensed under this chapter.

NEW SECTION. **Sec. 515.** RCW 18.06.170 and 1991 c 3 s 16 & 1985 c 326 s 17 are each repealed.

OCULARISTS

Sec. 516. RCW 18.55.020 and 1991 c 180 s 2 are each amended to read as follows:

The terms defined in this section shall have the meaning ascribed to them wherever appearing in this chapter, unless a different meaning is specifically used to such term in such statute.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Ocularist" means a person licensed under this chapter.

(4) (~~"Advisory committee" means the state ocularist advisory committee.~~)

(~~5~~) "Apprentice" means a person designated an apprentice in the records of the secretary to receive from a licensed ocularist training and direct supervision in the work of an ocularist.

(~~6~~) (5) "Stock-eye" means an ocular stock prosthesis that has not been originally manufactured or altered by the ocularist or service provider selling or fitting, or both, said prosthesis to a patient or customer. "Altered" means either taking away or adding materials, or colorization, or otherwise changing the prosthesis' appearance, function, or fit in the socket or on the implant of the patient or customer.

(~~7~~) (6) "Modified stock-eye" means a stock-eye(~~(, as defined in subsection (6) of this section,)~~) that has been altered in some manner by the ocularist or service provider selling or fitting, or both, said prosthesis to a patient or customer. "Altered" is as defined in subsection (~~6~~) (5) of this section. A modified stock-eye cannot be defined as either a "custom" or "impression-fitted" eye or prosthesis by adding material that incorporates an impression-surface of the patient or customer socket or implant surfaces.

(~~8~~) (7) "Custom-eye" means an original, newly manufactured eye or prosthesis that has been specifically crafted by an ocularist or authorized service provider for the patient or customer to whom it is sold or provided. The "custom-eye" may be either an impression-fitted eye (an impression of the socket or implant surfaces) or an empirical/wax pattern-fitted method eye, or a combination of either, as delineated in the ocularist examination.

RADIOLOGIC TECHNOLOGISTS

Sec. 517. RCW 18.84.020 and 1991 c 222 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Licensed practitioner" means any licensed health care practitioner performing services within the person's authorized scope of practice.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes at the direction of a licensed practitioner; or

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner; or

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes at the direction of a licensed practitioner.

~~(5) ("Advisory committee" means the Washington state radiologic technology advisory committee.~~

~~(6))~~ (6) "Approved school of radiologic technology" means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

~~((7))~~ (6) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

~~((8))~~ (7) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

~~((9))~~ (8) "Registered x-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner.

Sec. 518. RCW 18.84.040 and 1991 c 222 s 11 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may ~~((in consultation with the advisory committee))~~:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

(4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.

Sec. 519. RCW 18.84.070 and 1991 c 3 s 208 are each amended to read as follows:

The secretary, ad hoc committee members ~~((of the committee))~~, or individuals acting on their behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 520. RCW 18.84.090 and 1991 c 3 s 210 are each amended to read as follows:

The secretary~~((, in consultation with the advisory committee,))~~ shall establish by rule the standards and procedures for approval of schools and alternate training, and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating those applying for approval. The standards and procedures set shall apply equally to schools and training within the United States and those in foreign jurisdictions.

Sec. 521. RCW 18.84.110 and 1991 c 3 s 212 are each amended to read as follows:

The secretary~~((, in consultation with the advisory committee,))~~ shall establish by rule the requirements and fees for renewal of certificates. Failure to renew invalidates the certificate and all privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certificant shall demonstrate competence to the satisfaction of the secretary by continuing education or under the other standards determined by the secretary.

NEW SECTION. **Sec. 522.** RCW 18.84.060 and 1991 c 3 s 207 & 1987 c 412 s 7 are each repealed.

RESPIRATORY CARE PRACTITIONERS

Sec. 523. RCW 18.89.020 and 1991 c 3 s 227 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Advisory committee"~~) means the Washington state advisory respiratory care committee.

~~(2))~~ "Department" means the department of health.

~~((3))~~ (2) "Secretary" means the secretary of health or the secretary's designee.

~~((4))~~ (3) "Respiratory care practitioner" means an individual certified under this chapter.

~~((5))~~ (4) "Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

~~((6))~~ (5) "Rural hospital" means a hospital located anywhere in the state except the following areas:

- (a) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane;
- (b) Areas within a twenty-mile radius of an urban area with a population exceeding thirty thousand persons; and
- (c) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

Sec. 524. RCW 18.89.050 and 1991 c 3 s 228 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary (~~(, in consultation with the advisory committee,))~~ may:

- (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;
- (b) Set all certification, examination, and renewal fees in accordance with RCW 43.70.250;
- (c) Establish forms and procedures necessary to administer this chapter;
- (d) Issue a certificate to any applicant who has met the education, training, and examination requirements for certification;
- (e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals certified under this chapter to serve as examiners for any practical examinations;
- (f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the certification examination;
- (g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for certification;
- (h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination;
- (i) Determine which states have legal credentialing requirements equivalent to those of this state and issue certificates to individuals legally credentialed in those states without examination; (~~and~~)
- (j) Define and approve any experience requirement for certification; and
- (k) Appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.

(2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of certificates, uncertified practice, and the disciplining of persons certified under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 525. RCW 18.89.080 and 1991 c 3 s 231 are each amended to read as follows:

The secretary, ad hoc committee members (~~(of the advisory committee)~~), or individuals acting on their behalf are immune from suit in any civil action based on any certification or disciplinary proceedings, or other official acts performed in the course of their duties.

NEW SECTION. **Sec. 526.** RCW 18.89.070 and 1991 c 3 s 230 & 1987 c 415 s 8 are each repealed.

HEALTH CARE ASSISTANTS

Sec. 527. RCW 18.135.030 and 1991 c 3 s 273 are each amended to read as follows:

The secretary (~~(,)~~) or the secretary's designee, with the advice of designees of the (~~(board of)~~) medical (~~(examiners)~~) care quality assurance commission, the board of osteopathic medicine and surgery, the (~~(pediatric)~~) podiatric medical board, and the (~~(board of)~~) nursing care quality assurance commission, shall adopt rules necessary to administer, implement, and enforce this chapter and establish the minimum requirements necessary for a health care facility or health care practitioner to certify a health care assistant capable of performing the functions authorized in this chapter. The rules shall establish minimum requirements for each and every category of health care assistant. Said rules shall be adopted after fair consideration of input from representatives of each category. These requirements shall ensure that the public health and welfare are protected and shall include, but not be limited to, the following factors:

- (1) The education and occupational qualifications for the health care assistant category;
- (2) The work experience for the health care assistant category;
- (3) The instruction and training provided for the health care assistant category; and

(4) The types of drugs or diagnostic agents which may be administered by injection by health care assistants working in a hospital or nursing home. The rules established pursuant to this subsection shall not prohibit health care assistants working in a health care facility other than a nursing home or hospital from performing the functions authorized under this chapter.

DIETITIANS AND NUTRITIONISTS

Sec. 528. RCW 18.138.070 and 1991 c 3 s 284 are each amended to read as follows:

In addition to any other authority provided by law, the secretary may:

- (1) Adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;
- (2) Establish forms necessary to administer this chapter;
- (3) Issue a certificate to an applicant who has met the requirements for certification and deny a certificate to an applicant who does not meet the minimum qualifications;
- (4) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and hire individuals, including those certified under this chapter, to serve as consultants as necessary to implement and administer this chapter;
- (5) Maintain the official departmental record of all applicants and certificate holders;
- (6) Conduct a hearing, pursuant to chapter 34.05 RCW, on an appeal of a denial of certification based on the applicant's failure to meet the minimum qualifications for certification;
- (7) Investigate alleged violations of this chapter and consumer complaints involving the practice of persons representing themselves as certified dietitians or certified nutritionists;
- (8) Issue subpoenas, statements of charges, statements of intent to deny certifications, and orders and delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements on intent to deny certifications;
- (9) Conduct disciplinary proceedings, impose sanctions, and assess fines for violations of this chapter or any rules adopted under it in accordance with chapter 34.05 RCW;
- (10) Set all certification, renewal, and late renewal fees in accordance with RCW 43.70.250; ~~((and))~~
- (11) Set certification expiration dates and renewal periods for all certifications under this chapter; and
- (12) Appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated time and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060. The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

NEW SECTION. Sec. 529. The secretary shall appoint a health professions advisory committee consisting of one member from each profession represented by an ad hoc advisory committee established under RCW 18.06.080, 18.84.040, 18.89.050, and 18.138.070, and one member of the health assistants profession as regulated under chapter 18.135 RCW, one member of the ophthalmologists profession as regulated under chapter 18.55 RCW, and one member of the nursing assistants profession as regulated under chapter 18.88A RCW. The members shall serve three-year terms. Of the initial members, two shall be appointed for a one-year term, two shall be appointed for a two-year term, and the remainder shall be appointed for three-year terms. Thereafter, members shall be appointed for three-year terms. The committee shall advise the secretary in matters concerning changes in the professions, health care technologies, and health policies as requested by the secretary or initiated by the committee. The committee members shall be eligible to receive travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 530. RCW 18.138.080 and 1991 c 3 s 285 & 1988 c 277 s 8 are each repealed.

ATHLETIC TRAINERS

NEW SECTION. Sec. 601. SHORT TITLE. This chapter may be known and cited as the Washington Athletic Trainer's Act.

NEW SECTION. Sec. 602. LEGISLATIVE INTENT. The legislature finds it necessary to regulate the practice of athletic training at the level of certification in order to establish professional standards of competence and conduct which assures the public health and safety.

NEW SECTION. Sec. 603. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Athlete" means a person involved in sports or athletics in an interscholastic, collegiate, amateur, recreational, or professional setting.
- (2) "Athletic injury" means an injury sustained by a person as a result of that person's participation in sports, games, recreation, exercise, or skill activities utilizing physical strength, flexibility, agility, range of motion, speed, or stamina.
- (3) "Athletic trainer" means a sports injury specialist who practices athletic training as defined in this chapter under the direction of an authorized health care practitioner through the prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of athletic injuries.

(4) "Athletic training" means the practice of prevention, recognition, evaluation, management, disposition, treatment, rehabilitation, physical conditioning, or physical reconditioning of athletic injuries under the direction of an authorized health care practitioner and including the use of physical modalities defined in this chapter.

(5) "Authorized health care practitioner" means physicians, osteopathic physicians, naturopaths, podiatric physicians and surgeons, dentists, and, in clinical settings, physical therapists and occupational therapists.

(6) "Department" means the department of health.

(7) "Physical modalities" means the use of physical, chemical, electrical, and other noninvasive modalities including, but not limited to heat, cold, air, light, water in any of its forms, sound, massage, and therapeutic exercise.

(8) "Secretary" means the secretary of health or the secretary's designee.

NEW SECTION. Sec. 604. CERTIFICATION. No person may represent oneself as a certified athletic trainer nor use any title or description of services that includes the words certified athletic trainer or training without applying for certification, meeting the required qualifications specified in this chapter, and being certified by the department.

NEW SECTION. Sec. 605. QUALIFICATIONS FOR CERTIFICATION. (1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

- (a) The applicant is at least eighteen years of age;
- (b) The applicant has graduated with a baccalaureate or post graduate degree from an educational program with an athletic training curriculum or an approved internship recognized by national athletic training accrediting organizations and approved by the secretary;
- (c) The applicant has successfully completed an approved examination. The examination must test the applicant's knowledge of the basic and clinical sciences relative to athletic training theory and practice, including professional skills and judgment in the utilization of techniques and methods; and
- (d) The applicant has paid any required fee.

(2) The secretary shall establish by rule what constitutes adequate proof of meeting the requirements in subsection (1) of this section.

(3) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

NEW SECTION. Sec. 606. APPROVAL OF EDUCATIONAL PROGRAMS. The secretary shall establish by rule the standards and procedures for approval of educational programs in athletic training. The secretary may utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations. The secretary must establish by rule the standards and procedures for revocation of approval of education programs. The standards and procedures set must apply equally to educational programs in the United States and in foreign jurisdictions. The secretary may establish a fee for educational program evaluations.

NEW SECTION. Sec. 607. EXAMINATIONS. (1) The secretary shall establish the date and location of examinations. Applicants who have been found by the secretary to meet the other requirements for certification must be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. The examinations must be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work must be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations must be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require remedial education before the person may take future examinations.

(5) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

NEW SECTION. Sec. 608. APPLICATIONS. Applications for credentialing must be submitted on forms provided by the secretary. The secretary may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for credentialing provided for in this chapter and chapter 18.130 RCW. Each applicant must pay a fee determined by the secretary under RCW 43.70.250. The fee must accompany the application.

NEW SECTION. Sec. 609. WAIVER OF EXAMINATION FOR INITIAL APPLICATIONS. The secretary shall waive the examination and credential a person authorized to practice within the state of Washington if the secretary determines that the person meets commonly accepted standards of education and experience for the profession. This section applies only to those individuals who file an application for waiver within one year of the establishment of the authorized practice.

NEW SECTION. Sec. 610. POWERS OF SECRETARY. In addition to any other authority provided by law, the secretary may:

- (1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;
- (2) Establish all credentialing, examination, and renewal fees in accordance with RCW 43.70.250;
- (3) Establish forms and procedures necessary to administer this chapter;

(4) Register any applicants, and to issue certificates to applicants who have met the education, training, and examination requirements for certification and to deny a credential to applicants who do not meet the minimum qualifications, except that proceedings concerning the denial of certification based upon unprofessional conduct or impairment shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals certified under this chapter to serve as examiners for any practical examinations;

(6) Determine minimum education requirements and evaluate and designate those educational programs from which graduation will be accepted as proof of eligibility to take a qualifying examination for applicants for certification;

(7) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for certification;

(8) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination;

(9) Determine which states have certification requirements equivalent to those of this state, and issue certification to individuals credentialed in those states without examinations;

(10) Define and approve any experience requirement for certification;

(11) Implement and administer a program for consumer education;

(12) Adopt rules implementing a continuing competency program;

(13) Maintain the official department record of all applicants and persons credentialed under this chapter; and

(14) Establish by rule the procedures for an appeal of an examination failure.

The secretary shall consult with representative athletic trainer organizations in implementing this chapter and in the adoption of any rules. The consultation may take the form of an ad hoc committee.

NEW SECTION. Sec. 611. RECORD OF PROCEEDINGS. The secretary must keep an official record of all proceedings. A part of the record must consist of a register of all applicants for credentialing under this chapter and the results of each application.

NEW SECTION. Sec. 612. ENDORSEMENT. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 613. RENEWALS. The secretary shall establish by rule the procedural requirements and fees for renewal of a credential. Failure to renew shall invalidate the credential and all privileges granted by the credential. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by taking continuing education courses, or meeting other standards determined by the secretary.

NEW SECTION. Sec. 614. APPLICATION OF UNIFORM DISCIPLINARY ACT. The Uniform Disciplinary Act, chapter 18.130 RCW, governs the issuance and denial of certification, uncertified and unauthorized practice, and the discipline of persons certified under this chapter. The secretary shall be the disciplining authority under this chapter.

NEW SECTION. Sec. 615. (1) The provisions of this chapter relating to the regulating of athletic trainers are exclusive. A governmental subdivision of this state may not enact a law or rule regulating athletic trainers, except as provided in subsections (2) and (3) of this section.

(2) This section does not prevent a political subdivision of this state from levying a business fee, business and occupation tax, or other tax upon athletic trainers, if the fee or tax is levied by the state on other types of businesses within its boundaries.

(3) This section does not prevent this state or a political subdivision of this state from regulating athletic trainers with respect to activities that are not regulated under this chapter.

Sec. 616. RCW 7.70.020 and 1985 c 326 s 27 are each amended to read as follows:

INFORMED CONSENT. As used in this chapter "health care provider" means either:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a certified acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, ~~((podiatrist))~~ podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, ~~((or))~~ physician's trained mobile intensive care paramedic, or athletic trainer, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in part (1) above, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in part (1) above, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representative.

NEW SECTION. Sec. 617. Sections 601 through 615 of this act shall constitute a new chapter in Title 18 RCW.

UNIFORM DISCIPLINARY ACT

Sec. 701. RCW 18.130.010 and 1991 c 332 s 1 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary and licensure procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the licensure of health care professionals and the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the Uniform Disciplinary Act.

Further, the legislature declares that the addition of public members on all health care commissions and boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

Sec. 702. RCW 18.130.020 and 1989 1st ex.s. c 9 s 312 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Disciplining authority" means ~~((a) the board of medical examiners, the board of dental examiners, and the board of chiropractic examiners with respect to applicants for a license for the respective professions, (b) the medical disciplinary board, the dental disciplinary board, and the chiropractic disciplinary board with respect to holders of licenses for the respective professions, or (c))~~ the agency ~~((or))~~ board or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.130.040.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health or the secretary's designee.

(4) "Board" means any of those boards specified in RCW 18.130.040.

(5) "Commission" means any of the commissions specified in RCW 18.130.040.

~~(6)~~ "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

~~((6))~~ ~~(7)~~ "Disciplinary action" means sanctions identified in RCW 18.130.160.

~~((7))~~ ~~(8)~~ "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, to determine whether unprofessional conduct may have been committed.

~~((8))~~ ~~(9)~~ "Health agency" means city and county health departments and the department of health.

~~((9))~~ ~~(10)~~ "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

Sec. 703. RCW 18.130.040 and 1993 c 367 s 4 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists ~~((certified))~~ licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and x-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners certified under chapter 18.89 RCW;

(x) Persons registered or certified under chapter 18.19 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified under chapter ~~((18.88A))~~ 18.-- (sections 401 through 431 of this act) RCW;

(xiii) Health care assistants certified under chapter 18.135 RCW;

(xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xv) Sex offender treatment providers certified under chapter 18.155 RCW; ~~((and))~~

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205; and

(xvii) Athletic trainers certified under chapter 18.-- RCW (sections 601 through 615 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic (~~(disciplinary board)~~) quality assurance commission as established in chapter (~~18.26 RCW governing licenses issued under chapter~~) 18.25 RCW;
- (iii) The dental (~~(disciplinary board)~~) quality assurance commission as established in chapter 18.32 RCW;
- (iv) The (~~council~~) board on fitting and dispensing of hearing aids as established in chapter 18.35 RCW;
- (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
- (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (ix) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
- (x) The medical (~~(disciplinary board)~~) quality assurance commission as established in chapter (~~18.72~~) 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (xi) The board of physical therapy as established in chapter 18.74 RCW;
- (xii) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xiii) The (~~board of practical~~) nursing care quality assurance commission as established in chapter (~~18.78~~) 18.-- RCW (sections 401 through 431 of this act) governing licenses issued under that chapter;
- (xiv) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- (xv) (~~The board of nursing as established in chapter 18.88 RCW; and~~)
- (~~xvi~~) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. (~~However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW.~~) This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 704. A new section is added to chapter 18.130 RCW to read as follows:

- (1) The settlement process must be substantially uniform for licensees governed by regulatory entities having authority under this chapter.
- (2) Disclosure of the identity of reviewing disciplining authority members who participate in the settlement process is available to the respondents or their legal representative upon request.
- (3) The settlement conference will occur only if a settlement is not achieved through written documents. Respondents will have the opportunity to conference either by phone or in person with the reviewing disciplining authority member if the respondent chooses. Respondents may also have their attorney conference either by phone or in person with the reviewing disciplining authority member without the respondent being present personally.
- (4) If the respondent wants to meet in person with the reviewing disciplining authority member, he or she will travel to the reviewing disciplinary authority member and have such a conference with the attorney general in attendance either by phone or in person.

Sec. 705. RCW 18.130.300 and 1993 c 367 s 10 are each amended to read as follows:

The secretary, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary proceedings or other official acts performed in the course of their duties.

CONFORMING AMENDMENTS

Sec. 801. RCW 4.24.260 and 1975 1st ex.s. c 114 s 3 are each amended to read as follows:

Physicians licensed under chapter 18.71 RCW(~~(H))~~ dentists licensed under chapter 18.32 RCW₁ and pharmacists licensed under chapter 18.64 RCW who, in good faith, file charges or present evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before the medical (~~(disciplinary board)~~) quality assurance commission established under chapter (~~18.72~~) 18.71 RCW, in a proceeding under chapter 18.32 RCW₂ or to the board of pharmacy under RCW 18.64.160 shall be immune from civil action for damages arising out of such activities.

Sec. 802. RCW 4.24.290 and 1985 c 326 s 26 are each amended to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, an acupuncturist (~~(certified)~~) licensed under chapter 18.06 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a (~~(pediatrist)~~) podiatric physician and surgeon licensed under

chapter 18.22 RCW, or a nurse licensed under ~~((chapters 18.78 or 18.88))~~ chapter 18.-- RCW (sections 401 through 431 of this act), the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Sec. 803. RCW 5.62.010 and 1987 c 198 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Registered nurse" means a registered nurse or advanced nurse practitioner licensed under chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act).

(2) "Protocol" means a regimen to be carried out by a registered nurse and prescribed by a licensed physician under chapter 18.71 RCW, or a licensed osteopathic physician under chapter 18.57 RCW, which is consistent with chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act) and the rules adopted under that chapter ~~((18.88 RCW))~~.

(3) "Primary care" means screening, assessment, diagnosis, and treatment for the purpose of promotion of health and detection of disease or injury, as authorized by chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act) and the rules adopted under that chapter ~~((18.88 RCW))~~.

Sec. 804. RCW 18.50.032 and 1981 c 53 s 10 are each amended to read as follows:

Registered nurses and nurse midwives certified by the ~~((board of))~~ nursing care quality assurance commission under chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act) shall be exempt from the requirements and provisions of this chapter.

Sec. 805. RCW 18.50.040 and 1991 c 3 s 106 are each amended to read as follows:

(1) Any person seeking to be examined shall present to the secretary, at least forty-five days before the commencement of the examination, a written application on a form or forms provided by the secretary setting forth under affidavit such information as the secretary may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the secretary and licensed under chapter 28C.10 RCW, when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the certificate or diploma was issued.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse or licensed practical nurse under chapter ~~((18.88 RCW, a licensed practical nurse under chapter 18.78 RCW))~~ 18.-- RCW (sections 401 through 431 of this act), or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician or a certified nurse-midwife licensed under the authority of chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act). The permit shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional fifty women in the intrapartum period before the candidate qualifies for a license.

(3) Notwithstanding subsections (1) and (2) of this section, the department shall adopt rules to provide credit toward the educational requirements for licensure before July 1, 1988, of nonlicensed midwives, including rules to provide:

(a) Credit toward licensure for documented deliveries;

(b) The substitution of relevant experience for classroom time; and

(c) That experienced lay midwives may sit for the licensing examination without completing the required coursework.

The training required under this section shall include training in either hospitals or alternative birth settings or both with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies.

Sec. 806. RCW 18.50.140 and 1991 c 3 s 114 are each amended to read as follows:

The midwifery advisory committee is created.

The committee shall be composed of one physician who is a practicing obstetrician; one practicing physician; one certified nurse midwife licensed under chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act); three midwives licensed under this chapter; and one public member,

who shall have no financial interest in the rendering of health services. The committee may seek other consultants as appropriate, including persons trained in childbirth education and perinatology or neonatology.

The members are appointed by the secretary and serve at the pleasure of the secretary but may not serve more than five years consecutively. The terms of office shall be staggered. Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 ~~((as now or hereafter amended))~~.

Sec. 807. RCW 18.50.115 and 1991 c 3 s 112 are each amended to read as follows:

A midwife licensed under this chapter may obtain and administer prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho immune globulin (human), and local anesthetic and may administer such other drugs or medications as prescribed by a physician. A pharmacist who dispenses such drugs to a licensed midwife shall not be liable for any adverse reactions caused by any method of use by the midwife.

The secretary, after consultation with representatives of the midwife advisory committee, the board of pharmacy, and the ~~((board of))~~ medical ~~((examiners))~~ quality assurance commission, may ~~((issue regulations which))~~ adopt rules that authorize licensed midwives to purchase and use legend drugs and devices in addition to the drugs authorized in this chapter.

Sec. 808. RCW 18.88A.020 and 1991 c 16 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) ~~((Board))~~ Commission means the Washington ~~((state board of))~~ nursing care quality assurance commission.

(4) "Nursing assistant" means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility. The two levels of nursing assistants are (a) "nursing assistant-certified," an individual certified under this chapter, (b) "nursing assistant-registered," an individual registered under this chapter.

~~((5))~~ ~~((Committee))~~ means the Washington state nursing assistant advisory committee.

~~((6))~~ "Approved training program" means a nursing assistant-certified training program approved by the ~~((board))~~ commission. For community college, vocational-technical institutes, skill centers, and secondary school as defined in chapter 28B.50 RCW, nursing assistant-certified training programs shall be approved by the ~~((board))~~ commission in cooperation with the board for community and technical colleges ~~((education))~~ or the superintendent of public instruction.

~~((7))~~ ~~((6))~~ "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, or other entity for delivery of health care services as defined by the ~~((board))~~ commission.

~~((8))~~ ~~((7))~~ "Competency evaluation" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a nursing assistant.

Sec. 809. RCW 18.88A.030 and 1991 c 16 s 3 are each amended to read as follows:

(1) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(2) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(3) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication or to practice as a licensed (registered) nurse ~~((as defined in chapter 18.88 RCW))~~ or licensed practical nurse as defined in chapter ~~((18.78))~~ 18-- RCW (sections 401 through 431 of this act).

(4) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(5) The ~~((board of nursing shall have the authority to))~~ commission may adopt rules to implement the provisions of this chapter.

Sec. 810. RCW 18.88A.060 and 1991 c 16 s 8 are each amended to read as follows:

In addition to any other authority provided by law, the ~~((state board of nursing has the authority to))~~ commission may:

(1) Determine minimum education requirements and approve training programs;

(2) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations of training and competency for applicants for certification;

(3) Determine whether alternative methods of training are equivalent to approved training programs, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination for certification;

(4) Define and approve any experience requirement for certification;

(5) Adopt rules implementing a continuing competency evaluation program;

(6) Adopt rules to enable it to carry into effect the provisions of this chapter.

Sec. 811. RCW 18.88A.080 and 1991 c 16 s 10 are each amended to read as follows:

(1) The secretary shall issue a registration to any applicant who pays any applicable fees and submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary, provided there are no grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

(2) Applicants must file an application with the ~~((board))~~ commission for registration within three days of employment.

Sec. 812. RCW 18.88A.085 and 1991 c 16 s 11 are each amended to read as follows:

(1) After January 1, 1990, the secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of an approved training program or successful completion of alternate training meeting established criteria approved by the ~~((board))~~ commission; and

(b) Successful completion of a competency evaluation.

(2) In addition, applicants shall be subject to the grounds for denial of certification under chapter 18.130 RCW.

Sec. 813. RCW 18.88A.090 and 1991 c 3 s 225 are each amended to read as follows:

(1) The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the requirements for certification shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The ~~((board))~~ commission shall examine each applicant, by a written or oral and a manual component of competency evaluation. Examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of skills demonstration shall be preserved for a period of not less than one year after the ~~((board))~~ commission has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require such remedial education before the person may take future examinations.

(5) The ~~((board))~~ commission may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

Sec. 814. RCW 18.88A.100 and 1991 c 16 s 12 and 1991 c 3 s 226 are each reenacted and amended to read as follows:

The secretary shall waive the competency evaluation and certify a person to practice within the state of Washington if the ~~((board))~~ commission determines that the person meets commonly accepted standards of education and experience for the nursing assistants. This section applies only to those individuals who file an application for waiver by December 31, 1991.

Sec. 815. RCW 18.88A.130 and 1991 c 16 s 15 are each amended to read as follows:

The secretary shall establish by rule the procedural requirements and fees for renewal of a registration or certificate. Failure to renew shall invalidate the credential and all privileges granted by the credential. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the ~~((board))~~ commission by taking continuing education courses, or meeting other standards determined by the ~~((board))~~ commission.

Sec. 816. RCW 18.89.040 and 1987 c 415 s 5 are each amended to read as follows:

A respiratory care practitioner certified under this chapter is employed in the treatment, management, diagnostic testing, rehabilitation, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other systems, and is under the direct order and under the qualified medical direction of a physician. The practice of respiratory care includes, but is not limited to:

(1) The use and administration of medical gases, exclusive of general anesthesia;

(2) The use of air and oxygen administering apparatus;

(3) The use of humidification and aerosols;

(4) The administration of prescribed pharmacologic agents related to respiratory care;

(5) The use of mechanical or physiological ventilatory support;

(6) Postural drainage, chest percussion, and vibration;

(7) Bronchopulmonary hygiene;

(8) Cardiopulmonary resuscitation as it pertains to establishing airways and external cardiac compression;

(9) The maintenance of natural and artificial airways and insertion, without cutting tissues, of artificial airways, as ordered by the attending physician;

(10) Diagnostic and monitoring techniques such as the measurement of cardiorespiratory volumes, pressures, and flows; and

(11) The drawing and analyzing of arterial, capillary, and mixed venous blood specimens as ordered by the attending physician or an advanced registered nurse practitioner as authorized by the ~~((board of))~~ nursing care quality assurance commission under chapter ~~((18-88))~~ 18-- RCW (sections 401 through 431 of this act).

Sec. 817. RCW 18.100.140 and 1987 c 447 s 16 are each amended to read as follows:

Nothing in this chapter shall authorize a director, officer, shareholder, agent or employee of a corporation organized under this chapter, or a corporation itself organized under this chapter, to do or perform any act which would be illegal, unethical or unauthorized conduct under the provisions of the following acts: (1) ~~((Medical disciplinary act))~~ Physicians and surgeons, chapter ~~((18.72))~~ 18.71 RCW; (2) anti-rebating act, chapter 19.68 RCW; (3) state bar act, chapter 2.48 RCW; (4) professional accounting act, chapter 18.04 RCW; (5) professional architects act, chapter 18.08 RCW; (6) professional auctioneers act, chapter 18.11 RCW; (7) cosmetologists, barbers, and manicurists, chapter 18.16 RCW; (8) boarding homes act, chapter 18.20 RCW; (9) ~~((pediatry))~~ podiatric medicine and surgery, chapter 18.22 RCW; (10) chiropractic act, chapter 18.25 RCW; (11) registration of contractors, chapter 18.27 RCW; (12) debt adjusting act, chapter 18.28 RCW; (13) dental hygienist act, chapter 18.29 RCW; (14) dentistry, chapter 18.32 RCW; (15) dispensing opticians, chapter 18.34 RCW; (16) naturopathic ~~((aet))~~ physicians, chapter 18.36A RCW; (17) embalmers and funeral directors, chapter 18.39 RCW; (18) engineers and land surveyors, chapter 18.43 RCW; (19) escrow agents registration act, chapter 18.44 RCW; (20) maternity homes, chapter 18.46 RCW; (21) midwifery, chapter 18.50 RCW; (22) nursing homes, chapter 18.51 RCW; (23) optometry, chapter 18.53 RCW; (24) ~~((osteopathy))~~ osteopathic physicians and surgeons, chapter 18.57 RCW; (25) pharmacists, chapter 18.64 RCW; (26) physical therapy, chapter 18.74 RCW; (27) registered nurses, advanced registered nurse practitioners, and practical nurses, chapter ~~((18.78))~~ 18.-- RCW (sections 401 through 431 of this act); (28) psychologists, chapter 18.83 RCW; (29) real estate brokers and salesmen, chapter 18.85 RCW; (30) ~~((registered professional nurses, chapter 18.88 RCW; (31)))~~ veterinarians, chapter 18.92 RCW.

Sec. 818. RCW 18.120.020 and 1989 c 300 s 14 are each amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: ~~((Pediatry))~~ Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter ~~((s))~~ 18.25 ~~((and 18.26 RCW))~~; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 ~~((,))~~ and 18.71A ~~((, and 18.72))~~ RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter ~~((18.78))~~ 18.-- RCW (sections 401 through 431 of this act); psychologists under chapter 18.83 RCW; registered nurses under chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act); occupational therapists licensed ~~((pursuant to))~~ under chapter 18.59 RCW; respiratory care practitioners certified under chapter 18.89 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists ~~((certified))~~ licensed under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 819. RCW 18.135.020 and 1991 c 3 s 272 are each amended to read as follows:

As used in this chapter:

(1) "Secretary" means the secretary of health.

(2) "Health care assistant" means an unlicensed person who assists a licensed health care practitioner in providing health care to patients pursuant to this chapter.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a (~~pediatrist~~) podiatric physician and surgeon licensed under chapter 18.22 RCW or a registered nurse or advanced registered nurse practitioner licensed under chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act).

(4) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility during the administration of injections, as defined in this chapter, but need not be present during procedures to withdraw blood.

(5) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, renal dialysis center or facility federally approved under 42 C.F.R. 405.2100, blood bank federally licensed under 21 C.F.R. 607, or clinical laboratory certified under 20 C.F.R. 405.1301-16.

(6) "Delegation" means direct authorization granted by a licensed health care practitioner to a health care assistant to perform the functions authorized in this chapter which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee.

Sec. 820. RCW 28A.210.260 and 1982 c 195 s 1 are each amended to read as follows:

Public school districts and private schools which conduct any of grades kindergarten through the twelfth grade may provide for the administration of oral medication of any nature to students who are in the custody of the school district or school at the time of administration, but are not required to do so by this section, subject to the following conditions:

(1) The board of directors of the public school district or the governing board of the private school or, if none, the chief administrator of the private school shall adopt policies which address the designation of employees who may administer oral medications to students, the acquisition of parent requests and instructions, and the acquisition of dentist and physician requests and instructions regarding students who require medication for more than fifteen consecutive school days, the identification of the medication to be administered, the means of safekeeping medications with special attention given to the safeguarding of legend drugs as defined in chapter 69.41 RCW, and the means of maintaining a record of the administration of such medication;

(2) The board of directors shall seek advice from one or more licensed physicians or nurses in the course of developing the foregoing policies;

(3) The public school district or private school is in receipt of a written, current and unexpired request from a parent, or a legal guardian, or other person having legal control over the student to administer the medication to the student;

(4) The public school district or the private school is in receipt of (a) a written, current and unexpired request from a licensed physician or dentist for administration of the medication, as there exists a valid health reason which makes administration of such medication advisable during the hours when school is in session or the hours in which the student is under the supervision of school officials, and (b) written, current and unexpired instructions from such physician or dentist regarding the administration of prescribed medication to students who require medication for more than fifteen consecutive work days;

(5) The medication is administered by an employee designated by or pursuant to the policies adopted pursuant to subsection (1) of this section and in substantial compliance with the prescription of a physician or dentist or the written instructions provided pursuant to subsection (4) of this section;

(6) The medication is first examined by the employee administering the same to determine in his or her judgment that it appears to be in the original container and to be properly labeled; and

(7) The board of directors shall designate a professional person licensed pursuant to chapter 18.71 RCW or ~~((18.88))~~ chapter 18.-- RCW (sections 401 through 431 of this act) as it applies to registered nurses and advanced registered nurse practitioners, to train and supervise the designated school district personnel in proper medication procedures.

Sec. 821. RCW 28A.210.280 and 1988 c 48 s 2 are each amended to read as follows:

(1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve may provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to ~~((RCW 18.88.295: PROVIDED, That))~~ section 429 of this act, if the catheterization is provided for in substantial compliance with:

(a) Rules adopted by the state ~~((beard-ef))~~ nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

(2) This section does not require school districts to provide intermittent bladder catheterization of students.

Sec. 822. RCW 28A.210.290 and 1990 c 33 s 209 are each amended to read as follows:

(1) In the event a school employee provides for the catheterization of a student pursuant to RCW ~~((18.88.295))~~ 18.--- (section 429 of this act) and 28A.210.280 in substantial compliance with (a) rules adopted by the state ~~((beard-ef))~~ nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district or private school, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing for the catheterization.

(2) Providing for the catheterization of any student pursuant to RCW ~~((18.88.295))~~ 18.--- (section 429 of this act) and 28A.210.280 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of the discontinuance: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student: PROVIDED FURTHER, That the public school district otherwise provides for the catheterization of the student to the extent required by federal or state law.

Sec. 823. RCW 28C.10.030 and 1990 c 188 s 6 are each amended to read as follows:

This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under RCW 28C.10.100;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities offering only courses certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapter~~(s)~~ 18.04, ~~((18.78, 18.88))~~ 18.--- (sections 401 through 431 of this act), or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

Sec. 824. RCW 41.05.075 and 1993 c 386 s 10 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that encourages competition among insuring entities, is timely to the state budgetary process, and sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) The administrator shall establish methods for collecting, analyzing, and disseminating to covered individuals information on the cost and quality of services rendered by individual health care providers.

(6) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary to fulfill the administrator's duties as set forth in this chapter.

(7) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83,

and ~~((18-88 RCW-)) 18-- RCW (sections 401 through 431 of this act), as it applies to registered nurses and advanced registered nurse practitioners.~~ However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a)(~~(#)~~), (b), and (d).

(8) Beginning in January 1990, and each January thereafter, the administrator shall publish and distribute to each school district a description of health care benefit plans available through the authority and the estimated cost if school district employees were enrolled.

Sec. 825. RCW 41.05.180 and 1989 c 338 s 5 are each amended to read as follows:

Each health plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is established or renewed after January 1, 1990, and that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ~~((beard-of))~~ nursing care quality assurance commission pursuant to chapter ~~((18-88)) 18--~~ RCW (sections 401 through 431 of this act) or physician~~((s))~~ assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard health plan provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of the state health care authority to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 826. RCW 42.17.316 and 1987 c 416 s 7 are each amended to read as follows:

The disclosure requirements of this chapter shall not apply to records of the committee obtained in an action under RCW 18.72.301 through 18.72.321 (as recodified by this act).

Sec. 827. RCW 43.70.220 and 1989 1st ex.s. c 9 s 301 are each amended to read as follows:

The powers and duties of the department of licensing and the director of licensing under the following statutes are hereby transferred to the department of health and the secretary of health: Chapters 18.06, 18.19, 18.22, 18.25, ~~((18-26,))~~ 18.29, 18.32, 18.34, 18.35, 18.36A, 18.50, 18.52, ~~((18-52A, 18-52B,))~~ 18.52C, 18.53, 18.54, 18.55, 18.57, 18.57A, 18.59, 18.71, 18.71A, ~~((18-72,))~~ 18.74, ~~((18-79,))~~ 18.83, 18.84, ~~((18-88)) 18--~~ (sections 401 through 431 of this act), 18.89, 18.92, 18.108, 18.135, and 18.138 RCW. More specifically, the health professions regulatory programs and services presently administered by the department of licensing are hereby transferred to the department of health.

Sec. 828. RCW 48.20.393 and 1989 c 338 s 1 are each amended to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ~~((beard-of))~~ nursing care quality assurance commission pursuant to chapter ~~((18-88)) 18--~~ RCW (sections 401 through 431 of this act) or physician~~((s))~~ assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 829. RCW 48.20.411 and 1973 1st ex.s. c 188 s 3 are each amended to read as follows:

Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health care service performed by a holder of a license for registered nursing practice or advanced registered nursing practice issued pursuant to chapter ~~((18-88)) 18--~~ RCW (sections 401 through 431 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

Sec. 830. RCW 48.21.141 and 1973 1st ex.s. c 188 s 4 are each amended to read as follows:

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health service performed by a holder of a license for registered nursing practice or advanced registered nursing practice issued pursuant to chapter ~~((18-88)) 18--~~ RCW (sections 401 through 431 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

Sec. 831. RCW 48.21.225 and 1989 c 338 s 2 are each amended to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the

patient's physician or advanced registered nurse practitioner as authorized by the ~~((beard-of))~~ nursing care quality assurance commission pursuant to chapter ~~((18-88))~~ 18-- RCW (sections 401 through 431 of this act) or physician~~((s))~~ assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 832. RCW 48.44.026 and 1990 c 120 s 6 are each amended to read as follows:

Checks in payment for claims pursuant to any health care service contract for health care services provided by persons licensed or regulated under chapters ~~((18-22,))~~ 18.25, 18.29, 18.32, 18.53, 18.57, 18.64, 18.71, 18.73, 18.74, 18.83, or ~~((18-88 RCW))~~ 18-- RCW (sections 401 through 431 of this act), as it applies to registered nurses and advanced registered nurse practitioners, where the provider is not a participating provider under a contract with the health care service contractor, shall be made out to both the provider and the enrolled participant with the provider as the first named payee, jointly, to require endorsement by each: PROVIDED, That payment shall be made in the single name of the enrolled participant if the enrolled participant as part of his or her claim furnishes evidence of prepayment to the health care service provider: AND PROVIDED FURTHER, That nothing in this section shall preclude a health care service contractor from voluntarily issuing payment in the single name of the provider.

Sec. 833. RCW 48.44.290 and 1986 c 223 s 6 are each amended to read as follows:

Notwithstanding any provision of this chapter, for any health care service contract thereunder which is entered into or renewed after July 26, 1981, benefits shall not be denied under such contract for any health care service performed by a holder of a license for registered nursing practice or advanced registered nursing practice issued pursuant to chapter ~~((18-88))~~ 18-- RCW (sections 401 through 431 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent that they do not impair the obligation of any existing contract.

Sec. 834. RCW 48.44.325 and 1989 c 338 s 3 are each amended to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ~~((beard-of))~~ nursing care quality assurance commission pursuant to chapter ~~((18-88))~~ 18-- RCW (sections 401 through 431 of this act) or physician~~((s))~~ assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 835. RCW 48.46.275 and 1989 c 338 s 4 are each amended to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ~~((beard-of))~~ nursing care quality assurance commission pursuant to chapter ~~((18-88))~~ 18-- RCW (sections 401 through 431 of this act) or physician~~((s))~~ assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 836. RCW 69.41.010 and 1989 1st ex.s. c 9 s 426 and 1989 c 36 s 3 are each reenacted and amended to read as follows:

As used in this chapter, the following terms ~~((has [have]))~~ have the ~~((meaning[s]))~~ meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- (a) A practitioner; or
- (b) The patient or research subject at the direction of the practitioner.

(2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(3) "Department" means the department of health.

(4) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(5) "Dispenser" means a practitioner who dispenses.

(6) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(7) "Distributor" means a person who distributes.

(8) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(9) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(10) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(11) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a ~~((podiatrist))~~ podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse ~~((under chapter 18.88 RCW, a)),~~ advanced registered nurse practitioner, or licensed practical nurse under chapter ~~((18.78))~~ 18.78 RCW ~~(sections 401 through 431 of this act)~~, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician~~((s))~~ assistant under chapter 18.57A RCW, ~~((e))~~ a physician~~((s))~~ assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(12) "Secretary" means the secretary of health or the secretary's designee.

Sec. 837. RCW 69.41.030 and 1991 c 30 s 1 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter ~~((18.88))~~ 18.78 RCW ~~(sections 401 through 431 of this act)~~ when authorized by the ~~((board of))~~ nursing care quality assurance commission, an osteopathic physician~~((s))~~ assistant under chapter 18.57A RCW when authorized by the ~~((committee))~~ board of osteopathic examiners, a physician assistant under chapter 18.71A RCW when authorized by the ~~((board of))~~ medical ~~((examiners))~~ quality assurance commission, a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine, in any province of Canada which shares a common border with the state of Washington or in any state of the United States: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the department of social and health services from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners.

Sec. 838. RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Board" means the board of pharmacy.

(2) "Drug samples" means any federal food and drug administration approved controlled substance, legend drug, or products requiring prescriptions in this state, which is distributed at no charge to a practitioner by a manufacturer or a manufacturer's representative, exclusive of drugs under clinical investigations approved by the federal food and drug administration.

(3) "Controlled substance" means a drug, substance, or immediate precursor of such drug or substance, so designated under or pursuant to chapter 69.50 RCW, the uniform controlled substances act.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(5) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Distribute" means to deliver, other than by administering or dispensing, a legend drug.

(7) "Legend drug" means any drug that is required by state law or by regulations of the board to be dispensed on prescription only or is restricted to use by practitioners only.

(8) "Manufacturer" means a person or other entity engaged in the manufacture or distribution of drugs or devices, but does not include a manufacturer's representative.

(9) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(10) "Practitioner" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a ~~((pediatric))~~ podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned medical or dental officer in the United States armed forces or the public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter ~~((18.88))~~ 18.-- RCW (sections 401 through 431 of this act) when authorized to prescribe by the ~~((board of))~~ nursing care quality assurance commission, an osteopathic ~~((physician's))~~ physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, or a ~~((physician's))~~ physician assistant under chapter 18.71A RCW when authorized by the ~~((board of))~~ medical ~~((examiners))~~ quality assurance commission.

(11) "Manufacturer's representative" means an agent or employee of a drug manufacturer who is authorized by the drug manufacturer to possess drug samples for the purpose of distribution in this state to appropriately authorized health care practitioners.

(12) "Reasonable cause" means a state of facts found to exist that would warrant a reasonably intelligent and prudent person to believe that a person has violated state or federal drug laws or regulations.

(13) "Department" means the department of health.

(14) "Secretary" means the secretary of health or the secretary's designee.

Sec. 839. RCW 69.50.101 and 1993 c 187 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the state board of pharmacy.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or board rules.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(n) "Immediate precursor" means a substance:

(1) that the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5), 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(p) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(q) "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(r) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(s) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(t) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(u) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(v) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(w) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter ~~((18-98)) 18--~~ RCW (sections 401 through 431 of this act), ~~((a licensed practical nurse under chapter 18.78 RCW,))~~ a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathy and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(x) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(y) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(z) "Secretary" means the secretary of health or the secretary's designee.

(aa) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(bb) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

Sec. 840. RCW 69.50.402 and 1980 c 138 s 6 are each amended to read as follows:

(a) It is unlawful for any person:

(1) who is subject to Article III to distribute or dispense a controlled substance in violation of RCW 69.50.308;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) who is a practitioner, to prescribe, order, dispense, administer, supply, or give to any person:

(i) any amphetamine, including its salts, optical isomers, and salts of optical isomers classified as a schedule II controlled substance by the board of pharmacy pursuant to chapter 34.05 RCW; or

(ii) any nonnarcotic stimulant classified as a schedule II controlled substance and designated as a nonnarcotic stimulant by the board of pharmacy pursuant to chapter 34.05 RCW;

except for the treatment of narcolepsy or for the treatment of hyperkinesis, or for the treatment of drug-induced brain dysfunction, or for the treatment of epilepsy, or for the differential diagnostic psychiatric evaluation of depression, or for the treatment of depression shown to be refractory to other therapeutic modalities, or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol therefor shall have been submitted to and reviewed and approved by the state board of pharmacy before the investigation has been begun: PROVIDED, That the board of pharmacy, in consultation with the medical ~~((disciplinary board))~~ quality assurance commission and the osteopathic disciplinary board, may establish by rule, pursuant to chapter 34.05 RCW, disease states or conditions in addition to those listed in this subsection for the treatment of which Schedule II nonnarcotic stimulants may be prescribed, ordered, dispensed, administered, supplied, or given to patients by practitioners: AND PROVIDED, FURTHER, That investigations by the board of pharmacy of abuse of prescriptive authority by physicians, licensed pursuant to chapter 18.71 RCW, pursuant to subsection (a)(3) of this section shall be done in consultation with the medical ~~((disciplinary board))~~ quality assurance commission:

(4) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice, or information required under this chapter;

(5) to refuse an entry into any premises for any inspection authorized by this chapter; or

(6) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

Sec. 841. RCW 70.02.030 and 1993 c 448 s 3 are each amended to read as follows:

(1) A patient may authorize a health care provider to disclose the patient's health care information. A health care provider shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider denies the patient access to health care information under RCW 70.02.090.

(2) A health care provider may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider shall:

- (a) Be in writing, dated, and signed by the patient;
- (b) Identify the nature of the information to be disclosed;
- (c) Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;
- (d) Except for third-party payors, identify the provider who is to make the disclosure; and
- (e) Identify the patient.

(4) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(5) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made. This requirement shall not apply to disclosures to third-party payors.

(6) Except for authorizations given pursuant to an agreement with a treatment or monitoring program or disciplinary authority under chapter ~~(48.72)~~ 18.71 or 18.130 RCW or to provide information to third-party payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form. If the authorization does not contain an expiration date, it expires ninety days after it is signed.

Sec. 842. RCW 70.41.200 and 1993 c 492 s 415 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical (~~(disciplinary board)~~) quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) Violation of this section shall not be considered negligence per se.

Sec. 843. RCW 70.41.210 and 1986 c 300 s 7 are each amended to read as follows:

The chief administrator or executive officer of a hospital shall report to the (~~board~~) medical quality assurance commission when a physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's bylaws, that a physician has either committed an act or acts which may constitute unprofessional conduct. The officer shall also report if a physician accepts voluntary termination in order to foreclose or terminate actual or possible hospital action to suspend, restrict, or terminate a physician's clinical privileges. Such a report shall be made within sixty days of the date action was taken by the hospital's peer review committee or the physician's acceptance of voluntary termination or restriction of privileges. Failure of a hospital to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

Sec. 844. RCW 70.41.230 and 1993 c 492 s 416 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265 (as recodified by this act).

(3) The medical (~~(disciplinary board)~~) quality assurance commission shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical (~~(disciplinary board)~~) quality assurance commission and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

Sec. 845. RCW 70.127.250 and 1993 c 42 s 10 are each amended to read as follows:

(1) In addition to the rules consistent with RCW 70.127.005 adopted under RCW 70.127.120, the department shall adopt rules for home health agencies which address the following:

- (a) Establishment of case management guidelines for acute and maintenance care patients;
- (b) Establishment of guidelines for periodic review of the home health care plan of care and plan of treatment by appropriate health care professionals; and
- (c) Maintenance of written policies regarding the delivery and supervision of patient care and clinical consultation as necessary by appropriate health care professionals.

(2) As used in this section:

(a) "Acute care" means care provided by a home health agency for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a health care professional in order to maintain their health status.

(b) "Maintenance care" means care provided by home health agencies that is necessary to support an existing level of health and to preserve a patient from further failure or decline.

(c) "Home health plan of care" means a written plan of care established by a home health agency by appropriate health care professionals that describes maintenance care to be provided. A patient or his or her representative shall be allowed to participate in the development of the plan of care to the extent practicable.

(d) "Home health plan of treatment" means a written plan of care established by a physician licensed under chapter 18.57 or 18.71 RCW, a podiatric physician and surgeon licensed under chapter 18.22 RCW, or an advanced registered nurse practitioner as authorized by the ~~(board of)~~ nursing care quality assurance commission under chapter ~~((18-88)) 18--~~ RCW (sections 401 through 431 of this act), in consultation with appropriate health care professionals within the agency that describes medically necessary acute care to be provided for treatment of illness or injury.

Sec. 846. RCW 70.180.030 and 1990 c 271 s 3 are each amended to read as follows:

(1) The department, in cooperation with ~~((the))~~ the University of Washington school of medicine, the state's registered nursing programs, the state's pharmacy programs, and other appropriate public and private agencies and associations, shall develop and keep current a register of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners who are available to practice on a short-term basis in rural communities of the state. The department shall periodically screen individuals on the registry for violations of the Uniform Disciplinary Act as authorized in chapter 18.130 RCW. If a finding of unprofessional conduct has been made by the appropriate disciplinary authority against any individual on the registry, the name of that individual shall be removed from the registry and that person shall be made ineligible for the program. The department shall include a list of back-up physicians and hospitals who can provide support to health care providers in the pool. The register shall be compiled, published, and made available to all rural hospitals, public health departments and districts, rural pharmacies, and other appropriate public and private agencies and associations. The department shall coordinate with existing entities involved in health professional recruitment when developing the registry for the health professional temporary substitute resource pool.

(2) Eligible health care professionals are those licensed under chapters 18.57, 18.57A, 18.64, 18.71, and 18.71A RCW and advanced registered nurse practitioners licensed under chapter ~~((18-88)) 18--~~ RCW (sections 401 through 431 of this act).

(3) Participating health care professionals shall receive:

- (a) Reimbursement for travel to and from the rural community and for lodging at a rate determined under RCW 43.03.050 and 43.03.060;
- (b) Medical malpractice insurance purchased by the department, or the department may reimburse participants for medical malpractice insurance premium costs for medical liability while providing health care services in the program, if the services provided are not covered by the participant's or local provider's existing medical malpractice insurance; and
- (c) Information on back-up support from other physicians and hospitals in the area to the extent necessary and available.

(4) The department may require rural communities to participate in health professional recruitment programs as a condition for providing a temporary substitute health care professional if the community does not have adequate permanent health care personnel. To the extent deemed appropriate and subject to funding, the department may also require communities to participate in other programs or projects, such as the rural health system project authorized in chapter 70.175 RCW, that are designed to assist communities to reorganize the delivery of rural health care services.

(5) The department may require a community match for assistance provided in subsection (3) of this section if it determines that adequate community resources exist.

(6) The maximum continuous period of time a participating health professional may serve in a community is ninety days. The department may modify or waive this limitation should it determine that the health and safety of the community warrants a waiver or modification. The community shall be responsible for all salary expenses of participating health professionals.

Sec. 847. RCW 71.05.210 and 1991 c 364 s 11 and 1991 c 105 s 4 are each reenacted and amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his or her admission, be examined and evaluated by a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW or ~~((a))~~ an advanced registered nurse practitioner according to chapter ~~((18-88)) 18--~~ RCW (sections 401 through 431 of this act) and a mental health professional as defined in this chapter, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the

period that he or she is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his or her right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm to himself or herself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in a chemical dependency treatment facility, then the person shall be referred to an approved treatment program defined under RCW 70.96A.020.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 848. RCW 71.24.025 and 1991 c 306 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);
- (b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or
- (c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, "available resources" means federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(d).

(3) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or ~~((18.88 RCW))~~ 18.-- RCW (sections 401 through 431 of this act), as it applies to registered nurses and advanced registered nurse practitioners.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

- (a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or
- (b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or
- (c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(6) "Severely emotionally disturbed child" means an infant or child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

- (a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;
- (b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;
- (c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;
- (d) Is at risk of escalating maladjustment due to:
 - (i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;
 - (ii) Changes in custodial adult;
 - (iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;
 - (iv) Subject to repeated physical abuse or neglect;
 - (v) Drug or alcohol abuse; or
 - (vi) Homelessness.

(7) "Community mental health program" means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, "community mental health program" means all activities or programs using available resources.

(8) "Community support services" means services for acutely mentally ill persons, chronically mentally ill adults, and severely emotionally disturbed children and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children "community support services" means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill adults and severely emotionally disturbed children.

(9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(10) "Department" means the department of social and health services.

(11) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, "mental health services" shall include all services provided by regional support networks.

(12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), (6), and (16) of this section.

(13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(14) "Residential services" means a facility or distinct part thereof which provides food and shelter, and may include treatment services.

When regional support networks are established, or after July 1, 1995, for adults and children "residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(16) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(17) "Secretary" means the secretary of social and health services.

(18) "State minimum standards" means: (a) Minimum requirements for delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to licensing service providers and services; (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum

requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 849. RCW 74.09.290 and 1990 c 100 s 5 are each amended to read as follows:

The secretary of the department of social and health services or his authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical and other services furnished pursuant to this chapter, except that the Washington state medical (~~(disciplinary board)~~) quality assurance commission shall generally serve in an advisory capacity to the secretary in the conduct of audits or investigations of physicians. Any overpayment discovered as a result of an audit of a provider under this authority shall be offset by any underpayments discovered in that same audit sample. In order to determine the provider's actual, usual, customary, or prevailing charges, the secretary may examine such random representative records as necessary to show accounts billed and accounts received except that in the conduct of such examinations, patient names, other than public assistance applicants or recipients, shall not be noted, copied, or otherwise made available to the department. In order to verify costs incurred by the department for treatment of public assistance applicants or recipients, the secretary may examine patient records or portions thereof in connection with services to such applicants or recipients rendered by a health care provider, notwithstanding the provisions of RCW 5.60.060, 18.53.200, 18.83.110, or any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information by the department of social and health services is prohibited and shall be punishable as a class C felony according to chapter 9A.20 RCW, unless such disclosure is directly connected to the official purpose for which the records or information were obtained: PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationship between the provider and the patient, but no evidence resulting from such disclosure may be used in any civil, administrative, or criminal proceeding against the patient unless a waiver of the applicable evidentiary privilege is obtained: PROVIDED FURTHER, That the secretary shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished pursuant to this chapter;

(3) Terminate or suspend eligibility to participate as a provider of services furnished pursuant to this chapter; and

(4) Adopt, promulgate, amend, and (~~(repeal)~~) repeal administrative rules (~~(and regulations)~~), in accordance with the Administrative Procedure Act, chapter 34.05 RCW, to carry out the policies and purposes of RCW 74.09.200 through 74.09.290.

Sec. 850. RCW 74.42.010 and 1993 c 508 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services and the department's employees.

(2) "Facility" refers to a nursing home as defined in RCW 18.51.010.

(3) "Licensed practical nurse" means a person licensed to practice practical nursing under chapter (~~(48-78)~~) 18-- RCW (sections 401 through 431 of this act).

(4) "Medicaid" means Title XIX of the Social Security Act enacted by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79 Stat. 343), as amended.

(5) "Nursing care" means that care provided by a registered nurse, an advanced registered nurse practitioner, a licensed practical nurse, or a nursing assistant in the regular performance of their duties.

(6) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience specified by the department.

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

(c) A mental health professional as defined in chapter 71.05 RCW.

(d) A mental retardation professional who is a qualified therapist or a therapist approved by the department and has specialized training or one year experience in treating or working with the mentally retarded or developmentally disabled.

(e) An occupational therapist who is a graduate of a program in occupational therapy or who has equivalent education or training.

(f) A physical therapist as defined in chapter 18.74 RCW.

(g) A social worker who is a graduate of a school of social work.

(h) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has equivalent education and clinical experience.

(7) "Registered nurse" means a person (~~(practicing)~~) licensed to practice registered nursing under chapter (~~(48-88)~~) 18-- RCW (sections 401 through 431 of this act).

(8) "Resident" means an individual residing in a nursing home, as defined in RCW 18.51.010.

(9) "Physician((s)) assistant" means a person practicing pursuant to chapters 18.57A and 18.71A RCW.

(10) "Nurse practitioner" means a person ~~((practicing such expanded acts of nursing as are authorized by the board of nursing pursuant to RCW 18.88-030))~~ licensed to practice advanced registered nursing under chapter 18-- RCW (sections 401 through 431 of this act).

Sec. 851. RCW 74.42.230 and 1982 c 120 s 2 are each amended to read as follows:

(1) The resident's attending or staff physician or authorized practitioner approved by the attending physician shall order all medications for the resident. The order may be oral or written and shall be limited by time. An "authorized practitioner," as used in this section, is a registered nurse under chapter ~~((18-88))~~ 18-- RCW (sections 401 through 431 of this act) when authorized by the ~~((board of))~~ nursing care quality assurance commission, an osteopathic physician((s)) assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, or a physician((s)) assistant under chapter 18.71A RCW when authorized by the ~~((board of))~~ medical ~~((examiners))~~ quality assurance commission.

(2) An oral order shall be given only to a licensed nurse, pharmacist, or another physician. The oral order shall be recorded and signed immediately by the person receiving the order. The attending physician shall sign the record of the oral order in a manner consistent with good medical practice.

Sec. 852. RCW 74.42.240 and 1989 c 372 s 5 are each amended to read as follows:

(1) No staff member may administer any medication to a resident unless the staff member is licensed to administer medication: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter ~~((18-88 or 18-78))~~ 18-- RCW (sections 401 through 431 of this act) and rules adopted thereunder.

(2) The facility may only allow a resident to give himself or herself medication with the attending physician's permission.

(3) Medication shall only be administered to or used by the resident for whom it is ordered.

Sec. 853. RCW 74.42.380 and 1989 c 372 s 6 are each amended to read as follows:

(1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse or an advanced registered nurse practitioner.

(2) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Permitting only licensed personnel to administer medications: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter ~~((18-88 or 18-78))~~ 18-- RCW (sections 401 through 431 of this act) and rules ~~((promulgated pursuant thereto))~~ adopted under it: PROVIDED FURTHER, That nothing herein shall be construed as prohibiting persons certified under chapter 18.135 RCW from practicing pursuant to the delegation and supervision requirements of chapter 18.135 RCW and rules ~~((promulgated pursuant thereto))~~ adopted under it; and

(c) Insuring that the licensed practical nurses ~~((comply with chapter 18-78 RCW,))~~ and the registered nurses comply with chapter ~~((18-88))~~ 18-- RCW (sections 401 through 431 of this act), and persons certified under chapter 18.135 RCW comply with the provisions of that chapter and rules ~~((promulgated pursuant thereto))~~ adopted under it.

DISABILITY ACCOMMODATION REVOLVING FUND ADVISORY REVIEW BOARD

Sec. 901. RCW 41.04.395 and 1987 c 9 s 2 are each amended to read as follows:

(1) The disability accommodation revolving fund is created in the custody of the state treasurer. Disbursements from the fund shall be on authorization of the director of the department of personnel or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. The fund shall be used exclusively by state agencies to accommodate the unanticipated job site or equipment needs of persons of disability in state employ.

(2) The director of the department of personnel shall ~~((appoint an advisory review board to review and approve))~~ consult with the governor's committee on disability issues and employment regarding requests for disbursements from the disability accommodation revolving fund. The ~~((review board))~~ department shall establish application procedures, adopt criteria, and provide technical assistance to users of the fund.

(3) Agencies that receive moneys from the disability accommodation revolving fund shall return to the fund the amount received from the fund by no later than the end of the first month of the following fiscal biennium.

MOTOR VEHICLE ADVISORY COMMITTEE

Sec. 902. RCW 43.19.558 and 1989 c 57 s 5 are each amended to read as follows:

The motor transport account shall be used to pay the costs of carrying out the programs provided for in RCW 43.19.550 through 43.19.558, unless otherwise specified by law. The director of general administration may recover the costs of the programs by billing agencies that own and operate passenger motor vehicles on the basis of a per vehicle charge. The director of general administration, after consultation with affected state agencies ~~((and recommendation of the motor vehicle advisory committee)),~~ shall establish the rates. All rates shall be approved by the director of financial management. The proceeds generated by these charges shall be used solely to carry out RCW 43.19.550 through 43.19.558.

Sec. 903. RCW 43.19.554 and 1990 c 75 s 1 are each amended to read as follows:

(1) To carry out the purposes of RCW 43.19.550 through 43.19.558 and 46.08.065, the director of general administration has the following powers and duties:

(a) To develop and implement a state-wide information system to collect, analyze, and disseminate data on the acquisition, operation, management, maintenance, repair, disposal, and replacement of all state-owned passenger motor vehicles. State agencies shall provide the department with such data as is necessary to implement and maintain the system. The department shall provide state agencies with information and reports designed to assist them in achieving efficient and cost-effective management of their passenger motor vehicle operations.

(b) To survey state agencies to identify the location, ownership, and condition of all state-owned fuel storage tanks.

(c) In cooperation with the department of ecology and other public agencies, to prepare a plan and funding proposal for the inspection and repair or replacement of state-owned fuel storage tanks, and for the clean-up of fuel storage sites where leakage has occurred. The plan and funding proposal shall be submitted to the governor no later than December 1, 1989.

(d) To develop and implement a state-wide motor vehicle fuel purchase, distribution, and accounting system to be used by all state agencies and their employees. The director may exempt agencies from participation in the system if the director determines that participation interferes with the statutory duties of the agency.

(e) To establish minimum standards and requirements for the content and frequency of safe driving instruction for state employees operating state-owned passenger motor vehicles, which shall include consideration of employee driving records. In carrying out this requirement, the department shall consult with other agencies that have expertise in this area.

(f) To develop a schedule, after consultation with ~~((the state motor vehicle advisory committee and))~~ affected state agencies, for state employees to participate in safe driving instruction.

(g) To require all state employees to provide proof of a driver's license recognized as valid under Washington state law prior to operating a state-owned passenger vehicle.

(h) To develop standards for the efficient and economical replacement of all categories of passenger motor vehicles used by state agencies and provide those standards to state agencies and the office of financial management.

(i) To develop and implement a uniform system and standards to be used for the marking of passenger motor vehicles as state-owned vehicles as provided for in RCW 46.08.065. The system shall be designed to enhance the resale value of passenger motor vehicles, yet ensure that the vehicles are clearly identified as property of the state.

(j) To develop and implement other programs to improve the performance, efficiency, and cost-effectiveness of passenger motor vehicles owned and operated by state agencies.

(k) To consult with state agencies and institutions of higher education in carrying out RCW 43.19.550 through 43.19.558.

(2) The director shall establish an operational unit within the department to carry out subsection (1) of this section. The director shall employ such personnel as are necessary to carry out RCW 43.19.550 through 43.19.558. Not more than three employees within the unit may be exempt from chapter 41.06 RCW.

(3) No later than December 31, 1992, the director shall report to the governor and appropriate standing committees of the legislature on the implementation of programs prescribed by this section, any cost savings and efficiencies realized by their implementation, and recommendations for statutory changes.

SOLID WASTE PLAN ADVISORY COMMITTEE

NEW SECTION. **Sec. 904.** The director of ecology shall abolish the solid waste plan advisory committee effective July 1, 1994.

POLLUTION LIABILITY INSURANCE PROGRAM TECHNICAL ADVISORY COMMITTEE

Sec. 905. RCW 70.148.030 and 1990 c 64 s 4 are each amended to read as follows:

(1) The Washington pollution liability insurance program is created as an independent agency of the state. The administrative head and appointing authority of the program shall be the director who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The director shall appoint a deputy director. The director, deputy director, and up to three other employees are exempt from the civil service law, chapter 41.06 RCW.

(2) The director shall employ such other staff as are necessary to fulfill the responsibilities and duties of the director. The staff is subject to the civil service law, chapter 41.06 RCW. In addition, the director may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. To the extent necessary to protect the state from unintended liability and ensure quality program and contract design, the director shall contract with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability insurance and with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability reinsurance. The director shall enter into such contracts after competitive bid but need not select the lowest bid. Any such contractor or consultant is prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the program director. The director may call upon other agencies of the state to

provide technical support and available information as necessary to assist the director in meeting the director's responsibilities under this chapter. Agencies shall supply this support and information as promptly as circumstances permit.

(3) ~~((The governor shall appoint a standing technical advisory committee that is representative of the public, the petroleum marketing industry, business and local government owners of underground storage tanks, and insurance professionals. Individuals appointed to the technical advisory committee shall serve at the pleasure of the governor and without compensation for their services as members, but may be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.~~

~~(4) A member of the technical advisory committee of the program is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.)) The director may appoint ad hoc technical advisory committees to obtain expertise necessary to fulfill the purposes of this chapter.~~

OFFICE OF RURAL HEALTH ADVISORY COMMITTEE

Sec. 906. RCW 70.175.030 and 1989 1st ex.s. c 9 s 703 are each amended to read as follows:

(1) The department shall establish the Washington rural health system project to provide financial and technical assistance to participants. The goal of the project is to help assure access to affordable health care services to citizens in the rural areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

~~(3) ((The secretary may appoint such technical or advisory committees as he or she deems necessary consistent with the provisions of RCW 43.70.040. In appointing an advisory committee the secretary should assure representation by health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services as well as consumers, rural community leaders, and those knowledgeable of the issues involved with health care public policy. Individuals appointed to any technical advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.~~

~~(4))~~ The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

~~((5))~~ (4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

~~((6))~~ (5) In designing and implementing the project the secretary shall consider the report of the Washington rural health care commission established under chapter 207, Laws of 1988. Nothing in this chapter requires the secretary to follow any specific recommendation contained in that report except as it may also be included in this chapter.

FISHERIES ADVISORY REVIEW BOARDS

Sec. 907. RCW 75.30.050 and 1993 c 376 s 9 and 1993 c 240 s 27 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

~~(a) ((The salmon charter boat fishing industry in cases involving salmon charter licenses or angler permits;~~

~~(b) The commercial salmon fishing industry in cases involving commercial salmon fishery licenses;~~

~~(c))~~ The commercial crab fishing industry in cases involving dungeness crab--Puget Sound fishery licenses;

~~((d))~~ (b) The commercial herring fishery in cases involving herring fishery licenses;

~~((e) The commercial Puget Sound whiting fishery in cases involving whiting--Puget Sound fishery licenses;~~

~~(f))~~ (c) The commercial sea urchin fishery in cases involving sea urchin dive fishery licenses;

~~((g))~~ (d) The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses; and

~~((h))~~ (e) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

FISHERIES REGIONAL ADVISORY COMMITTEES

NEW SECTION. **Sec. 908.** A new section is added to chapter 75.30 RCW to read as follows:

The director of the department of fish and wildlife shall abolish the department's regional advisory committees, effective July 1, 1994.

OIL AND GAS CONSERVATION COMMITTEE

Sec. 909. RCW 78.52.010 and 1983 c 253 s 2 are each amended to read as follows:

For the purposes of this chapter, unless the text otherwise requires, the following terms shall have the following meanings:

(1) "Certificate of clearance" means a permit prescribed by the ~~((committee))~~ department for the transportation or the delivery of oil, gas, or product.

(2) "~~((Committee))~~ Department" means the ~~((oil and gas conservation committee))~~ department of natural resources.

(3) "Development unit" means the maximum area of a pool which may be drained efficiently and economically by one well.

(4) "Division order" means an instrument showing percentage of royalty or rental divisions among royalty owners.

(5) "Fair and reasonable share of the production" means, as to each separately-owned tract or combination of tracts, that part of the authorized production from a pool that is substantially in the proportion that the amount of recoverable oil or gas under the development unit of that separately-owned tract or tracts bears to the recoverable oil or gas or both in the total of the development units in the pool.

(6) "Field" means the general area which is underlaid by at least one pool and includes the underground reservoir or reservoirs containing oil or gas, or both. The words "field" and "pool" mean the same thing when only one underground reservoir is involved; however, "field," unlike "pool," may relate to two or more pools.

(7) "Gas" means all natural gas, all gaseous substances, and all other fluid or gaseous hydrocarbons not defined as oil in subsection (12) of this section, including but not limited to wet gas, dry gas, residue gas, condensate, and distillate, as those terms are generally understood in the petroleum industry.

(8) "Illegal oil" or "illegal gas" means oil or gas that has been produced from any well within the state in violation of this chapter or any rule or order of the ~~((committee))~~ department.

(9) "Illegal product" means any product derived in whole or part from illegal oil or illegal gas.

(10) "Interested person" means a person with an ownership, basic royalty, or leasehold interest in oil or gas within an existing or proposed development unit or unitized pool.

(11) "Lessee" means the lessee under an oil and gas lease, or the owner of any land or mineral rights who has the right to conduct or carry on any oil and gas development, exploration and operation thereon, or any person so operating for himself, herself, or others.

(12) "Oil" means crude petroleum, oil, and all hydrocarbons, regardless of gravity, that are in the liquid phase in the original reservoir conditions and are produced and recovered at the wellhead in liquid form.

(13) "Operator" means the person who operates a well or unit or who has been designated or accepted by the owners to operate the well or unit, and who is responsible for compliance with the ~~((committee's))~~ department's rules and policies.

(14) "Owner" means the person who has the right to develop, operate, drill into, and produce from a pool and to appropriate the oil or gas that he or she produces therefrom, either for that person or for that person and others.

(15) "Person" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind and includes any governmental or political subdivision or any agency thereof.

(16) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both. Each zone of a structure which is completely separated from any other zone in the same structure such that the accumulations of oil or gas are not common with each other is considered a separate pool and is covered by the term "pool" as used in this chapter.

(17) "Pooling" means the integration or combination of two or more tracts into an area sufficient to constitute a development unit of the size for one well as prescribed by the ~~((committee))~~ department.

(18) "Product" means any commodity made from oil or gas.

(19) "Protect correlative rights" means that the action or regulation by the ~~((committee))~~ department should afford a reasonable opportunity to each person entitled thereto to recover or receive without causing waste his or her fair and reasonable share of the oil and gas in this tract or tracts or its equivalent.

(20) "Royalty" means a right to or interest in oil or gas or the value from or attributable to production, other than the right or interest of a lessee, owner, or operator, as defined herein. Royalty includes, but is not limited to the basic royalty in a lease, overriding royalty, and production payments. Any such interest may be referred to in this chapter as "royalty" or "royalty interest." As used in this chapter "basic royalty" means the royalty reserved in a lease. "Royalty owner" means a person who owns a royalty interest.

(21) "Supervisor" means the state oil and gas supervisor.

(22) "Unitization" means the operation of all or part of a field or reservoir as a single entity for operating purposes.

(23) "Waste" in addition to its ordinary meaning, means and includes:

(a) "Physical waste" as that term is generally understood in the petroleum industry;

(b) The inefficient, excessive, or improper use of, or unnecessary dissipation of, reservoir energy, and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well in a manner which results or is probable to result in reducing the quantity of oil or gas to be recovered from any pool in this state under operations conducted in accordance with prudent and proper practices or that causes or tends to cause unnecessary wells to be drilled;

(c) The inefficient above-ground storage of oil, and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well in a manner causing or tending to cause unnecessary or excessive surface loss or destruction of oil or gas;

(d) The production of oil or gas in such manner as to cause unnecessary water channeling, or coning;

(e) The operation of an oil well with an inefficient gas-oil ratio;

(f) The drowning with water of any pool or part thereof capable of producing oil or gas, except insofar as and to the extent authorized by the ~~((committee))~~ department;

(g) Underground waste;

(h) The creation of unnecessary fire hazards;

(i) The escape into the open air, from a well producing oil or gas, of gas in excess of the amount which is reasonably necessary in the efficient development or production of the well;

(j) The use of gas for the manufacture of carbon black, except as provided in RCW 78.52.140;

(k) Production of oil and gas in excess of the reasonable market demand;

(l) The flaring of gas from gas wells except that which is necessary for the drilling, completing, or testing of the well; and

(m) The unreasonable damage to natural resources including but not limited to the destruction of the surface, soils, wildlife, fish, or aquatic life from or by oil and gas operations.

Sec. 910. RCW 78.52.025 and 1983 c 253 s 3 are each amended to read as follows:

The ~~((committee))~~ department shall hold hearings or meetings at such times and places as may be found by the ~~((committee))~~ department to be necessary to carry out its duties. The ~~((committee))~~ department may establish its own rules for the conduct of public hearings or meetings consistent with other applicable law.

Sec. 911. RCW 78.52.030 and 1951 c 146 s 6 are each amended to read as follows:

The ~~((committee shall have the authority and it shall be its duty to))~~ department shall employ all personnel necessary to carry out the provisions of this chapter.

Sec. 912. RCW 78.52.031 and 1983 c 253 s 5 are each amended to read as follows:

The ~~((committee shall have the power to))~~ department may subpoena witnesses, ~~((te))~~ administer oaths, and ~~((te))~~ require the production of records, books, and documents for examination at any hearing or investigation conducted by it. No person shall be excused from attending and testifying, or from producing books, papers, and records before the ~~((committee))~~ department or a court, or from obedience to the subpoena of the ~~((committee))~~ department or a court, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of ~~((him))~~ the person may tend to incriminate ~~((him))~~ the person or subject ~~((him))~~ the person to a penalty or forfeiture: PROVIDED, That nothing herein contained shall be construed as requiring any person to produce any books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before ~~((such committee))~~ the department or court for determination. No person shall be subjected to criminal prosecution or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in spite of his or her objection, he or she may be required to testify or produce evidence, documentary or otherwise before the ~~((committee))~~ department or court, or in obedience to its subpoena: PROVIDED, HOWEVER, That no person testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 913. RCW 78.52.032 and 1983 c 253 s 10 are each amended to read as follows:

In addition to the powers and authority, either express or implied, granted to the ~~((Washington oil and gas conservation committee))~~ department by virtue of the laws of this state, the ~~((committee))~~ department may, in prescribing its rules of order or procedure in connection with hearings or other proceedings before the ~~((committee))~~ department, provide for the appointment of one or more examiners to conduct a hearing or hearings with respect to any matter properly coming before the ~~((committee))~~ department and to make reports and recommendations to the ~~((committee))~~ department with respect thereto. Any ~~((member))~~ employee of the ~~((committee, or its staff))~~ department or any other person designated by the ~~((committee))~~ commissioner of public lands, or the supervisor when this power is so delegated, may serve as an examiner. The ~~((committee))~~ department shall adopt rules governing hearings to be conducted before examiners.

Sec. 914. RCW 78.52.033 and 1951 c 146 s 8 are each amended to read as follows:

In case of failure or refusal on the part of any person to comply with a subpoena issued by the ~~((committee))~~ department or in case of the refusal of any witness to testify as to any matter regarding which ~~((he))~~ the witness may be interrogated, any superior court in the state, upon the application of the ~~((committee))~~ department, may compel ~~((him))~~ the person to comply with such subpoena, and to attend before the ~~((committee))~~ department and produce such records, books, and documents for examination, and to give his or her testimony and shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

Sec. 915. RCW 78.52.035 and 1951 c 146 s 9 are each amended to read as follows:

The attorney general shall be the attorney for the ~~((committee: PROVIDED, That))~~ department, but in cases of emergency, the ~~((committee))~~ department may call upon the prosecuting attorney of the county where the action is to be brought, or defended, to represent the ~~((committee))~~ department until such time as the attorney general may take charge of the litigation.

Sec. 916. RCW 78.52.037 and 1983 c 253 s 4 are each amended to read as follows:

~~((The department of natural resources is the designated agent of the committee for the purpose of carrying out this chapter. It shall administer and enforce this chapter consistent with the policies adopted by the committee, together with all rules and orders which the committee may adopt and delegate, including but not limited to issuing permits, orders, enforcement actions, and other actions or decisions authorized to be made under this chapter.))~~ The department shall designate a state oil and gas supervisor who shall be charged with duties as may be delegated by the department. The department ~~((of natural resources))~~ may designate one or more deputy supervisors and employ all personnel necessary including the appointment of examiners as provided in RCW 78.52.032 to carry out this chapter and the rules and orders of the ~~((committee))~~ department.

Sec. 917. RCW 78.52.040 and 1983 c 253 s 6 are each amended to read as follows:

~~((It shall be the duty of the committee to))~~ The department shall administer and enforce the provisions of this chapter by the adoption of policies, and all rules, regulations, and orders promulgated hereunder, and the ~~((committee is hereby vested with))~~ department has jurisdiction, power, and authority, over all persons and property, public and private, necessary to enforce effectively such duty.

Sec. 918. RCW 78.52.050 and 1983 c 253 s 7 are each amended to read as follows:

The ~~((committee shall have authority to))~~ department may make such reasonable rules, regulations, and orders as may be necessary from time to time for the proper administration and enforcement of this chapter. Unless otherwise required by law or by this chapter or by rules of procedure made under this chapter, the ~~((committee))~~ department may make such rules, regulations, and orders, after notice, as the basis therefor. The notice may be given by publication in some newspaper of general circulation in the state in a manner and form which may be prescribed by the ~~((committee))~~ department by general rule. The public hearing shall be at the time and in the manner and at the place prescribed by the ~~((committee))~~ department, and any person having any interest in the subject matter of the hearing shall be entitled to be heard. In addition, written notice shall be mailed to all interested persons who have requested, in writing, notice of ~~((committee))~~ department hearings, rulings, policies, and orders. The ~~((committee))~~ department shall establish and maintain a mailing list for this purpose. Substantial compliance with these mailing requirements is deemed compliance with ~~((the provisions herewith))~~ this section.

Sec. 919. RCW 78.52.070 and 1951 c 146 s 12 are each amended to read as follows:

Any interested person shall have the right to have the ~~((committee))~~ department call a hearing for the purpose of taking action with respect to any matter within the jurisdiction of the ~~((committee))~~ department by filing a verified written petition therefor, which shall state in substance the matter and reasons for and nature of the action requested. Upon receipt of any such request the ~~((committee))~~ department, if in its judgment a hearing is warranted and justifiable, shall promptly call a hearing thereon, and after such hearing, and with all convenient speed, and in any event within twenty days after the conclusion of such hearing, shall take such action with regard to the subject matter thereof as it may deem appropriate.

Sec. 920. RCW 78.52.100 and 1983 c 253 s 8 are each amended to read as follows:

All rules, regulations, policies, and orders of the ~~((committee))~~ department, all petitions, copies of all notices and actions with affidavits of posting, mailing, or publications pertaining thereto, all findings of fact, and transcripts of all hearings shall be in writing and shall be entered in full by the ~~((committee))~~ department in the permanent official records of the office of the commissioner of public lands and shall be open for inspection at all times during reasonable office hours. A copy of any rule, regulation, policy, order, or other official records of the ~~((committee))~~ department, certified by the ~~((executive secretary of the committee))~~ commissioner of public lands, shall be received in evidence in all courts of this state with the same effect as the original. The ~~((committee))~~ department is hereby required to furnish to any person upon request, copies of all rules, regulations, policies, orders, and amendments thereof.

Sec. 921. RCW 78.52.120 and 1983 c 253 s 11 are each amended to read as follows:

Any person desiring or proposing to drill any well in search of oil or gas, before commencing the drilling of any such well, shall apply to the ~~((committee))~~ department upon such form as the ~~((committee))~~ department may prescribe, and shall pay to the state treasurer a fee of the following amounts for each application:

- (1) For each well the estimated depth of which is three thousand five hundred feet or less, two hundred fifty dollars;
- (2) From three thousand five hundred one feet to seven thousand feet, five hundred dollars;
- (3) From seven thousand one feet to twelve thousand feet, seven hundred fifty dollars; and
- (4) From twelve thousand one feet and deeper, one thousand dollars.

In addition, as pertains to the tract upon which the well is proposed to be located, the applicant must notify the surface landowner, the landowner's tenant, and other surface users in the manner provided by regulations of the ~~((committee))~~ department that a drilling permit has been applied for by furnishing each such surface landowner, tenant, and other users with a copy of the application concurrent with the filing of the application. Within fifteen days of receipt of the application, each such surface landowner, the landowner's tenant, and other surface users have the right to inform the ~~((committee))~~ department of objections or comments as to the proposed use of the surface by the applicant, and the ~~((committee))~~ department shall consider the objections or comments.

The drilling of any well is prohibited until a permit is given and such fee has been paid as ~~((herein))~~ provided in this section. The ~~((committee shall have the authority to))~~ department may prescribe that the said form indicate the exact location of such well, the name and address of the owner, operator, contractor, driller, and any other person responsible for the conduct of drilling operations, the proposed depth of the well, the elevation of the well above sea level, and such other relevant and reasonable information as the ~~((committee))~~ department may deem necessary or convenient to effectuate the purposes of this chapter.

The ~~((committee))~~ department shall issue a permit if it finds that the proposed drilling will be consistent with this chapter, the rules~~((,))~~ and orders adopted under it, and is not detrimental to the public interest. The ~~((committee))~~ department shall impose conditions and restrictions as necessary to protect the public interest and to ensure compliance with this chapter, and the rules and orders adopted by the ~~((committee))~~ department. A person shall not apply to drill a well in search of oil or gas unless that person holds an ownership or contractual right to locate and operate the drilling operations upon the proposed drilling site. A person shall not be issued a permit unless that person prima facie holds an ownership or contractual right to drill to the proposed depth, or proposed horizon. Proof of prima facie ownership shall be presented to the ~~((committee))~~ department.

Sec. 922. RCW 78.52.125 and 1971 ex.s. c 180 s 8 are each amended to read as follows:

Any person desiring or proposing to drill any well in search of oil or gas, when such drilling would be conducted through or under any surface waters of the state, shall prepare and submit an environmental impact statement upon such form as the department of ecology shall prescribe at least one hundred and twenty days prior to commencing the drilling of any such well. Within ninety days after receipt of such environmental statement the department of ecology shall prepare and submit to ~~((each member of the committee))~~ the department of natural resources a report examining the potential environmental impact of the proposed well and recommendations for ~~((committee))~~ department action thereon. If after consideration of the report the ~~((committee))~~ department determines that the proposed well is likely to have a substantial environmental impact the drilling permit for such well may be denied.

The ~~((committee))~~ department shall require sufficient safeguards to minimize the hazards of pollution of all surface and ground waters of the state. If safeguards acceptable to the ~~((committee))~~ department cannot be provided the drilling permit shall be denied.

Sec. 923. RCW 78.52.140 and 1951 c 146 s 16 are each amended to read as follows:

The use of gas from a well producing gas only, or from a well which is primarily a gas well, for the manufacture of carbon black or similar products predominantly carbon, is declared to constitute waste prima facie, and such gas well shall not be used for any such purpose unless it is clearly shown, at a public hearing to be held by the ~~((committee))~~ department, on application of the person desiring to use such gas, that waste would not take place by the use of such gas for the purpose or purposes applied for, and that gas which would otherwise be lost is not available for such purpose or purposes, and that the gas to be used cannot be used for a more beneficial purpose, such as for light or fuel purposes, except at prohibitive cost, and that it would be in the public interest to grant such permit. If the ~~((committee))~~ department finds that the applicant has clearly shown a right to use such gas for the purpose or purposes applied for, it shall issue a permit upon such terms and conditions as may be found necessary in order to permit the use of the gas, and at the same time require compliance with the intent of this section.

Sec. 924. RCW 78.52.150 and 1951 c 146 s 17 are each amended to read as follows:

The ~~((committee has authority, and it shall be its duty, to))~~ department shall make such investigations as it may deem proper to determine whether waste exists or is imminent or whether other facts exist which justify action by the ~~((committee))~~ department.

Sec. 925. RCW 78.52.155 and 1983 c 253 s 9 are each amended to read as follows:

- (1) The ~~((committee))~~ department shall make investigations as necessary to carry out this chapter.
- (2) The ~~((committee and the))~~ department~~((, consistent with the committee's policies,))~~ shall require:
 - (a) Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil or gas;
 - (b) The making and filing of well logs, core samples, directional surveys, and reports on well locations, drilling, and production;
 - (c) The testing of oil and gas wells;
 - (d) The drilling, casing, operating, and plugging of wells in such a manner as to prevent the escape of oil or gas out of the casings, or out of one pool into another, the intrusion of water into an oil or gas pool, and the pollution of freshwater supplies by oil, gas, or saltwater and to prevent blowouts, cavings, seepages, and fires;
 - (e) The furnishing of adequate security acceptable to the department, conditioned on the performance of the duty to plug each dry or abandoned well, the duty to reclaim and clean-up well drilling sites, the duty to repair wells causing waste, the duty to comply with all applicable laws and rules adopted by the ~~((committee))~~ department, orders of the ~~((committee and the))~~ department, all permit conditions, and this chapter;
 - (f) The operation of wells with efficient gas-oil and water-oil ratios and may fix these ratios and limit production from wells with inefficient gas-oil or water-oil ratios;
 - (g) The production of oil and gas from wells be accurately measured by means and upon standards prescribed by the ~~((committee))~~ department, and that every person who produces, sells, purchases, acquires, stores, transports, treats, or processes oil or gas in this state keeps and maintains for a period of five years within this state complete and accurate records thereof, which records shall be available for examination by the ~~((committee))~~ department or its agents at all reasonable times, and that every person file with the ~~((committee))~~ department such reports as it may prescribe with respect to the oil or gas; and
 - (h) Compliance with all applicable laws and rules of this state.
- (3) The ~~((committee and the department, consistent with the committee's policies,))~~ department shall regulate:
 - (a) The drilling, producing, locating, spacing, and plugging of wells and all other operations for the production of oil or gas;
 - (b) The physical, mechanical, and chemical treatment of wells, and the perforation of wells;
 - (c) Operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations;
 - (d) Disposal of saltwater and oil field brines;
 - (e) The storage, processing, and treatment of natural gas and oil produced within this state; and
 - (f) Reclamation and clean-up of all well sites and any areas directly affected by the drilling, production, operation, and plugging of oil and gas wells.
- (4) The ~~((committee))~~ department may limit and prorate oil and gas produced in this state and may restrict future production of oil and gas from any pool in such amounts as will offset and compensate for any production determined by the ~~((committee))~~ department to be in excess of or in violation of "oil allowable" or "gas allowable."

(5) The ~~((committee))~~ department shall classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter.

(6) The ~~((committee and the department, consistent with the committee's policies,))~~ department shall regulate oil and gas exploration and drilling activities so as to prevent or remedy unreasonable or excessive waste or surface destruction.

Sec. 926. RCW 78.52.200 and 1983 c 253 s 12 are each amended to read as follows:

When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect correlative rights including those of royalty owners, the ~~((committee))~~ department, upon its own motion or upon application of interested persons, shall establish development units covering any known pool. Development units shall be of uniform size and shape for the entire pool unless the ~~((committee))~~ department finds that it must make an exception due to geologic, geographic, or other factors. When necessary, the ~~((committee))~~ department may divide any pool into zones and establish development units for each zone, which units may differ in size and shape from those established in any other zone.

Sec. 927. RCW 78.52.205 and 1983 c 253 s 13 are each amended to read as follows:

Within sixty days after the discovery of oil or gas in a pool not then covered by an order of the ~~((committee))~~ department, a hearing shall be held and the ~~((committee))~~ department shall issue an order prescribing development units for the pool. If sufficient geological or other scientific data from drilling operations or other evidence is not available to determine the maximum area that can be efficiently and economically drained by one well, the ~~((committee))~~ department may establish temporary development units to ensure the orderly development of the pool pending availability of the necessary data. A temporary order shall continue in force for a period of not more than twenty-four months at the expiration of which time, or upon the petition of an affected person, the ~~((committee))~~ department shall require the presentation of such geological, scientific, drilling, or other evidence as will enable it to determine the proper development units in the pool. During the interim period between the discovery and the issuance of the temporary order, permits shall not be issued for the drilling of direct offsets to a discovery well.

Sec. 928. RCW 78.52.210 and 1983 c 253 s 14 are each amended to read as follows:

(1) The size and the shape of any development units shall be such as will result in the efficient and economical development of the pool as a whole, and the size shall not be smaller than the maximum area that can be efficiently and economically drained by one well as determined by competent geological, geophysical, engineering, drilling, or other scientific testimony, data, and evidence. The ~~((committee))~~ department shall fix a development unit of not more than one hundred sixty acres for any pool deemed by the ~~((committee))~~ department to be an oil reservoir, or of six hundred forty acres for any pool deemed by the ~~((committee))~~ department to be a gas reservoir, plus a ten percent tolerance in either case to allow for irregular sections. The ~~((committee))~~ department may, at its discretion, after notice and hearing, establish development units for oil and gas in variance of these limitations when competent geological, geophysical, engineering, drilling, or other scientific testimony, data, and evidence is presented and upon a finding that one well can efficiently and economically drain a larger or smaller area and is justified because of technical, economic, environmental, or safety considerations.

(2) The ~~((committee))~~ department may establish development units of different sizes or shapes for different parts of a pool or may grant exceptions to the size or shapes of any development unit or units. Where development units of different sizes or shapes exist in a pool, the ~~((committee))~~ department shall, if necessary, make such adjustments to the allowable production from the well or wells drilled thereon so that each operator in each development unit will have a reasonable opportunity to produce or receive his or her just and equitable share of the production.

Sec. 929. RCW 78.52.220 and 1983 c 253 s 15 are each amended to read as follows:

An order establishing development units for a pool shall specify the size and shape of each area and the location of the permitted well thereon in accordance with a reasonable uniform spacing plan. Upon application and after notice and a hearing, if the ~~((committee))~~ department finds that a well drilled at the prescribed location would not produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, the ~~((committee is authorized to))~~ department may enter an order permitting the well to be drilled pursuant to permit at a location other than that prescribed by such development order; however, the ~~((committee))~~ department shall include in the order suitable provisions to prevent the production from the development unit of more than its just and equitable share of the oil and gas in the pool.

Sec. 930. RCW 78.52.230 and 1983 c 253 s 16 are each amended to read as follows:

An order establishing development units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the ~~((committee))~~ department from time to time to include additional areas determined to be underlaid by such pool. When the ~~((committee))~~ department determines that it is necessary for the prevention of waste, or to avoid the drilling of unnecessary wells, or to protect correlative rights, an order establishing development units in a pool may be modified by the ~~((committee))~~ department to increase or decrease the size of development units in the pool or to permit the drilling of additional wells on a reasonably uniform plan in the pool.

Sec. 931. RCW 78.52.240 and 1983 c 253 s 17 are each amended to read as follows:

When two or more separately-owned tracts are embraced within a development unit, or when there are separately owned interests in all or a part of the development unit, then the owners and lessees thereof may pool their interests for the development and operation of the development unit. In the absence of this voluntary pooling, the ~~((committee))~~ department, upon the application of any interested person, shall enter an order pooling all interests, including royalty interests, in the development unit for the development and operation thereof. Each such pooling order shall be made after notice and hearing. The applicant or applicants shall have the burden of proving that all reasonable efforts have been made to obtain the consent of, or to reach agreement with, other owners.

Sec. 932. RCW 78.52.245 and 1983 c 253 s 18 are each amended to read as follows:

A pooling order shall be upon terms and conditions that are fair and reasonable and that afford to each owner and royalty owner his or her fair and reasonable share of production. Production shall be allocated as follows:

(1) For the purpose of determining the portions of production owned by the persons owning interests in the pooled unit, the production shall be allocated to the respective tracts within the unit in the proportion that the surface acres in each tract bear to the number of surface acres included in the entire unit.

(2) Notwithstanding subsection (1) of this section, if the ((committee)) department finds that allocation on a surface acreage basis does not allocate to each tract its fair share, the ((committee)) department shall allocate the production so that each tract will receive its fair share.

Sec. 933. RCW 78.52.250 and 1983 c 253 s 19 are each amended to read as follows:

(1) Each such pooling order shall make provision for the drilling and operation of a well on the development unit, and for the payment of the reasonable actual cost thereof by the owners of interests required to pay such costs in the development unit, plus a reasonable charge for supervision and storage facilities. Costs associated with production from the pooled unit shall be allocated in the same manner as is production in RCW 78.52.245. In the event of any dispute as to such costs the ((committee)) department shall determine the proper costs.

(2) As to each owner who fails or refuses to agree to bear his or her proportionate share of the costs of the drilling and operation of the well, the order shall provide for reimbursement of those persons paying for the drilling and operation of the well of the nonconsenting owner's share of the costs from, and only from, production from the unit representing that person's interest, excluding royalty or other interests not obligated to pay any part of the cost thereof. The ((committee)) department may provide that the consenting owners shall own and be entitled to receive all production from the well after payment of the royalty as provided in the lease, if any, applicable to each tract or interest, and obligations payable from production, until the consenting owners have been paid the amount due under the terms of the pooling order or order settling any dispute.

The order shall determine the interest of each owner in the unit and shall provide that each consenting owner is entitled to receive, subject to royalty or similar obligations, the share of the production of the well applicable to the owner's interest in the unit, and, unless the owner has agreed otherwise, his or her proportionate part of the nonconsenting owner's share of the production until costs are recovered as provided in this subsection. Each nonconsenting owner is entitled to receive, subject to royalty or similar obligations, the share of production from the well applicable to the owner's interest in the unit after the consenting owners have recovered from the nonconsenting owner's share of production the following:

(a) In respect to every such well, one hundred percent of the nonconsenting owner's share of the cost of surface equipment beyond the wellhead connections, including but not limited to, stock tanks, separators, treaters, pumping equipment, and piping, plus one hundred percent of the nonconsenting owner's share of the cost of operation of the well, commencing with first production and continuing until the consenting owners have recovered these costs, with the intent that the nonconsenting owner's share of these costs and equipment will be that interest which would have been chargeable to the nonconsenting owner had he or she initially agreed to pay his or her share of the costs of the well from the beginning of the operation;

(b) One hundred fifty percent of that portion of the costs and expenses of staking the location, well site preparation, rights of way, rigging-up, drilling, reworking, deepening or plugging back, testing, and completing, after deducting any cash contributions received by the consenting owners, and also one hundred fifty percent of that portion of the cost of equipment in the well, up to and including the wellhead connections; and

(c) If there is a dispute regarding the costs, the ((committee)) department shall determine the proper costs and their allocation among working interest owners after due notice to interested parties and a hearing on the costs.

(3) The operator of a well under a pooling order in which there are nonconsenting owners shall furnish the nonconsenting owners with monthly statements of all costs incurred, together with the quantity of oil or gas produced, and the amount of proceeds realized from the sale of this production during the preceding month. If and when the consenting owners recover from a nonconsenting owner's relinquished interest the amounts provided for in subsection (2) of this section, the relinquished interest of the nonconsenting owner shall automatically revert to him or her, and the nonconsenting owner shall own the same interest in the well and the production from it and be liable for the further costs of the operation as if he or she had participated in the initial drilling and operation.

(4) A nonconsenting owner of a tract in a development unit which is not subject to any lease or other contract for the development thereof for oil and gas shall elect within fifteen days of the issuance of the pooling order or such further time as the ((committee)) department shall, in the order, allow:

(a) To be treated as a nonconsenting owner as provided in subsections (2) and (3) of this section and is deemed to have a basic landowners' royalty of one-eighth, or twelve and one-half percent, of the production allocated to the tract, unless a higher basic royalty has been established in the development unit. If a higher royalty has been established, then the nonconsenting owner of a nonleased tract shall receive the higher basic royalty. This presumed royalty shall exist only during the time that costs and expenses are being recovered under subsection (2) of this section, and is intended to assure that the owner of a nonleased tract receive a basic royalty free of all costs at all times. Notwithstanding anything herein to the contrary, the owner shall at all times retain his or her entire ownership of the property, including the right to execute an oil and gas lease on any terms negotiated, and be entitled to all production subject to subsection (2) of this section; or

(b) To grant a lease to the operator at the current fair market value for that interest for comparable leases or interests at the time of the commencement of drilling; or

(c) To pay his or her pro rata share of the costs of the well or wells in the development unit and receive his or her pro rata share of production, if any.

A nonconsenting owner who does not make an election as provided in this subsection is deemed to have elected to be treated under (a) of this subsection.

Sec. 934. RCW 78.52.257 and 1983 c 253 s 22 are each amended to read as follows:

(1) An order pooling a development unit shall automatically dissolve:

(a) One year after its effective date if there has been no production of commercial quantities or drilling operations on lands within the unit;

(b) Six months after completion of a dry hole on the unit; or

(c) Six months after cessation of production of commercial quantities from the unit, unless, prior to the expiration of such six-month period, the operator shall, in good faith, commence drilling or reworking operations in an effort to restore production.

(2) Upon the termination of a lease pooled by order of the ~~((committee))~~ department under authority granted in this chapter, interests covered by the lease are considered pooled as unleased mineral interests.

(3) Any party to a pooling order is entitled, after due notice to all parties, to a hearing to modify or terminate a previously entered pooling order upon presenting new evidence showing that the previous determination of reservoir conclusions are substantially incorrect.

(4) The ~~((committee, in its discretion))~~ department, after notice and hearing, may grant additional time, for good cause shown, before a pooling order is automatically dissolved as provided in subsection (1) of this section. In no case may such an extension be longer than six months.

Sec. 935. RCW 78.52.260 and 1951 c 146 s 28 are each amended to read as follows:

Whenever the ~~((committee shall))~~ department requires the making and filing of well logs, directional surveys, or reports on the drilling of, subsurface conditions found in, or reports with respect to the substance produced, or capable of being produced from, a "wildcat" or "exploratory" well, as those terms are used in the petroleum industry, such logs, surveys, reports, or information shall be kept confidential by the ~~((committee))~~ department for a period of one year, if at the time of filing such logs, surveys, reports, or other information, the owner, lessee, or operator of such well requests that such information be kept confidential: PROVIDED, HOWEVER, That the ~~((committee shall have the right to))~~ department may divulge or use such information in a public hearing or suit when it is necessary for the enforcement of the provisions of this chapter or any rule, regulation, or order made hereunder.

Sec. 936. RCW 78.52.270 and 1951 c 146 s 29 are each amended to read as follows:

Whenever the total amount of oil which all of the pools in this state can currently produce in accordance with good operating practices, exceeds the amount reasonably required to meet the reasonable market demand, the ~~((committee))~~ department shall limit the oil which may be currently produced in this state to an amount, designated the "oil allowable~~((")~~). The ~~((committee))~~ department shall then prorate this "oil allowable" among the pools on a reasonable basis, avoiding undue discrimination among the pools, and so that waste will be prevented. In determining the "oil allowable~~((")~~," and in prorating such "oil allowable" among the pools in the state, the ~~((committee))~~ department shall take into account the producing conditions and other relevant facts with respect to such pools, including the separate needs for oil and gas, and separate needs for oil of particular kinds or qualities, and shall formulate rules setting forth standards or a program for the determination of the "oil allowable~~((")~~," and shall prorate the "oil allowable" in accordance with such standards or program, and where conditions in one pool or area are substantially similar to those in another pool or area, then the same standards or program shall be applied to such pools or areas so that as far as practicable a uniform program will be followed: PROVIDED, HOWEVER, That if the amount prorated to a pool as its share of the "oil allowable" is in excess of the amount which the pool can efficiently produce currently, then the ~~((committee))~~ department shall prorate to such pool the maximum amount which can be efficiently produced currently without waste.

Sec. 937. RCW 78.52.280 and 1951 c 146 s 30 are each amended to read as follows:

The ~~((committee))~~ department shall not be required to determine the reasonable market demand applicable to any single pool of oil except in relation to all pools producing oil of similar kind and quality and in relation to the reasonable market demand. The ~~((committee))~~ department shall prorate the "allowable" in such manner as will prevent undue discrimination against any pool or area in favor of another or others resulting from selective buying or nomination by purchasers.

Sec. 938. RCW 78.52.290 and 1951 c 146 s 31 are each amended to read as follows:

Whenever the total amount of gas which all of the pools in this state can currently produce in accordance with good operating practice exceeds the amount reasonably required to meet the reasonable market demand, the ~~((committee))~~ department shall limit the gas which may be currently produced to an amount, designated as the "gas allowable~~((")~~," which will not exceed the reasonable market demand for gas. The ~~((committee))~~ department shall then prorate the "gas allowable" among the pools on a reasonable basis, avoiding undue discrimination among the pools, and so that waste will be prevented, giving due consideration to location of pipe lines, cost of interconnecting such pipe lines, and other pertinent factors, and insofar as applicable, the provisions of RCW 78.52.270 shall be followed in determining the "gas allowable" and in prorating such "gas allowable" among the pools therein: PROVIDED, HOWEVER, That in determining the reasonable market demand for gas as between pools, the ~~((committee))~~ department shall give due regard to the fact that gas produced from oil pools is to be regulated in a manner which will protect the reasonable use of gas energy for oil production and promote the most or maximum efficient recovery of oil from such pools.

Sec. 939. RCW 78.52.300 and 1951 c 146 s 32 are each amended to read as follows:

Whenever the total amount of gas which may be currently produced from all of the pools in this state has not been limited as hereinabove provided, and the available production from any one pool containing gas only is in excess of the reasonable market demand or available transportation

facilities for gas from such pool, the ~~((committee))~~ department shall limit the production of gas from such pool to that amount which does not exceed the reasonable market demand or transportation facilities for gas from such pool.

Sec. 940. RCW 78.52.310 and 1951 c 146 s 33 are each amended to read as follows:

Whenever the ~~((committee))~~ department limits the total amount of oil or gas which may be produced from any pool to an amount less than that which the pool could produce if no restrictions were imposed (whether incidental to, or without, a limitation of the total amount of oil which may be produced in the state) the ~~((committee))~~ department shall prorate the allowable production for the pool among the producers in the pool on a reasonable basis, so that each producer will have opportunity to produce or receive his or her just and equitable share, subject to the reasonable necessities for the prevention of waste, giving where reasonable, under the circumstances, to each pool with small wells of settled production, allowable production which prevents the premature abandonment of wells in the pool.

All orders establishing the "oil allowable" and "gas allowable" for this state, and all orders prorating such allowables as herein provided, and any changes thereof, for any month or period shall be issued by the ~~((committee))~~ department on or before the fifteenth day of the month preceding the month for which such orders are to be effective, and such orders shall be immediately published in some newspaper of general circulation printed in Olympia, Washington. No orders establishing such allowables, or prorating such allowables, or any changes thereof, shall be issued without first having a hearing, after notice, as provided in this chapter: PROVIDED, HOWEVER, When in the judgment of the ~~((committee))~~ department, an emergency requiring immediate action is found to exist, the ~~((committee is authorized to))~~ department may issue an emergency order under this section which shall have the same effect and validity as if a hearing with respect to the same had been held after due notice. The emergency order permitted by this ~~((subsection))~~ section shall remain in force no longer than thirty days, and in any event it shall expire when the order made after due notice and hearing with respect to the subject matter of the emergency order becomes effective.

Sec. 941. RCW 78.52.320 and 1951 c 146 s 34 are each amended to read as follows:

Whenever the production of oil or gas in this state or any pool therein is limited and the "oil allowable" or "gas allowable" is established and prorated by the ~~((committee))~~ department as provided in RCW 78.52.310, no person shall thereafter produce from any well, pool, lease, or property more than the production which is prorated thereto.

Sec. 942. RCW 78.52.330 and 1951 c 146 s 35 are each amended to read as follows:

To assist in the development of oil and gas in this state and to further the purposes of this chapter, the persons owning interests in separate tracts of land, may validly agree to integrate their interests and manage, operate, and develop their land as a unit, subject to the approval of the ~~((committee))~~ department.

Sec. 943. RCW 78.52.335 and 1983 c 253 s 23 are each amended to read as follows:

(1) The ~~((committee))~~ department shall upon the application of any interested person, or upon its own motion, hold a hearing to consider the need for the operation as a unit of one or more pools or parts of them in a field.

(2) The ~~((committee shall have the authority to))~~ department may enter an order providing for the unit operations if ~~((the committee))~~ it finds that:

(a) The unit operations are necessary for secondary recovery or enhanced recovery purposes. For purposes of this chapter secondary or enhanced recovery means that oil or gas or both are recovered by any method, artificial flowing or pumping, that may be employed to produce oil or gas, or both, through the joint use of two or more wells with an application of energy extrinsic to the pool or pools. This includes pressuring, cycling, pressure maintenance, or injections into the pool or pools of a substance or form of energy: PROVIDED, That this does not include the injection in a well of a substance or form of energy for the sole purpose of (i) aiding in the lifting of fluids in the well, or (ii) stimulation of the reservoir at or near the well by mechanical, chemical, thermal, or explosive means;

(b) The unit operations will protect correlative rights;

(c) The operations will increase the ultimate recovery of oil or gas, or will prevent waste, or will prevent the drilling of unnecessary wells;

and

(d) The value of the estimated additional recovery of oil and/or gas exceeds the estimated additional cost incident to conducting these operations.

(3) The ~~((committee shall also have the authority to))~~ department may also enter an order providing for unit operations, after notice and hearing, only if the ~~((committee))~~ department finds that there is clear and convincing evidence that all of the following conditions are met:

(a) In the absence of unitization, the ultimate recovery of oil or gas, or both, will be substantially decreased because normal production techniques and methods are not feasible and will not result in the maximum efficient and economic recovery of oil or gas, or both;

(b) The unit operations will protect correlative rights;

(c) The unit operations will prevent waste, or will prevent the drilling of unnecessary wells;

(d) There has been a discovery of a commercial oil or gas field; and

(e) There has been sufficient exploration, drilling activity, and development to properly define the one or more pools or parts of them in a field proposed to be unitized.

(4) Notwithstanding any of the above, nothing in this chapter may be construed to prevent the voluntary agreement of all interested persons to any plan of unit operations. The ~~((committee))~~ department shall approve operations upon making a finding consistent with subsection(s) (2) (b) and (c) of this section.

- (5) The order shall be upon terms and conditions that are fair and reasonable and shall prescribe a plan for unit operations that includes:
- (a) A description of the pool or pools or parts thereof to be so operated, termed the unitized area;
 - (b) A statement of the nature of the operations contemplated;
 - (c) An allocation of production and costs to the separately-owned tracts in the unitized area. The allocation shall be in accord with the agreement, if any, of the interested parties. If there is no agreement, production shall be allocated in a manner calculated to ensure that each owner's correlative rights are protected, and each separately-owned tract or combination of tracts receives its fair and reasonable share of production. Costs shall be allocated on a fair and reasonable basis;
 - (d) A provision, if necessary, prescribing fair, reasonable, and equitable terms and conditions as to time and rate of interest for carrying or otherwise financing any person who is unable to promptly meet his or her financial obligations in connection with the unit, such carrying and interest charges to be paid as provided by the ~~((committee))~~ department from the person's prorated share of production;
 - (e) A provision for the supervision and conduct of the unit operations, in respect to which each owner shall have a vote with a value corresponding to the percentage of the costs of unit operations chargeable against the owner's interest;
 - (f) The time when the unit operations shall commence, the timetable for development, and the manner and circumstances under which the unit operations shall terminate; and
 - (g) Additional provisions which are found to be appropriate for carrying out the unit operations and for the protection of correlative rights.
- (6) No order of the ~~((committee))~~ department providing for unit operations may become effective until:
- (a) The plan for unit operations approved by the ~~((committee))~~ department has been approved in writing by those persons who, under the ~~((committee's))~~ department's order, will be required to pay at least seventy-five percent of the costs of unit operations;
 - (b) The plan has been approved in writing by those persons such as royalty owners, overriding royalty owners, and production payment owners, who own at least seventy-five percent of the production or proceeds thereof that will be credited to interests that are free of costs; and
 - (c) The ~~((committee))~~ department has made a finding, either in the order providing for unit operations or in a supplemental order, that the plan for unit operations has been so approved. If the plan for unit operations has not been so approved at the time the order providing for unit operations is made, the ~~((committee))~~ department shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the persons owning required percentages of interest in the unitized area do not approve the plan for unit operations within a period of six months from the date on which the order providing for unit operations is made, or within such additional period or periods of time as the ~~((committee))~~ department prescribes, the order will become unenforceable and shall be vacated by the ~~((committee))~~ department.
- (7) An order providing for unit operations may be amended by an order made by the ~~((committee))~~ department in the same manner and subject to the same conditions as an original order, except as provided in subsection (8) of this section, providing for unit operations, but (a) if such an amendment affects only the rights and interests of the owners, the approval of the amendment by those persons who own interests that are free of costs is not required, and (b) no such amending order may change the percentage for the allocation of oil and gas as established for any separately-owned tract or combination of tracts by the original order, except with the consent of all persons owning oil and gas rights in the tract, and no such order may change the percentage for the allocation of cost as established for any separately-owned tract or combination of tracts by the original order, except with the consent of all persons owning an interest in the tract or combination of tracts. An amendment that provides for the expansion of the unit area shall comply with subsection (8) of this section.
- (8) The ~~((committee))~~ department, by order, may provide for the unit operation of a reservoir or reservoirs or parts thereof that include a unitized area established by a previous order of the ~~((committee))~~ department. The order, in providing for the allocation of unit production, shall first treat the unitized area previously established as a single tract and the portion of the new unit production allocated thereto shall then be allocated among the separately-owned tracts included in the previously established unit area in the same proportions as those specified in the previous order.
- (9) After the date designated by the ~~((committee))~~ department the unit plan shall be effective, oil and gas leases within the unit area, or other contracts pertaining to the development thereof, shall be changed only to the extent necessary to meet the requirements of the unit plan, and otherwise shall remain in full force. Operations carried on under and in accordance with the unit plan shall be regarded and considered as fulfillment of and compliance with all of the provisions, covenants, and conditions, expressed or implied, of the several oil and gas leases upon lands within the unit area, or other contracts pertaining to the development thereof, insofar as the leases or other contracts may relate to the pool or field subject to the unit plan. The amount of production apportioned and allocated under the unit plan to each separately-owned tract within the unit area, and only that amount, regardless of the location of the well within the unit area from which it may be produced, and regardless of whether it is more or less than the amount of production from the well, if any, on each separately-owned tract, shall for all purposes be regarded as production from the separately-owned tract. Lessees shall not be obligated to pay royalties or make other payments, required by the oil and gas leases or other contracts affecting each such separately-owned tract, on production in excess of that amount apportioned and allocated to the separately-owned tract under the unit plan.
- (10) The portion of the unit production allocated to any tract and the proceeds from its sale are the property and income of the several persons to whom, or to whose credit, the portion and proceeds are allocated or payable under the order providing for unit operations.
- (11) No division order or other contract relating to the sale, purchase, or production from a separately-owned tract or combination of tracts may be terminated by the order providing for unit operations but shall remain in force and shall apply to oil and gas allocated to the tract until terminated by an amended division order or contract in accordance with the order.

(12) Except to the extent that parties affected so agree, an order providing for unit operations shall not be construed to result in a transfer of all or any part of the title of any person to the oil and gas rights in any tract in the unit area. All property, whether real or personal, that may be acquired in the conduct of unit operations hereunder shall be acquired for the account of the owners within the unit area, and shall be the property of those owners in the proportion that the expenses of unit operations are charged.

(13) After the date designated by the order of the ((committee)) department that a unit plan shall become effective, the designation of one or more unit operators shall be by vote of the lessees of land in the unit area, in a manner to be provided in the unit plan, and any operations in conflict with such unit plan shall be unlawful and are prohibited.

(14) A certified copy of any order of the ((committee)) department entered under this section is entitled to be recorded in the auditor's office in the county or counties wherein all or any portion of the unit area is located and, if recorded, constitute notice thereof to all persons. A copy of this order shall be mailed by certified mail to all interested persons.

(15) No order for unitization may be construed to allow the drilling of a well on a tract within the unit which is not leased or under contract for oil and gas exploration or production.

Sec. 944. RCW 78.52.365 and 1983 c 253 s 26 are each amended to read as follows:

The ((committee)) department may administer and enforce RCW 78.52.345 and 78.52.355 in accordance with the procedures in this chapter for its enforcement and with the rules and orders of the ((committee)) department.

Sec. 945. RCW 78.52.460 and 1951 c 146 s 49 are each amended to read as follows:

No plan for the operation of a field or pool of oil or gas as a unit, either whole or in part, created or approved by the ((committee hereunder shall)) department under this chapter may be held to violate any of the statutes of this state prohibiting monopolies or acts, arrangements, agreements, contracts, combinations, or conspiracies in restraint of trade or commerce.

Sec. 946. RCW 78.52.463 and 1989 c 175 s 167 are each amended to read as follows:

(1) Any operation or activity that is in violation of applicable laws, rules, orders, or permit conditions is subject to suspension by order of the ((committee)) department. The order may suspend the operations authorized in the permit in whole or in part. The order may be issued only after the ((committee)) department has first notified the operator or owner of the violations and the operator or owner has failed to comply with the directions contained in the notification within ten days of service of the notice: PROVIDED, That the ((committee)) department may issue the suspension order immediately without notice if the violations are or may cause substantial harm to adjacent property, persons, or public resources, or has or may result in the pollution of waters in violation of any state or federal law or rule. A suspension shall remain in effect until the violations are corrected or other directives are complied with unless declared invalid by the ((committee)) department after hearing or an appeal. The suspension order and notification, where applicable, shall specify the violations and the actions required to be undertaken to be in compliance with such laws, rules, orders, or permit conditions. The order and notification may also require remedial actions to be undertaken to restore, prevent, or correct activities or conditions which have resulted from the violations. The order and notification may be directed to the operator or owner or both.

(2) The suspension order constitutes a final and binding order unless the owner or operator to whom the order is directed requests a hearing before the ((committee)) department within fifteen days after service of the order. Such a request shall not in itself stay or suspend the order and the operator or owner shall comply with the order immediately upon service. The ((committee or its chairman have the authority to)) department may stay or suspend in whole or in part the suspension order pending a hearing if so requested. The hearing shall constitute an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act.

Sec. 947. RCW 78.52.467 and 1983 c 253 s 30 are each amended to read as follows:

(1) The sale, purchase, acquisition, transportation, refining, processing, or handling of illegal oil, gas, or product is prohibited. However, no penalty by way of fine may be imposed upon a person who sells, purchases, acquires, transports, refines, processes, or handles illegal oil, gas, or product unless (a) the person knows, or is put on notice of, facts indicating that illegal oil, illegal gas, or illegal product is involved, or (b) the person fails to obtain a certificate of clearance with respect to the oil, gas, or product if prescribed by rule or order of the ((committee)) department, or fails to follow any other method prescribed by an order of the ((committee)) department for the identification of the oil, gas, or product.

(2) Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale as provided in this section. Seizure and sale shall be in addition to all other remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or illegal product. If the ((committee)) department believes that any oil, gas, or product is illegal, the ((committee)) department acting through the attorney general, shall bring a civil action in rem in the superior court of the county in which the oil, gas, or product is found, to seize and sell the same, or the ((committee)) department may include such an action in rem in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. A person claiming an interest in oil, gas, or product affected by an action in rem has the right to intervene as an interested party.

(3) Actions for the seizure and sale of illegal oil, illegal gas, or illegal product shall be strictly in rem and shall proceed in the name of the state as plaintiff against the oil, gas, or product as defendant. No bond or similar undertaking may be required of the plaintiff. Upon the filing of the petition for seizure and sale, the clerk of the court shall issue a summons, with a copy of the petition attached thereto, directed to the sheriff of the county or to another officer or person whom the court may designate, for service upon all persons having or claiming any interest in the oil, gas, or product described in the petition. The summons shall command these persons to appear and answer within twenty days after the issuance and service of the summons. These persons need not be named or otherwise identified in the summons, and the summons shall be served by posting a copy of the summons, with a copy of the petition attached, on any public bulletin board or at the courthouse of a county where the oil, gas, or product involved

is located, and by posting another copy at or near the place where the oil, gas, or product is located. The posting constitutes notice of the action to all persons having or claiming any interest in the oil, gas, or product described in the petition. In addition, if the court, on a properly verified petition, or affidavit or affidavits, or oral testimony, finds that grounds for seizure and for sale exist, the court shall issue an immediate order of seizure, describing the oil, gas, or product to be seized, and directing the sheriff of the county to take the oil, gas, or product into the sheriff's actual or constructive custody and to hold the same subject to further orders of the court. The court, in the order of seizure, may direct the sheriff to deliver the oil, gas, or product seized by him or her under the order to a court-appointed agent. The agent shall give bond in an amount and with such surety as the court may direct, conditioned upon compliance with the orders of the court concerning the custody and disposition of the oil, gas, or product.

(4) Any person having an interest in oil, gas, or product described in order of seizure and contesting the right of the state to seize and sell the oil, gas, or product may obtain its release prior to sale upon furnishing to the sheriff a bond approved by the court. The bond shall be in an amount equal to one hundred fifty percent of the market value of the oil, gas, or product to be released and shall be conditioned upon either redelivery to the sheriff of the released commodity or payment to the sheriff of its market value, if and when ordered by the court, and upon full compliance with further orders of the court.

(5) If the court, after a hearing upon a petition for the seizure and sale of oil, gas, or product, finds that the oil, gas, or product is contraband, the court shall order its sale by the sheriff in the same manner and upon the same notice of sale as provided by law for the sale of personal property on execution of judgment entered in a civil action, except that the court may order that the oil, gas, or product be sold in specified lots or portions and at specified intervals. Upon sale, title to the oil, gas, or product sold shall vest in the purchaser free of all claims, and it shall be legal oil, legal gas, or legal product in the hands of the purchaser.

(6) All proceeds, less costs of suit and expenses of sale, which are derived from the sale of illegal oil, illegal gas, or illegal product, and all amounts paid as penalties provided for by this chapter, shall be paid into the state treasury for the use of the ~~((committee))~~ department in defraying its expenses in the same manner as other funds provided by law for the use of the ~~((committee))~~ department.

Sec. 948. RCW 78.52.470 and 1989 c 175 s 168 are each amended to read as follows:

Any person adversely affected by any order of the ~~((committee))~~ department may, within thirty days from the effective date of such order, apply for a hearing with respect to any matter determined therein. No cause for action arising out of any order of the ~~((committee shall))~~ department accrues in any court to any person unless the person makes application for a hearing as ~~((herein))~~ provided in this section. Such application shall set forth specifically the ground on which the applicant considers the order to be unlawful or unreasonable. No party shall, in any court, urge or rely upon any ground not set forth in said application. An order made in conformity to a decision resulting from a hearing which abrogates, changes, or modifies the original order shall have the same force and effect as an original. Such hearing shall constitute an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act, and shall be conducted in accordance with its provisions.

Sec. 949. RCW 78.52.480 and 1983 c 253 s 28 are each amended to read as follows:

In proceedings for review of an order or decision of the ~~((committee))~~ department, the ~~((committee))~~ department shall be a party to the proceedings and shall have all rights and privileges granted by this chapter to any other party to such proceedings.

Sec. 950. RCW 78.52.490 and 1983 c 253 s 32 are each amended to read as follows:

Within thirty days after the application for a hearing is denied, or if the application is granted, then within thirty days after the rendition of the decision on the hearing, the applicant may apply to the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of petitioner's residence or place of business, or (c) in any county where the property or property rights owned by the petitioner is located for a review of such rule, regulation, order, or decision. The application for review shall be filed in the office of the clerk of the superior court of Thurston county and shall specifically state the grounds for review upon which the applicant relies and shall designate the rule, regulation, order, or decision sought to be reviewed. The applicant shall immediately serve a certified copy of said application upon the ~~((executive secretary of the committee))~~ commissioner of public lands who shall immediately notify all parties who appeared in the proceedings before the ~~((committee))~~ department that such application for review has been filed. In the event the court determines the review is solely for the purpose of determining the validity of a rule or regulation of general applicability the court shall transfer venue to Thurston county for a review of such rule or regulation in the manner provided for in RCW ~~((34.05.538))~~ 34.05.570.

Sec. 951. RCW 78.52.530 and 1951 c 146 s 56 are each amended to read as follows:

Whenever it shall appear that any person is violating any provisions of this chapter, or any rule, regulation, or order made by the ~~((committee hereunder))~~ department under this chapter, and if the ~~((committee))~~ department cannot, without litigation, effectively prevent further violation, the ~~((committee))~~ department may bring suit in the name of the state against such person in the superior court in the county of the residence of the defendant, or in the county of the residence of any defendant if there be more than one defendant, or in the county where the violation is alleged to have occurred, to restrain such person from continuing such violation. In such suit the ~~((committee))~~ department may without bond obtain injunctions prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, as the facts may warrant.

Sec. 952. RCW 78.52.540 and 1951 c 146 s 57 are each amended to read as follows:

~~((In the event the committee should))~~ If the department fails to bring suit within thirty days to enjoin any apparent violation of this chapter, or of any rule, regulation, or order made by the ~~((committee hereunder))~~ department under this chapter, then any person or party in interest adversely affected by such violation, who has requested the ~~((committee))~~ department in writing to sue, may, to prevent any or further violation, bring suit for that purpose in the superior court of any county where the ~~((committee))~~ department could have instituted such suit. If, in such suit, the court should hold

that injunctive relief should be granted, then the state shall be made a party and shall be substituted for the person who brought the suit, and the injunction shall be issued as if the state had at all times been the complainant.

OIL SPILL CONTINGENCY PLAN CORPORATION

NEW SECTION. Sec. 953. A new section is added to chapter 88.46 RCW to read as follows:

A nonprofit corporation established for the sole purpose of providing contingency plan coverage for any vessel in compliance with RCW 88.46.060 is entitled to liability protection as provided in this section. Obligations incurred by the corporation and any other liabilities or claims against the corporation may be enforced only against the assets of the corporation, and no liability for the debts or actions of the corporation exists against a director, officer, member, employee, incident commander, agent, contractor, or subcontractor of the corporation in his or her individual or representative capacity. Except as otherwise provided in this chapter, neither the directors, officers, members, employees, incident commander, or agents of the corporation, nor the business entities by whom they are regularly employed may be held individually responsible for discretionary decisions, errors in judgment, mistakes, or other acts, either of commission or omission, that are directly related to the operation or implementation of contingency plans, other than for acts of gross negligence or willful or wanton misconduct. The corporation may insure and defend and indemnify the directors, officers, members, employees, incident commanders, and agents to the extent permitted by chapters 23B.08 and 24.03 RCW. This section does not alter or limit the responsibility or liability of any person for the operation of a motor vehicle.

MARINE SAFETY COMMITTEES

NEW SECTION. Sec. 954. A new section is added to chapter 88.46 RCW to read as follows:

The administrator may appoint ad hoc, advisory marine safety committees to solicit recommendations and technical advice concerning vessel traffic safety. The office may implement recommendations made in regional marine safety plans that are approved by the office and over which the office has authority. If federal authority or action is required to implement the recommendations, the office may petition the appropriate agency or the Congress.

SCIENTIFIC ADVISORY BOARD FOR THE OIL SPILL COMPENSATION SCHEDULE

Sec. 955. RCW 90.48.366 and 1992 c 73 s 28 are each amended to read as follows:

By July 1, 1991, the department, in consultation with the departments of fisheries, wildlife, and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the discharge of oil in violation of this chapter and chapter 90.56 RCW. ~~((The department shall establish a scientific advisory board to assist in establishing the compensation schedule.))~~ The amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled. The compensation schedule shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any adverse environmental, recreational, aesthetic, or other effects caused by the spill and shall take into account:

(1) Characteristics of any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(2) The sensitivity of the affected area as determined by such factors as: (a) The location of the spill; (b) habitat and living resource sensitivity; (c) seasonal distribution or sensitivity of living resources; (d) areas of recreational use or aesthetic importance; (e) the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law; (f) significant archaeological resources as determined by the office of archaeology and historic preservation; and (g) other areas of special ecological or recreational importance, as determined by the department. If the department has adopted rules for a compensation table prior to July 1, 1992, the sensitivity of significant archaeological resources shall only be included among factors to be used in the compensation table when the department revises the rules for the compensation table after July 1, 1992; and

(3) Actions taken by the party who spilled oil or any party liable for the spill that: (a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or (b) enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

TASK FORCE ON STATE-WIDE EVALUATION OF IRRIGATED AREAS

Sec. 956. RCW 90.54.190 and 1989 c 348 s 11 are each amended to read as follows:

(1) ~~((The department of ecology may establish a task force to assist in a state-wide evaluation of irrigated areas, not to exceed six months in duration, to determine the associated impacts of efficiency measures, efficiency opportunities, and local interest.))~~ The department ~~((and the task force))~~ shall establish a list of basin and stream efficiency initiatives and select an irrigation area for a voluntary demonstration project.

(2) Prior to conducting conservation assessments and developing conservation plans, the department of ecology shall secure technical and financial assistance from the bureau of reclamation to reduce the costs to the state to the extent possible.

(3) A "conservation assessment" as described in this section shall be conducted before a demonstration project to increase the efficiency of irrigated agriculture is undertaken for an irrigated area, a basin, subbasin, or stream. The conservation assessment should:

- (a) Evaluate existing patterns, including current reuse of return flows, and priorities of water use;
- (b) Assess conflicting needs for future water allocations and claims to reserved rights;
- (c) Evaluate hydrologic characteristics of surface and ground water including return flow characteristics;
- (d) Assess alternative efficiency measures;
- (e) Determine the likely net water savings of efficiency improvements including the amount and timing of water that would be saved and potential benefits and impacts to other water uses and resources including effects on artificial recharge of ground water and wetland impacts;
- (f) Evaluate the full range of costs and benefits that would accrue from various measures; and
- (g) Evaluate the potential for integrating conservation efforts with operation of existing or potential storage facilities.

(4) The conservation assessment shall be used as the basis for development of a demonstration conservation plan to rank conservation elements based on relative costs, benefits, and impacts. It shall also estimate the costs of implementing the plan and propose a specific basis for cost share distributions.

The demonstration conservation plan shall be developed jointly by the department and a conservation plan formulation committee consisting of representatives of a cross-section of affected local water users, members of the public, and tribal governments. Other public agencies with expertise in water resource management may participate as nonvoting committee members. A proposed demonstration conservation plan may be approved by the department and the committee only after public comment has been received.

(5) The department shall reimburse any members (~~of the task force in subsection (2) [(1)] of this section or~~) of the committee in subsection (4) of this section who are not representing governmental agencies or entities for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 957. Broker's Trust Account Board. RCW 18.85.500 and 1987 c 513 s 8 are each repealed.

NEW SECTION. Sec. 958. Washington State Heritage Council. The following acts or parts of acts are each repealed:

- (1) RCW 27.34.030 and 1983 c 91 s 3;
- (2) RCW 27.34.040 and 1993 c 101 s 11 & 1983 c 91 s 4; and
- (3) RCW 27.34.050 and 1983 c 91 s 5.

NEW SECTION. Sec. 959. Supply Management Advisory Board. RCW 43.19.1902 and 1979 c 151 s 97, 1975-'76 2nd ex.s. c 21 s 3, 1967 ex.s. c 104 s 3, & 1965 c 8 s 43.19.1902 are each repealed.

NEW SECTION. Sec. 960. Motor Vehicle Advisory Committee. RCW 43.19.556 and 1989 c 57 s 4 are each repealed.

NEW SECTION. Sec. 961. Ecological Commission. The following acts or parts of acts are each repealed:

- (1) RCW 43.21A.170 and 1989 1st ex.s. c 9 s 217, 1988 c 36 s 15, 1985 c 466 s 50, 1979 c 141 s 68, & 1970 ex.s. c 62 s 17;
- (2) RCW 43.21A.180 and 1984 c 287 s 76, 1975-'76 2nd ex.s. c 34 s 100, & 1970 ex.s. c 62 s 18;
- (3) RCW 43.21A.190 and 1988 c 127 s 24 & 1970 ex.s. c 62 s 19;
- (4) RCW 43.21A.200 and 1977 c 75 s 47 & 1970 ex.s. c 62 s 20; and
- (5) RCW 43.21A.210 and 1970 ex.s. c 62 s 21.

NEW SECTION. Sec. 962. Nuclear Waste Advisory Council. RCW 43.200.050 and 1989 c 322 s 4, 1984 c 161 s 6, & 1983 1st ex.s. c 19 s 5 are each repealed.

NEW SECTION. Sec. 963. Athletic Health Care and Training Council. The following acts or parts of acts are each repealed:

- (1) RCW 43.230.010 and 1990 c 33 s 583 & 1984 c 286 s 2;
- (2) RCW 43.230.020 and 1984 c 286 s 3;
- (3) RCW 43.230.030 and 1984 c 286 s 4;
- (4) RCW 43.230.040 and 1984 c 286 s 5; and
- (5) 1984 c 286 s 13 (uncodified).

NEW SECTION. Sec. 964. Insurance Advisory Examining Board. RCW 48.17.135 and 1984 c 287 s 96, 1975-'76 2nd ex.s. c 34 s 142, & 1967 c 150 s 14 are each repealed.

NEW SECTION. Sec. 965. Right-to-Know Advisory Council. The following acts or parts of acts are each repealed:

- (1) RCW 49.70.120 and 1987 c 24 s 1, 1985 c 409 s 5, & 1984 c 289 s 17; and
- (2) RCW 49.70.130 and 1984 c 289 s 18.

NEW SECTION. Sec. 966. Winter Recreation Commission. The following acts or parts of acts are each repealed:

- (1) RCW 67.34.011 and 1987 c 526 s 1; and
- (2) RCW 67.34.021 and 1987 c 526 s 2.

NEW SECTION. Sec. 967. Science Advisory Board. RCW 70.94.039 and 1991 c 199 s 314 are each repealed.

NEW SECTION. Sec. 968. Korean War Veterans' Memorial Advisory Committee. The following acts or parts of acts are each repealed:

(1) RCW 73.40.020 and 1984 c 81 s 2; and

(2) RCW 73.40.050 and 1989 c 235 s 2.

NEW SECTION. Sec. 969. Oil and Gas Conservation Committee. RCW 78.52.020 and 1988 c 128 s 49, 1983 c 253 s 31, 1971 ex.s. c 180 s 7, 1961 c 300 s 7, & 1951 c 146 s 4 are each repealed.

NEW SECTION. Sec. 970. Washington State Maritime Commission. The following acts or parts of acts are each repealed, effective July 1, 1995:

(1) RCW 88.44.005 and 1990 c 117 s 1;

(2) RCW 88.44.010 and 1992 c 73 s 15, 1991 c 200 s 901, & 1990 c 117 s 2;

(3) RCW 88.44.020 and 1991 c 200 s 902 & 1990 c 117 s 3;

(4) RCW 88.44.030 and 1991 c 200 s 903 & 1990 c 117 s 4;

(5) RCW 88.44.040 and 1991 c 200 s 904 & 1990 c 117 s 5;

(6) RCW 88.44.080 and 1991 c 200 s 905 & 1990 c 117 s 9;

(7) RCW 88.44.090 and 1990 c 117 s 10;

(8) RCW 88.44.100 and 1992 c 73 s 16 & 1990 c 117 s 11;

(9) RCW 88.44.110 and 1992 c 73 s 17, 1991 c 200 s 906, & 1990 c 117 s 12;

(10) RCW 88.44.120 and 1990 c 117 s 13;

(11) RCW 88.44.130 and 1990 c 117 s 14;

(12) RCW 88.44.140 and 1990 c 117 s 15;

(13) RCW 88.44.150 and 1990 c 117 s 16;

(14) RCW 88.44.160 and 1991 c 200 s 907 & 1990 c 117 s 17;

(15) RCW 88.44.170 and 1990 c 117 s 18;

(16) RCW 88.44.180 and 1990 c 117 s 19;

(17) RCW 88.44.190 and 1990 c 117 s 20;

(18) RCW 88.44.200 and 1990 c 117 s 21;

(19) RCW 88.44.210 and 1990 c 117 s 22;

(20) RCW 88.44.220 and 1990 c 117 s 23;

(21) RCW 88.44.900 and 1990 c 117 s 24; and

(22) RCW 88.44.901 and 1990 c 117 s 25.

NEW SECTION. Sec. 971. Regional Marine Safety Committees. RCW 88.46.110 and 1992 c 73 s 24 & 1991 c 200 s 424 are each repealed.

NEW SECTION. Sec. 972. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 973. Headings and captions used in this act constitute no part of the law.

NEW SECTION. Sec. 974. This act takes effect July 1, 1994."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe the committee amendment by the Committee on Government Operations expands the scope and object of Engrossed Substitute House Bill No. 2676. This is a bill whose title is an act relating to the restructuring of boards, commissions, committees and councils. I know the President is not bound by the title of the act, but I think it is an indication of precisely what was intended by the House of Representatives. The bill is meant to look at restructuring and dealing with the existing boards and commissions of the state and eliminating some and consolidating some of them and so forth.

"However, in the bill as it came out of the Committee on Government Operations, two provisions were added to the bill, one that relates to the licensure of acupuncture which is found in Section 502 and thereafter in the bill. This is not a matter of restructuring boards and councils, but rather a matter of scope of practice of that particular profession. That section of the bill relates to the scope of practice of acupuncture which changes it from, I believe, from the certification of licensure. Subsequently in the bill, there is a whole new section of licensure-related activities relating to athletic trainers. This is not a restructuring of a board, but it is licensing for the first time a whole new profession under Washington law.

"I believe for that reason, the addition of these two sections relating to additions to scope of practice and licensure of a whole new profession change the scope and object of a bill that was designed to restructure and consolidate certain boards and commissions of the state. The President will note in the committee amendment, there are some sections which speak to the scope of practice of some of the professions. Those changes were made only insofar as it was necessary to carry out the collapsing of

various existing professional organizations into new structures under the original House Bill and did not alter in any fashion or form the scope of practice of the professions that were involved.

"I believe, therefore, Mr. President, the amendment does expand the scope and object of the bill and I would note that there are a number of other amendments to follow that all relate to scope of practice. A bill that was meant to be something that dealt with consolidating boards and commissions becomes an omnibus scope of practice bill for the health care professions and others."

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2676.

PARLIAMENTARY INQUIRY

Senator Newhouse: "The effect of the challenge means that the committee striking amendment is challenged and all subsequent amendments, is that what--"

REPLY BY THE PRESIDENT:

President Pritchard: "No, we can only challenge--we can only take up the amendment that is before us."

MOTION

On motion of Senator Drew, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2294, by House Committee on Education (originally sponsored by Representatives Patterson, G. Fisher, Dorn, Brough, Karahalios, Cothorn, Campbell, Shin, Basich, Springer, B. Thomas, Holm and J. Kohl)

Allowing two-year levies for transportation vehicle funds.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2294.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2294 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Ludwig - 1.

Excused: Senator Vognild - 1.

SUBSTITUTE HOUSE BILL NO. 2294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2487, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2487 by Representative Appelwick, Forner and Karahalios (by request of Department of Social and Health Services)

Revising provisions relating to employer reporting to the Washington state support registry.

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed House Bill No. 2487 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

HOUSE BILL NO. 2905, by Representatives Sommers, Long, Linville and Rayburn (by request of Joint Committee on Pension Policy)

Making permanent and simplifying the age sixty-five cost-of-living adjustment to retirement allowances.

The bill was read the second time.

MOTIONS

On motion of Senator Quigley, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.32 RCW under the subchapter hearing "Plan I" to read as follows:

The dollar amount of the temporary postretirement allowance adjustment granted by section 1, chapter 519, Laws of 1993 shall be provided as a permanent retirement allowance adjustment as of July 1, 1995.

Sec. 2. RCW 41.32.010 and 1993 c 95 s 7 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(ii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(b) "Earnable compensation" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(b) "Service" for plan II members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan II members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(40) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

(41) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(42) "Index B" means the index for the year prior to index A.

(43) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(44) "Adjustment ratio" means the value of index A divided by index B.

Sec. 3. RCW 41.32.575 and 1989 c 272 s 3 are each amended to read as follows:

(1) ~~((Beginning July 1, 1989, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:~~

~~(a) The dollar amount of the retirement allowance received by the retiree at age sixty-five, to be known for the purposes of this section as the "age sixty-five allowance";~~

~~(b) The index for the calendar year prior to the year that the retiree reached age sixty-five, to be known for purposes of this section as "index A";~~

~~(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";~~

~~(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio";~~

and

~~(e) The value obtained when the retiree's age sixty-five allowance is multiplied by sixty percent of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit.")~~ Beginning April 1, 1995, and each April 1st thereafter, the office of the state actuary shall notify the department of:

(a) The index year; and

(b) The adjustment ratio except the adjustment ratio may not be greater than one and three one-hundredths or less than one.

(2) Beginning with the July 1, 1995, payment, and annually thereafter the ~~((retiree's age sixty-five))~~ retirement allowance of a retiree who attained age sixty-five on or before the index year shall be ~~((adjusted to be equal to the retiree's target benefit))~~ multiplied by the adjustment ratio except the adjustment ratio may not exceed one and three one-hundredths or be less than one. ~~((In no event, however, shall the adjusted allowance:~~

~~(a) Be smaller than the retirement allowance received without the adjustment; nor~~

~~(b) Differ from the previous year's allowance by more than three percent.~~

~~(3) For members who retire after age sixty-five, the age sixty-five allowance shall be the initial retirement allowance received by the member.~~

~~(4) For beneficiaries of members who die prior to age sixty-five: (a) The age sixty-five allowance shall be the allowance received by the beneficiary on the date the member would have turned age sixty-five; and (b) index A shall be the index for the calendar year prior to the year the member would have turned age sixty-five.~~

~~(5))~~ (3) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

~~((6))~~ (4) For the purposes of this section(~~:~~

~~(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;~~

~~(b))~~ "retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

NEW SECTION. Sec. 4. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

The dollar amount of the temporary postretirement allowance adjustment granted by section 1, chapter 519, Laws of 1993 shall be provided as a permanent retirement allowance adjustment as of July 1, 1995.

Sec. 5. RCW 41.40.010 and 1993 c 95 s 8 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) The compensation earnable the member would have received had such member not served in the legislature; or

(ii) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve service credit months of service during any calendar year: PROVIDED FURTHER, That where an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve service credit months of service for such calendar year: PROVIDED, That when an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.023: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(35) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(36) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(37) "Index B" means the index for the year prior to index A.

(38) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(39) "Adjustment ratio" means the value of index A divided by index B.

Sec. 6. RCW 41.40.325 and 1989 c 272 s 2 are each amended to read as follows:

(1) Beginning ((July 1, 1989, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty five:

(a) The dollar amount of the retirement allowance received by the retiree at age sixty five, to be known for the purposes of this section as the "age sixty five allowance";

(b) The index for the calendar year prior to the year that the retiree reached age sixty five, to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio";

and

~~(e) The value obtained when the retiree's age sixty-five allowance is multiplied by sixty percent of the retiree's full-purchasing power ratio, to be known for the purposes of this section as the "target benefit.") April 1, 1995, and each April 1st thereafter, the office of the state actuary shall notify the department of:~~

~~(a) The index year; and~~

~~(b) The adjustment ratio except the adjustment ratio may not be greater than one and three one-hundredths or less than one.~~

~~(2) Beginning with the July 1, 1995, payment, and annually thereafter the ((retiree's age sixty-five)) retirement allowance of a retiree who attained age sixty-five on or before the index year shall be ((adjusted to be equal to the retiree's target benefit)) multiplied by the adjustment ratio except the adjustment ratio may not exceed one and three one-hundredths or be less than one. ((In no event, however, shall the adjusted allowance:~~

~~(a) Be smaller than the retirement allowance received without the adjustment; nor~~

~~(b) Differ from the previous year's allowance by more than three percent.~~

~~(3) For members who retire after age sixty-five, the age sixty-five allowance shall be the initial retirement allowance received by the member.~~

~~(4) For beneficiaries of members who die prior to age sixty-five: (a) The age sixty-five allowance shall be the allowance received by the beneficiary on the date the member would have turned age sixty-five; and (b) index A shall be the index for the calendar year prior to the year the member would have turned age sixty-five.~~

~~(5)) (3) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.~~

~~((6)) (4) For the purposes of this section(:~~

~~(a) "Index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;~~

~~(b)) "retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.~~

Sec. 7. RCW 43.88.030 and 1991 c 358 s 1 and 1991 c 284 s 1 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury; ~~((and))~~

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A capital plan consisting of proposed capital spending for at least four fiscal periods succeeding the next fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period;

(c) A capital plan consisting of proposed capital spending for at least four fiscal periods succeeding the next fiscal period;

(d) A statement of the reason or purpose for a project;

(e) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(f) A statement about the proposed site, size, and estimated life of the project, if applicable;

(g) Estimated total project cost;

(h) Estimated total project cost for each phase of the project as defined by the office of financial management;

(i) Estimated ensuing biennium costs;

(j) Estimated costs beyond the ensuing biennium;

(k) Estimated construction start and completion dates;

(l) Source and type of funds proposed;

(m) Such other information bearing upon capital projects as the governor deems to be useful;

(n) Standard terms, including a standard and uniform definition of maintenance for all capital projects;

(o) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing

committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

NEW SECTION. **Sec. 8.** This act shall take effect August 1, 1994."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "allowances;" strike the remainder of the title and insert "amending RCW 41.32.010, 41.32.575, 41.40.010, and 41.40.325; reenacting and amending RCW 43.88.030; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date."

MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 2905, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2905, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2905, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Ludwig - 1.

HOUSE BILL NO. 2905, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2605, by House Committee on Appropriations (originally sponsored by Representatives Jacobsen, Brumsickle, Dorn, Bray, Ogden, Dunshee, Pruitt and J. Kohl)

Changing higher education statutory relationships.

The bill was read the second time.

MOTION

Senator Bauer moved that the following Committee on Higher Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.725 and 1993 sp.s. c 18 s 26 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College may enter into undergraduate (~~upper division~~) student exchange agreements with (~~comparable public four-year~~) institutions of higher education of other states and agree to exempt participating undergraduate (~~upper division~~) students from payment of all or a portion of the nonresident tuition fees differential subject to the following restrictions:

(1) In any given academic year, the number of students receiving a waiver at a state institution shall not exceed the number of that institution's students receiving nonresident tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be off-set in the year immediately following.

(2) Undergraduate (~~upper division~~) student participation in an exchange program authorized by this section is limited to one academic year.

Sec. 2. 1989 c 290 s 1 (uncodified) is amended to read as follows:

The legislature recognizes that a unique educational experience can result from an undergraduate (~~upper division~~) student attending an out-of-state institution. It also recognizes that some Washington residents may be unable to pursue such out-of-state enrollment owing to their limited

financial resources and the higher cost of nonresident tuition. The legislature intends to facilitate expanded nonresident undergraduate (~~upper division~~) enrollment opportunities for residents of the state by authorizing the governing boards of the four-year institutions of higher education to enter into exchange programs with other states' (~~comparable public four-year~~) institutions with comparable programs wherein the participating institutions agree that visiting undergraduate (~~upper division~~) students will pay resident tuition rates of the host institutions.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.15 RCW to read as follows:

For the purposes of determining resident tuition rates, resident students shall include American Indian students who meet two conditions. First, the students must have been domiciled for a minimum of one year in the state of Oregon, Idaho, or Montana at the time that they enroll at an institution of higher education as defined in RCW 28B.10.016. Second, the students must be members of one of the following American Indian tribes whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington:

- (1) Colville Confederated Tribes;
- (2) Confederated Tribes of the Chehalis Reservation;
- (3) Hoh Indian Tribe;
- (4) Jamestown S'Klallam Tribe;
- (5) Kalispel Tribe of Indians;
- (6) Lower Elwha Klallam Tribe;
- (7) Lummi Nation;
- (8) Makah Indian Tribe;
- (9) Muckleshoot Indian Tribe;
- (10) Nisqually Indian Tribe;
- (11) Nooksack Indian Tribe;
- (12) Port Gamble S'Klallam Community;
- (13) Puyallup Tribe of Indians;
- (14) Quileute Tribe;
- (15) Quinault Indian Nation;
- (16) Confederated Tribes of Salish Kootenai;
- (17) Sauk Suiattle Indian Nation;
- (18) Shoalwater Bay Indian Tribe;
- (19) Skokomish Indian Tribe;
- (20) Snoqualmie Tribe;
- (21) Spokane Tribe of Indians;
- (22) Squaxin Island Tribe;
- (23) Stillaguamish Tribe;
- (24) Suquamish Tribe of the Port Madison Reservation;
- (25) Swinomish Indian Community;
- (26) Tulalip Tribes;
- (27) Upper Skagit Indian Tribe;
- (28) Yakama Indian Nation;
- (29) Coeur d'Alene Tribe;
- (30) Confederated Tribes of the Umatilla Indian Reservation;
- (31) Confederated Tribes of Warm Springs;
- (32) Kootenai Tribe; and
- (33) Nez Perce Tribe.

Any student enrolled at a state institution of higher education as defined in RCW 28B.10.016 who is paying resident tuition under this section, and who has not established domicile in the state of Washington at least one year before enrollment, shall not be included in any calculation of state-funded enrollment for budgeting purposes, and no state general fund moneys shall be appropriated to a state institution of higher education for the support of such student.

Sec. 4. RCW 28B.15.012 and 1993 sp.s. c 18 s 4 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

- (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.
- (2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year

immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; ((ef)) (e) a student who is the spouse or a dependent of a person who is on active military duty stationed in the state; or (f) a student who meets the requirements of section 3 of this act: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require."

On motion of Senator Bauer, the following amendment to the Committee on Higher Education striking amendment was adopted:

On page 2, beginning on line 8 of the amendment, after "First," strike everything through "28B.10.016" on line 11, and insert "for a period of one year immediately before enrollment in a state institution of higher education as defined in RCW 28B.10.016, the student must have been domiciled in one or a combination of the following states: Idaho; Montana; Oregon; or Washington."

MOTIONS

On motion of Senator Bauer, the following amendment to the Committee on Higher Education striking amendment was adopted:

On page 5, after line 6 of the amendment, insert the following:

"Sec. 5. RCW 28B.50.839 and 1993 c 87 s 2 are each amended to read as follows:

(1) In consultation with eligible community and technical colleges, the college board shall set priorities and guidelines for the program.

(2) Under this section, a college shall not receive more than four faculty grants in twenty-five thousand dollar increments, with a maximum total of one hundred thousand dollars per campus in any biennium.

(3) All community and technical colleges and foundations shall be eligible for matching trust funds. Institutions and foundations may apply to the college board for grants from the fund in twenty-five thousand dollar increments up to a maximum of one hundred thousand dollars when they can match the state funds with equal cash donations from private sources, except that in the initial year of the program, no college or foundation may receive more than one grant until every college or its foundation has received one grant. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution or foundation in a local endowment fund or a foundation's fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution or foundation.

(4) Once sufficient private donations are received by the institution or foundation, the institution shall inform the college board and request state matching funds. The college board shall evaluate the request for state matching funds based on program priorities and guidelines. The college board may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution or a foundation's fund established by a foundation for each faculty award created.

(5) A college, by action of its board of trustees, may transfer those exceptional faculty award funds accumulated in its local endowment fund between July 1, 1991, and July 25, 1993, to its foundation's local endowment fund established as provided in subsection (3) of this section."

Senator Spanel moved that the following amendment by Senators Spanel and Bauer to the Committee on Higher Education striking amendment be adopted:

On page 5, after line 6 of the amendment, insert the following:

"Sec. 5. RCW 28A.600.110 and 1988 c 210 s 4 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools (~~in each legislative district~~) who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under RCW 28B.80.245."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel and Bauer on page 5, after line 6, to the Committee on Higher Education striking amendment to Engrossed Second Substitute House Bill No. 2605.

The motion by Senator Spanel carried and the amendment to the Committee on Higher Education striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2605.

The motion by Senator Bauer carried and the Committee on Higher Education striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Bauer, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.725 and 28B.15.012; amending 1989 c 290 s 1 (uncodified); and adding a new section to chapter 28B.15 RCW."

On page 5, beginning on line 11 of the title amendment, after "28B.15.725" strike "and 28B.15.012" and insert "28B.15.012, and 28B.50.839"

On page 5, beginning on line 11 of the title amendment, after "28B.15.725" strike "and 28B.15.012" and insert "28B.15.012, and 28A.600.110"

On motion of Senator Bauer, the rules were suspended, Engrossed Second Substitute House Bill No. 2605, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Bauer, I was just trying to get--this is a very lengthy bill. It says 'tuitions and fees at four year institutions.' It looks to me as if you are allowing them to set it at the institution and maybe you can clarify that."

Senator Bauer: "Senator McDonald, that was the original bill, college-promised tuition setting at each institution. That all is stricken; the only two things left then in the striker, other than what we added here on the floor, was to allow for reciprocity for students that were in their under-graduate programs and the native American piece. That is the only thing that's left in the striker other than what we put on the floor in amendments."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2605, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2605, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Williams and Winsley - 39.

Voting nay: Senators Anderson, Bluechel, Cantu, Deccio, McCaslin, Morton, Nelson, Talmadge, Vognild and Wojahn - 10.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2605, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2813, by House Committee on Commerce and Labor (originally sponsored by Representatives Romero, Veloria, Caver, Wolfe and Bray) (by request of Department of General Administration)

Revising provisions relating to public works contracts with the state.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2813.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2813 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2815, by House Committee on State Government (originally sponsored by Representatives Anderson, Veloria, Caver, Wolfe, Romero, Reams, Bray, Ballard, Pruitt, Jones and Quall) (by request of Department of General Administration)

Reforming state procurement practices.

The bill was read the second time.

MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.19.1906 and 1993 c 379 s 103 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding ~~((five))~~ one hundred thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the ~~((five))~~ one hundred thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of ~~((five))~~ one hundred thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to ~~((five))~~ one hundred thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from ~~((enough))~~ at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to ~~((five))~~ one hundred thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes ~~((on a standard state form approved by the forms management center under the provisions of RCW 43.19.510)).~~ Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding ~~((fifteen))~~ one hundred thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and ~~((fifteen))~~ one hundred thousand dollars quotations shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and one hundred thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned contractor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to ~~((fifteen))~~ one hundred thousand dollars shall be documented for audit purposes; and

(8) Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 2. RCW 43.19.1908 and 1965 c 8 s 43.19.1908 are each amended to read as follows:

Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail, electronic transmission, or other means to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing."

On motion of Senator Haugen, the following amendments by Senators Haugen and Winsley to the Committee on Government Operations striking amendment were considered simultaneously and were adopted:

On page 3, line 9 of the amendment, after "from" strike "enough" and insert "~~((enough))~~ at least three"

On page 3, line 14 of the amendment, after "women-owned" strike "contractor" and insert "vendor"

MOTION

Senator Linda Smith moved that the following amendment by Senators Linda Smith, McDonald and Anderson to the Committee on Government Operations striking amendment be adopted:

On page 3, after line 35, insert the following:

"NEW SECTION. Sec. 3. It is the intent of the legislature that:

(1) All agencies, departments, offices of elective or appointed state officers, state institutions, colleges, universities, community colleges, technical colleges, college districts, public school districts, the supreme court, the court of appeals and any other entity receiving appropriations from the legislature deliver high quality services to the people of the state of Washington in the most efficient and cost-effective manner possible.

(2) The director of general administration, through the state purchasing and material control director established in RCW 43.19.180, be provided the highest level of flexibility in the purchase of all materials, supplies, services, and equipment necessary for the efficient support, maintenance, repair, and use of all agencies and departments under RCW 43.19.190.

(3) Primary deliberation regarding the purchase or delivery of services by state agencies, departments, and institutions focus upon strategies that foster cost controls and increased quality or service levels through the use of free market enterprise competition.

Sec. 4. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any department))~~ An agency, as defined in RCW 41.06.020, ~~((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract))~~ may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906.

Sec. 5. RCW 28B.16.040 and 1990 c 60 s 201 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his or her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges ~~((education))~~.

(4) The personnel director of the higher education personnel board and his or her confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board ~~((: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision))~~.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 6. RCW 28B.16.240 and 1979 ex.s. c 46 s 1 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any))~~ An institution of higher education, as defined in RCW 28B.10.016, or related board ~~((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract at such institution prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract))~~ may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.400 RCW to read as follows:

Nothing in this chapter shall be construed as prohibiting the procurement or provision of nonacademic services. Directors of school districts may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906."

Debate ensued.

Senator Erwin demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Linda Smith, McDonald and Anderson on page 3, after line 35, to the Committee on Government Operations striking amendment to Engrossed Substitute House Bill No. 2815.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Roach, Schow, Sellar, Smith, L. and West - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 2815.

The motion by Senator Haugen carried and the Committee on Governmental Operations striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "and amending RCW 43.19.1906 and 43.19.1908."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2815, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2815, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2815, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2815, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Engrossed House Bill No. 1242.

SECOND READING

ENGROSSED HOUSE BILL NO. 1242, by Representatives King, Heavey, G. Cole, Jones, Springer and Veloria

Allowing compensation for injured workers during industrial insurance appeals.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and Newhouse be adopted:

On page 3, line 10, strike all of subsection (5)

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Newhouse on page 3, line 10, to Engrossed House Bill No. 1242.

The motion by Senator Vognild carried and the amendment was adopted.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1242, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1242, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1242, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, McCaslin, McDonald, Morton, Moyer, Nelson and Prince - 11.

Absent: Senator Rasmussen, M. - 1.

ENGROSSED HOUSE BILL NO. 1242, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Gaspard, Engrossed Second Substitute House Bill No. 2319 will be made a special order of business for 4:55 p.m. today.

SECOND READING

ENGROSSED HOUSE BILL NO. 2487, by Representatives Appelwick, Forner and Karahalios (by request of Department of Social and Health Services)

Revising provisions relating to employer reporting to the Washington state support registry.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 2487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2487.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2487 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Anderson, Cantu, Prince and Sellar - 4.

ENGROSSED HOUSE BILL NO. 2487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2390, by Representatives Finkbeiner, Heavey, Lisk, Chandler, Long, Forner, Conway, Johanson, Jones, Eide and Roland (by request of Department of Labor and Industries)

Clarifying statutes to reflect the organizational structure of the department of labor and industries.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 2390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2390.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2390 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

ENGROSSED HOUSE BILL NO. 2390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2154, by House Committee on Appropriations (originally sponsored by Representatives R. Meyers, Valle, Carlson, Jones, Dellwo, Roland, Campbell, Dorn, Ogden, Kessler, Holm, Wineberry and Thibaudeau)

Providing protection for residents of long-term care facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature recognizes that long-term care facilities are a critical part of the state's long-term care services system. It is the intent of the legislature that individuals who reside in long-term care facilities receive appropriate services, be treated with courtesy, and continue to enjoy their basic civil and legal rights.

It is also the intent of the legislature that long-term care facility residents have the opportunity to exercise reasonable control over life decisions. The legislature finds that choice, participation, privacy, and the opportunity to engage in religious, political, civic, recreational, and other social activities foster a sense of self-worth and enhance the quality of life for long-term care residents.

The legislature finds that the public interest would be best served by providing the same basic resident rights in all long-term care settings. Residents in nursing facilities are guaranteed certain rights by federal law and regulation, 42 U.S.C. 1396r and 42 C.F.R. part 483. It is the intent of the legislature to extend those basic rights to residents in veterans' homes, boarding homes, and adult family homes.

The legislature intends that a facility should care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life. A resident should have a safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of state government responsible for licensing the provider in question.

(2) "Facility" means a long-term care facility.

(3) "Long-term care facility" means a facility that is licensed or required to be licensed under chapter 18.20, 72.36, or 70.128 RCW.

(4) "Resident" means the individual receiving services in a long-term care facility, that resident's attorney in fact, guardian, or other legal representative acting within the scope of their authority.

(5) "Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body is used for discipline or convenience and not required to treat the resident's medical symptoms.

(6) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

(7) "Representative" means a person appointed under RCW 7.70.065.

NEW SECTION. Sec. 3. EXERCISE OF RIGHTS. The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility. A facility must protect and promote the rights of each resident and assist the resident which include:

(1) The resident has the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States and the state of Washington.

(2) The resident has the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising his or her rights.

(3) In the case of a resident adjudged incompetent by a court of competent jurisdiction, the rights of the resident are exercised by the person appointed to act on the resident's behalf.

(4) In the case of a resident who has not been adjudged incompetent by a court of competent jurisdiction, a representative may exercise the resident's rights to the extent provided by law.

NEW SECTION. Sec. 4. NOTICE OF RIGHTS AND SERVICES. (1) The facility must inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. The notification must be made prior to or upon admission. Receipt of the information must be acknowledged in writing.

(2) The resident or his or her legal representative has the right:

(a) Upon an oral or written request, to access all records pertaining to himself or herself including clinical records within twenty-four hours; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed the community standard photocopies of the records or portions of them upon request and two working days' advance notice to the facility.

(3) The facility must inform each resident in writing before, or at the time of admission, and at least once every twenty-four months thereafter of: (a) Services available in the facility; (b) charges for those services including charges for services not covered by the facility's per diem rate or applicable public benefit programs; and (c) the rules of operations required under section 15(2) of this act.

(4) The facility must furnish a written description of residents rights that includes:

(a) A description of the manner of protecting personal funds, under section 5 of this act;

(b) A posting of names, addresses, and telephone numbers of the state survey and certification agency, the state licensure office, the state ombudsmen program, and the protection and advocacy systems; and

(c) A statement that the resident may file a complaint with the appropriate state licensing agency concerning resident abuse, neglect, and misappropriation of resident property in the facility.

(5) Notification of changes.

(a) A facility must immediately consult with the resident's physician, and if known, make reasonable efforts to notify the resident's legal representative or an interested family member when there is:

- (i) An accident involving the resident which requires or has the potential for requiring physician intervention;
- (ii) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychosocial status in either life-threatening conditions or clinical complications).

(b) The facility must promptly notify the resident or the resident's representative shall make reasonable efforts to notify an interested family member, if known, when there is:

- (i) A change in room or roommate assignment; or
- (ii) A decision to transfer or discharge the resident from the facility.

(c) The facility must record and update the address and phone number of the resident's representative or interested family member, upon receipt of notice from them.

NEW SECTION. Sec. 5. PROTECTION OF RESIDENT'S FUNDS. (1) The resident has the right to manage his or her financial affairs, and the facility may not require residents to deposit their personal funds with the facility.

(2) Upon written authorization of a resident, if the facility agrees to manage the resident's personal funds, the facility must hold, safeguard, manage, and account for the personal funds of the resident deposited with the facility as specified in this section.

(3)(a) The facility must deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account or accounts that is separate from any of the facility's operating accounts, and that credits all interest earned on residents' funds to that account. In pooled accounts, there must be a separate accounting for each resident's share.

(b) The facility must maintain a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund.

(4) The facility must establish and maintain a system that assures a full and complete and separate accounting of each resident's personal funds entrusted to the facility on the resident's behalf.

(a) The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

(b) The individual financial record must be available on request to the resident or his or her legal representative.

(5) Upon the death of a resident with a personal fund deposited with the facility the facility must convey within forty-five days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate.

NEW SECTION. Sec. 6. PRIVACY AND CONFIDENTIALITY. The resident has the right to personal privacy and confidentiality of his or her personal and clinical records.

(1) Personal privacy includes accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups. This does not require the facility to provide a private room for each resident however, a resident cannot be prohibited by the facility from meeting with guests in his or her bedroom if no roommates object.

(2) The resident may approve or refuse the release of personal and clinical records to an individual outside the facility unless otherwise provided by law.

NEW SECTION. Sec. 7. GRIEVANCES. A resident has the right to:

(1) Voice grievances. Such grievances include those with respect to treatment that has been furnished as well as that which has not been furnished; and

(2) Prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents.

NEW SECTION. Sec. 8. EXAMINATION OF SURVEY OR INSPECTION RESULTS. A resident has the right to:

(1) Examine the results of the most recent survey or inspection of the facility conducted by federal or state surveyors or inspectors and plans of correction in effect with respect to the facility. A notice that the results are available must be publicly posted with the facility's state license, and the results must be made available for examination by the facility in a place readily accessible to residents; and

(2) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

NEW SECTION. Sec. 9. MAIL AND TELEPHONE. The resident has the right to privacy in communications, including the right to:

(1) Send and promptly receive mail that is unopened;

(2) Have access to stationery, postage, and writing implements at the resident's own expense; and

(3) Have reasonable access to the use of a telephone where calls can be made without being overheard.

NEW SECTION. Sec. 10. ACCESS AND VISITATION RIGHTS. (1) The resident has the right and the facility must not interfere with access to any resident by the following:

(a) Any representative of the state;

(b) The resident's individual physician;

(c) The state long-term care ombudsman as established under chapter 43.190 RCW;

(d) The agency responsible for the protection and advocacy system for developmentally disabled individuals as established under part C of the developmental disabilities assistance and bill of rights act;

(e) The agency responsible for the protection and advocacy system for mentally ill individuals as established under the protection and advocacy for mentally ill individuals act;

(f) Subject to reasonable restrictions to protect the rights of others and to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident and others who are visiting with the consent of the resident;

(g) The agency responsible for the protection and advocacy system for individuals with disabilities as established under section 509 of the rehabilitation act of 1973, as amended, who are not served under the mandates of existing protection and advocacy systems created under federal law.

(2) The facility must provide reasonable access to a resident by his or her representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(3) The facility must allow representatives of the state ombudsman to examine a resident's clinical records with the permission of the resident or the resident's legal representative, and consistent with state and federal law.

NEW SECTION. Sec. 11. PERSONAL PROPERTY. (1) The resident has the right to retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(2) The facility shall, upon request, provide the resident with a lockable container or other lockable storage space for small items of personal property, unless the resident's individual room is lockable with a key issued to the resident.

NEW SECTION. Sec. 12. TRANSFER AND DISCHARGE REQUIREMENTS. (1) The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(b) The safety of individuals in the facility is endangered;

(c) The health of individuals in the facility would otherwise be endangered;

(d) The resident has failed to make the required payment for his or her stay; or

(e) The facility ceases to operate.

(2) Before a facility transfers or discharges a resident, the facility must:

(a) Notify the resident and representative and make a reasonable effort to notify, if known, an interested family member of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand;

(b) Record the reasons in the resident's record; and

(c) Include in the notice the items described in subsection (4) of this section.

(3)(a) Except when specified in this subsection, the notice of transfer or discharge required under subsection (2) of this section must be made by the facility at least thirty days before the resident is transferred or discharged.

(b) Notice may be made as soon as practicable before transfer or discharge when:

(i) The safety of individuals in the facility would be endangered;

(ii) The health of individuals in the facility would be endangered;

(iii) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(iv) A resident has not resided in the facility for thirty days.

(4) The written notice specified in subsection (2) of this section must include the following:

(a) The reason for transfer or discharge;

(b) The effective date of transfer or discharge;

(c) The location to which the resident is transferred or discharged;

(d) The name, address, and telephone number of the state long-term care ombudsman;

(e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals established under part C of the developmental disabilities assistance and bill of rights act; and

(f) For residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals established under the protection and advocacy for mentally ill individuals act.

(5) A facility must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

(6) A resident discharged in violation of this section has the right to be readmitted immediately upon the first availability of a gender-appropriate bed in the facility.

NEW SECTION. Sec. 13. RESTRAINTS. The resident has the right to be free from physical restraint or chemical restraint. This section does not require or prohibit facility staff from reviewing the judgment of the resident's physician in prescribing psychopharmacologic medications.

NEW SECTION. Sec. 14. ABUSE. The resident has the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.

(1) The facility must not use verbal, mental, sexual, or physical abuse, including corporal punishment or involuntary seclusion.

(2) Subject to available resources, the department of social and health services shall provide background checks required by RCW 43.43.842 for employees of facilities licensed under chapter 18.20 RCW without charge to the facility.

NEW SECTION. Sec. 15. QUALITY OF LIFE. (1) The facility must promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality.

(2) Within reasonable facility rules designed to protect the rights and quality of life of residents, the resident has the right to:

- (a) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plans of care;
- (b) Interact with members of the community both inside and outside the facility;
- (c) Make choices about aspects of his or her life in the facility that are significant to the resident;
- (d) Wear his or her own clothing and determine his or her own dress, hair style, or other personal effects according to individual preference;
- (e) Unless adjudged incompetent or otherwise found to be legally incapacitated, participate in planning care and treatment or changes in care and treatment;

(f) Unless adjudged incompetent or otherwise found to be legally incapacitated, to direct his or her own service plan and changes in the service plan, and to refuse any particular service so long as such refusal is documented in the record of the resident.

(3)(a) A resident has the right to organize and participate in resident groups in the facility.

(b) A resident's family has the right to meet in the facility with the families of other residents in the facility.

(c) The facility must provide a resident or family group, if one exists, with meeting space.

(d) Staff or visitors may attend meetings at the group's invitation.

(e) When a resident or family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

(f) The resident has the right to refuse to perform services for the facility except as voluntarily agreed by the resident and the facility in the resident's service plan.

(4) A resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility.

(5) A resident has the right to:

(a) Reside and receive services in the facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered; and

(b) Receive notice before the resident's room or roommate in the facility is changed.

(6) A resident has the right to share a double room with his or her spouse when married residents live in the same facility and both spouses consent to the arrangement.

NEW SECTION. Sec. 16. FEE DISCLOSURE--DEPOSITS. (1) Prior to admission, all long-term care facilities or nursing facilities licensed under chapter 18.51 RCW that require payment of an admissions fee, deposit, or a minimum stay fee, by or on behalf of a person seeking admissions to the long-term care facility or nursing facility, shall provide the resident, or his or her representative, full disclosure in writing of the long-term care facility or nursing facility's schedule of charges for items and services provided by the facility and the amount of any admissions fees, deposits, or minimum stay fees. In addition, the long-term care facility or nursing facility shall also fully disclose in writing prior to admission what portion of the deposits, admissions fees, or minimum stay fees will be refunded to the resident or his or her representative if the resident leaves the long-term care facility or nursing facility. If a resident, during the first thirty days of residence, dies or is hospitalized and does not return to the facility, the facility shall refund any deposit already paid less the facility's per diem rate for the days the resident actually resided or reserved a bed in the facility notwithstanding any minimum stay policy. All long-term care facilities or nursing facilities covered under this section are required to refund any and all refunds due the resident or their representative within thirty days from the resident's date of discharge from the facility. Nothing in this section applies to provisions in contracts negotiated between a nursing facility or long-term care facility and a certified health plan, health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(2) Where a long-term care facility or nursing facility requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract shall be consistent with the requirements of this section.

NEW SECTION. Sec. 17. LIABILITY MAY NOT BE WAIVED. No long-term care facility or nursing facility licensed under chapter 18.51 RCW shall require residents to sign waivers of potential liability for losses of personal property.

NEW SECTION. Sec. 18. OMBUDSMAN IMPLEMENTATION DUTIES. The long-term care ombudsman shall monitor implementation of this chapter and determine the degree to which veterans' homes, nursing facilities, adult family homes, and boarding homes ensure that residents are able to exercise their rights. The long-term care ombudsman shall consult with the departments of health and social and health services, long-term care facility organizations, resident groups, and senior and disable citizen organizations and report to the house of representatives committee on health care and the senate committee on health and human services concerning the implementation of this chapter with any applicable recommendations by July 1, 1995.

NEW SECTION. Sec. 19. NONJUDICIAL REMEDIES THROUGH REGULATORY AUTHORITIES ENCOURAGED--REMEDIES CUMULATIVE. The legislature intends that long-term care facility or nursing home residents, their family members or guardians, the long-term care ombudsman, protection and advocacy personnel identified in section 12(4) (e) and (f), and others who may seek to assist long-term care facility or nursing home residents, use the least formal means available to satisfactorily resolve disputes that may arise regarding the rights conferred by the provisions of sections 1 through 24 of this act. Wherever feasible, direct discussion with facility personnel or administrators should be employed.

Failing that, and where feasible, recourse may be sought through state or federal long-term care or nursing home licensing or other regulatory authorities. However, the procedures suggested in this section are cumulative and shall not restrict an agency or person from seeking a remedy provided by law or from obtaining additional relief based on the same facts, including any remedy available to an individual at common law. This act is not intended to, and shall not be construed to, create any right of action on the part of any individual beyond those in existence under any common law or statutory doctrine. This act is not intended to, and shall not be construed to, operate in derogation of any right of action on the part of any individual in existence on the effective date of this act.

NEW SECTION. Sec. 20. RIGHTS ARE MINIMAL. The rights set forth in this chapter are the minimal rights guaranteed to all residents of long-term care facilities, and are not intended to diminish rights set forth in other state or federal laws that may contain additional rights.

NEW SECTION. Sec. 21. A new section is added to chapter 18.20 RCW to read as follows:
BOARDING HOMES. Sections 1 through 4, 5(1), and 6 through 20 of this act apply to this chapter and persons regulated under this chapter.

NEW SECTION. Sec. 22. A new section is added to chapter 18.51 RCW to read as follows:
NURSING HOMES. Sections 16 through 20 of this act apply to this chapter and persons regulated under this chapter.

NEW SECTION. Sec. 23. A new section is added to chapter 72.36 RCW to read as follows:
VETERAN HOME. Chapter 70.-- RCW (sections 1 through 20 of this act) applies to this chapter and persons regulated under this chapter.

NEW SECTION. Sec. 24. A new section is added to chapter 70.128 RCW to read as follows:
ADULT HOMES. Sections 1 through 4, 5(1), and 6 through 20 of this act apply to this chapter and persons regulated under this chapter.

Sec. 25. RCW 18.20.120 and 1957 c 253 s 12 are each amended to read as follows:
All information received by the department or authorized health department through filed reports, inspections, or as otherwise authorized under this chapter, shall not be disclosed publicly in any manner as to identify individuals or boarding homes, except ~~((in a proceeding involving the question of licensure))~~ at the specific request of a member of the public and disclosure is consistent with RCW 42.17.260(1).

NEW SECTION. Sec. 26. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. FEDERAL SEVERABILITY. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 28. CAPTIONS. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 29. CODIFICATION. Sections 1 through 20 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 30. Nothing in this act shall affect the classifying of an adult family home for the purposes of zoning."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.20.120; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 72.36 RCW; adding a new section to chapter 70.128 RCW; adding a new chapter to Title 70 RCW; and creating new sections."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute House Bill No. 2154, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Roach: "Senator Talmadge, you mentioned that you were concerned about a bill of rights for those that were in our institutions or in our homes and so the question comes up as stated in our summary, 'The prohibition against hiring persons who are barred from employment because of prior convictions for certain offenses is removed.' I am curious as to what that actually means."

Senator Talmadge: "What it means, Senator, is that it is already dealt with in another provision of Washington Code. There is no need to have it restated here."

Senator Roach: "Well, possibly if we are removing some of these prohibitions that we might want to put the prohibitions back in. If we are talking about the rights that patients have, those that are least capable of caring for themselves--that need to be protected. I am wondering why we don't put those prohibitions back in this bill."

Senator Talmadge: "Well, Senator, let me give you a specific example. I appreciate your interest at this point. I don't think the members of the Senate intended that for every action in terms of changing rooms in a facility--if a person was moved from

one room to another in a nursing-care facility, under the bill as it came over to us from the House of Representatives, that individual's lawyer would have to be notified. I don't think anybody intended that their legal representative be notified if somebody was changed from one bed to another in a facility--or one room to another. There should certainly be a notification to the family, but the idea of involving the legal profession in notification of every activity with respect to a patient seemed to be to us rather an extreme concept that the House had in the original bill."

Senator Roach: "Senator Talmadge, what kinds of prior convictions are we now going to--those individuals--going to allow--serve--this particular clientele?"

Senator Talmadge: "Senator, as I mentioned before that provision is already in Washington Code. Individuals that have prior convictions cannot serve people in long-term care. It didn't need to be restated here, where it was restated in very general terms as compared to the Code, which makes it very explicit as to the circumstances under which people can be employed to provide services to people in long-term care."

Senator Roach: "Was this discussed in committee?"

Senator Talmadge: "Indeed it was."

Senator Roach: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2154, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2154, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2154, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2521, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Dunshee, Pruitt, J. Kohl, Valle, Wolfe, L. Johnson, Ogden, Romero, Rust, Linville and Patterson)

Regulating metals mining and milling operations.

The bill was read the second time.

MOTIONS

Senator Owen moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is in the best interests of the citizens of the state of Washington to insure the highest degree of environmental protection while allowing the proper development and use of its natural resources, including its mineral resources. Metals mining can have significant positive and adverse impacts on the state and on local communities. The purpose of this chapter is to assure that metals mineral mining or milling operations are designed, constructed, and operated in a manner that promotes both economic opportunities and environmental and public health safeguards for the citizens of the state. It is the intent of the legislature to create a regulatory framework which yields, to the greatest extent possible, a metals mining industry that is compatible with these policies.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter.

(1) "Metals mining and milling operation" means a mining operation extracting from the earth precious or base metal ore and processing the ore by treatment or concentration in a milling facility. It also refers to an expansion of an existing operation or any new metals mining operation if the expansion or new mining operation is likely to result in a significant, adverse environmental impact pursuant to the provisions of chapter 43.21C RCW.

The extraction of dolomite, sand, gravel, aggregate, limestone, magnesite, silica rock, and zeolite or other nonmetallic minerals; and placer mining; and the smelting of aluminum are not metals mining and milling operations regulated under this chapter.

(2) "Milling" means the process of grinding or crushing ore and extracting the base or precious metal by chemical solution, electro winning, or flotation processes.

(3) "Heap leach extraction process" means the process of extracting base or precious metal ore by percolating solutions through ore in an open system and includes reprocessing of previously milled ore. The heap leach extraction process does not include leaching in a vat or tank.

(4) "In situ extraction" means the process of dissolving base or precious metals from their natural place in the geological setting and retrieving the solutions from which metals can be recovered.

(5) "Regulated substances" means any materials regulated under a waste discharge permit pursuant to the requirements of chapter 90.48 RCW and/or a permit issued pursuant to chapter 70.94 RCW.

(6) "To mitigate" means: (a) To avoid the adverse impact altogether by not taking a certain action or parts of an action; (b) to minimize adverse impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce impacts; (c) to rectify adverse impacts by repairing, rehabilitating, or restoring the affected environment; (d) to reduce or eliminate adverse impacts over time by preservation and maintenance operations during the life of the action; (e) to compensate for the impact by replacing, enhancing, or providing substitute resources or environments; or (f) to monitor the adverse impact and take appropriate corrective measures.

NEW SECTION. Sec. 3. Metals mining and milling operations are subject to the requirements of this chapter in addition to the requirements established in other statutes and rules.

NEW SECTION. Sec. 4. The department of ecology shall require each applicant submitting a checklist pursuant to chapter 43.21C RCW for a metals mining and milling operation to disclose the ownership and each controlling interest in the proposed operation. The applicant shall also disclose all other mining operations within the United States which the applicant operates or in which the applicant has an ownership or controlling interest. In addition, the applicant shall disclose and may enumerate and describe the circumstances of: (1) Any past or present bankruptcies involving the ownerships and their subsidiaries, (2) any abandonment of sites regulated by the model toxics control act, chapter 70.105D RCW, or other similar state remedial cleanup programs, or the federal comprehensive environmental response, compensation, and liability act, 42 U.S.C. Sec. 9601 et seq., as amended, (3) any penalties in excess of ten thousand dollars assessed for violations of the provisions of 33 U.S.C. Sec. 1251 et seq. or 42 U.S.C. Sec. 7401 et seq., and (4) any previous forfeitures of financial assurance due to noncompliance with reclamation or remediation requirements. This information shall be available for public inspection and copying at the department of ecology. Ownership or control of less than ten percent of the stock of a corporation shall not by itself constitute ownership or a controlling interest under this section.

NEW SECTION. Sec. 5. (1) An environmental impact statement must be prepared for any proposed metals mining and milling operation. The department of ecology shall be the lead agency in coordinating the environmental review process under chapter 43.21C RCW and in preparing the environmental impact statement, except for uranium and thorium operations regulated under Title 70 RCW.

(2) As part of the environmental review of metals mining and milling operations regulated under this chapter, the applicant shall provide baseline data adequate to document the premining conditions at the proposed site of the metals mining and milling operation. The baseline data shall contain information on the elements of the natural environment identified in rules adopted pursuant to chapter 43.21C RCW.

(3) The department of ecology, after consultation with the department of fish and wildlife, shall incorporate measures to mitigate significant probable adverse impacts to fish and wildlife as part of the department of ecology's permit requirements for the proposed operation.

(4) In conducting the environmental review and preparing the environmental impact statement, the department of ecology shall cooperate with all affected local governments to the fullest extent practicable.

NEW SECTION. Sec. 6. The department of ecology will appoint a metals mining coordinator. The coordinator will maintain current information on the status of any metals mining and milling operation regulated under this chapter from the preparation of the environmental impact statement through the permitting, construction, operation, and reclamation phases of the project or until the proposal is no longer active. The coordinator shall also maintain current information on postclosure activities. The coordinator will act as a contact person for the applicant, the operator, and interested members of the public. The coordinator may also assist agencies with coordination of their inspection and monitoring responsibilities.

NEW SECTION. Sec. 7. (1) State agencies with the responsibility for inspecting metals mining and milling operations regulated under this chapter shall conduct such inspections at least quarterly: PROVIDED, That the inspections are not prevented by inclement weather conditions.

(2) The legislature encourages state agencies with inspection responsibilities for metals mining and milling operations regulated under this chapter to explore opportunities for cross-training of inspectors among state agencies and programs. This cross-training would be for the purpose of meeting the inspection responsibilities of these agencies in a more efficient and cost-effective manner. If doing so would be more efficient and cost-effective, state agency inspectors are also encouraged to coordinate inspections with federal and local government inspectors as well as with one another.

NEW SECTION. Sec. 8. (1) The metals mining account is created in the state treasury. Expenditures from this account are subject to appropriation. Expenditures from this account may only be used for: (a) The additional inspections of metals mining and milling operations required by section 7 of this act and (b) the metals mining coordinator established in section 6 of this act.

(2) (a) As part of its normal budget development process and in consultation with the metals mining industry, the department of ecology shall estimate the costs required for the department to meet its obligations for the additional inspections of metals mining and milling operations

required by chapter . . . , Laws of 1994 (this act). The department shall also estimate the cost of employing the metals mining coordinator established in section 6 of this act.

(b) As part of its normal budget development process and in consultation with the metals mining industry, the department of natural resources shall estimate the costs required for the department to meet its obligations for the additional inspections of metals mining and milling operations required by chapter . . . , Laws of 1994 (this act).

(3) Based on the cost estimates generated by the department of ecology and the department of natural resources, the department of revenue shall establish the amount of a fee to be paid by each active metals mining and milling operation regulated under this chapter. The fee shall be established at a level to fully recover the direct and indirect costs of the agency responsibilities identified in subsection (2) of this section. The amount of the fee for each operation shall be proportional to the number of visits required per site. Each applicant for a metals mining and milling operation shall also be assessed the fee based on the same criterion. The department of revenue may adjust the fees established in this subsection if unanticipated activity in the industry increases or decreases the amount of funding necessary to meet agencies' inspection responsibilities.

(4) The department of revenue shall collect the fees established in subsection (3) of this section. Chapter 82.32 RCW, insofar as applicable, applies to the fees imposed under this section. All moneys paid to the department of revenue from these fees shall be deposited into the metals mining account.

(5) This section shall take effect July 1, 1995, unless the legislature adopts an alternative approach based on the recommendations of the metals mining advisory group established in section 26 of this act.

NEW SECTION. Sec. 9. (1) In the processing of an application for an initial waste discharge permit for a tailings facility pursuant to the requirements of chapter 90.48 RCW, the department of ecology shall consider site-specific criteria in determining a preferred location of tailings facilities of metals mining and milling operations and incorporate the requirements of all known available and reasonable methods in order to maintain the highest possible standards to insure the purity of all waters of the state in accordance with the public policy identified by RCW 90.48.010.

In implementing the siting criteria, the department shall take into account the objectives of the proponent's application relating to mining and milling operations. These objectives shall consist of, but not be limited to (a) operational feasibility, (b) compatibility with optimum tailings placement methods, (c) adequate volume capacity, (d) availability of construction materials, and (e) an optimized embankment volume.

(2) To meet the mandate of subsection (1) of this section, siting of tailings facilities shall be accomplished through a two-stage process that consists of a primary alternatives screening phase, and a secondary technical site investigation phase.

(3) The primary screening phase will consist of, but not be limited to, siting criteria based on considerations as to location as follows:

- (a) Proximity to the one hundred year flood plain, as indicated in the most recent federal emergency management agency maps;
- (b) Proximity to surface and ground water;
- (c) Topographic setting;
- (d) Identifiable adverse geologic conditions, such as landslides and active faults; and
- (e) Visibility impacts of the public generally and residents more particularly.

(4) The department of ecology, through the primary screening process, shall reduce the available tailings facility sites to one or more feasible locations whereupon a technical site investigation phase shall be conducted by the department for the purpose of verifying the adequacy of the remaining potential sites. The technical site investigations phase shall consist of, but not be limited to, the following:

- (a) Soil characteristics;
- (b) Hydrologic characteristics;
- (c) A local and structural geology evaluation, including seismic conditions and related geotechnical investigations;
- (d) A surface water control analysis; and
- (e) A slope stability analysis.

(5) Upon completion of the two phase evaluation process set forth in this section, the department of ecology shall issue a site selection report on the preferred location. This report shall address the above criteria as well as analyze the feasibility of reclamation and stabilization of the tailings facility. The siting report may recommend mitigation or engineering factors to address siting concerns. The report shall be developed in conjunction with the preparation of and contained in an environmental impact statement prepared pursuant to chapter 43.21C RCW. The report may be utilized by the department of ecology for the purpose of providing information related to the suitability of the site and for ruling on an application for a waste discharge permit.

(6) The department of ecology may, at its discretion, require the applicant to provide the information required in either phase one or phase two as described in subsections (3) and (4) of this section.

NEW SECTION. Sec. 10. (1) In order to receive a waste discharge permit from the department of ecology pursuant to the requirements of chapter 90.48 RCW or in order to operate a metals mining and milling tailing facility, an applicant proposing a metals mining and milling operation regulated under this chapter must meet the following additional requirements:

- (a) Any tailings facility shall be designed and operated to prevent the release of pollution and must meet the following standards:
 - (i) Operators shall apply all known available and reasonable technology to limit the concentration of potentially toxic materials in the tailings facility to assure the protection of wildlife and human health;

(ii) The tailings facility shall have a containment system that includes an engineered liner system, leak detection and leak collection elements, and a seepage collection impoundment to assure that a leak of any regulated substance under chapter 90.48 RCW will be detected before escaping from the containment system. The design and management of the facility must ensure that any leaks from the tailings facility are detected in a manner which allows for remediation pursuant to chapter 90.48 RCW. The applicant shall prepare a detailed engineering report setting forth the facility design and construction. The applicant shall submit the report to the department of ecology for its review and approval of a design as determined by the department. Natural conditions, such as depth to ground water or net rainfall, shall be taken into account in the facility design, but not in lieu of the protection required by the engineered liner system;

(iii) The toxicity of mine or mill tailings and the potential for long-term release of regulated substances from mine or mill tailings shall be reduced to the greatest extent practicable through stabilization, removal, or reuse of the substances; and

(iv) The closure of the tailings facility shall provide for isolation or containment of potentially toxic materials and shall be designed to prevent future release of regulated substances contained in the impoundment;

(b) The applicant must develop a waste rock management plan approved by the department of ecology and the department of natural resources which emphasizes pollution prevention. At a minimum, the plan must contain the following elements:

(i) An accurate identification of the acid generating properties of the waste rock;

(ii) A strategy for encapsulating potentially toxic material from the environment, when appropriate, in order to prevent the release of heavy metals and acidic drainage; and

(iii) A plan for reclaiming and closing waste rock sites which minimizes infiltration of precipitation and runoff into the waste rock and which is designed to prevent future releases of regulated substances contained within the waste rock;

(c) If an interested citizen or citizen group so requests of the department of ecology, the metals mining and milling operator or applicant shall work with the department of ecology and the interested party to make arrangements for citizen observation and verification in the taking of required water samples. While it is the intent of this subsection to provide for citizen observation and verification of water sampling activities, it is not the intent of this subsection to require additional water sampling and analysis on the part of the mining and milling operation or the department. The citizen observation and verification program shall be incorporated into the applicant's, operator's, or department's normal sampling regimen and shall occur at least once every six months. There is no duty of care on the part of the state or its employees to any person who participates in the citizen observation and verification of water sampling under chapter . . . , Laws of 1994 (this act) and the state and its employees shall be immune from any civil lawsuit based on any injuries to or claims made by any person as a result of that person's participation in such observation and verification of water sampling activities. The metals mining and milling operator or applicant shall not be liable for any injuries to or claims made by any person which result from that person coming onto the property of the metals mining and milling operator or applicant as an observer pursuant to chapter . . . , Laws of 1994 (this act). The results from these and all other relevant water sampling activities shall be kept on file with the relevant county and shall be available for public inspection during normal working hours; and

(d) An operator or applicant for a metals mining and milling operation must complete a voluntary reduction plan in accordance with RCW 70.95C.200.

(2) Only those tailings facilities constructed after the effective date of this section must meet the requirement established in subsection (1) (a) of this section. Only those waste rock holdings constructed after the effective date of this section must meet the requirement established in subsection (1) (b) of this section.

NEW SECTION. Sec. 11. (1) The department of ecology and the department of natural resources shall not issue necessary permits to an applicant for a metals mining and milling operation until the applicant has deposited with the department of ecology a performance security which is acceptable to both agencies based on the requirements of subsection (2) of this section. This performance security may be:

(a) Bank letters of credit acceptable to both agencies;

(b) A cash deposit;

(c) Negotiable securities acceptable to both agencies;

(d) An assignment of a savings account;

(e) A savings certificate in a Washington bank; or

(f) A corporate surety bond executed in favor of the department of ecology by a corporation authorized to do business in the state of Washington under Title 48 RCW and acceptable to both agencies.

The agencies may, for any reason, refuse any performance security not deemed adequate.

(2) The performance security shall be conditioned on the faithful performance of the applicant or operator in meeting the following obligations:

(a) Compliance with the laws of the state of Washington pertaining to metals mining and milling operations and with the related rules and permit conditions established by state and local government with respect to those operations as defined in RCW 78.44.031(17) and the construction, operation, reclamation, and closure of a metals mining and milling operation;

(b) Postclosure environmental monitoring as determined by the department of ecology and the department of natural resources; and

(c) Provision of sufficient funding for cleanup of potential problems revealed during or after closure.

(3) The department of ecology and the department of natural resources shall jointly adopt rules for determining the amount of the performance security, requirements for the performance security, requirements for the issuer of the performance security, and any other requirements necessary for the implementation of this section.

(4) The department of ecology and the department of natural resources, acting jointly, may increase or decrease the amount of the performance security at any time to compensate for any alteration in the operation that affects meeting the obligations in subsection (2) of this section. At a minimum, the agencies shall jointly review the adequacy of the performance security every two years.

(5) Liability under the performance security shall be maintained until the obligations in subsection (2) of this section are met to the satisfaction of the department of ecology and the department of natural resources. Liability under the performance security may be released only upon written notification by the department of ecology, with the concurrence of the department of natural resources.

(6) Any interest or appreciation on the performance security shall be held by the department of ecology until the obligations in subsection (2) of this section have been met to the satisfaction of the department of ecology and the department of natural resources. At such time, the interest shall be remitted to the operator. However, if the applicant or operator fails to comply with the obligations of subsection (2) of this section, the interest or appreciation may be used by either agency to comply with the obligations.

NEW SECTION. Sec. 12. The department of ecology may, with staff, equipment, and material under its control, or by contract with others, remediate or mitigate any impact of a metals mining and milling operation when it finds that the operator or permit holder has failed to comply with relevant statutes, rules, or permits, and the operator or permit holder has failed to take adequate or timely action to rectify these impacts.

If the department intends to remediate or mitigate such impacts, the department shall issue an order to submit performance security requiring the permit holder or surety to submit to the department the amount of moneys posted pursuant to chapter . . . , Laws of 1994 (this act). If the amount specified in the order to submit performance security is not paid within twenty days after issuance of the notice, the attorney general upon request of the department shall bring an action on behalf of the state in a superior court to recover the amount specified and associated legal fees.

The department may proceed at any time after issuing the order to submit performance security to remediate or mitigate adverse impacts.

The department shall keep a record of all expenses incurred in carrying out any remediation or mitigation activities authorized under this section, including:

- (1) Remediation or mitigation;
- (2) A reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized; and
- (3) Administrative and legal expenses related to remediation or mitigation.

The department shall refund to the surety or permit holder all amounts received in excess of the amount of expenses incurred. If the amount received is less than the expenses incurred, the attorney general, upon request of the department of ecology, may bring an action against the permit holder on behalf of the state in the superior court to recover the remaining costs listed in this section.

If the department of natural resources finds that reclamation has not occurred according to the standards required under chapter 78.44 RCW in a metals mining and milling operation, then the department of natural resources may cause reclamation to occur pursuant to RCW 78.44.240. Upon approval of the department of ecology, the department of natural resources may reclaim part or all of the metals mining and milling operation using that portion of the surety posted pursuant to chapter . . . , Laws of 1994 (this act) that has been identified for reclamation.

NEW SECTION. Sec. 13. (1) The legislature finds that the construction and operation of large-scale metals mining and milling facilities may create new job opportunities and enhance local tax revenues. However, the legislature also finds that such operations may also result in new demands on public facilities owned and operated by local government entities, such as public streets and roads; publicly owned parks, open space, and recreation facilities; school facilities; and fire protection facilities in jurisdictions that are not part of a fire district. It is important for these economic impacts to be identified as part of any proposal for a large-scale metals mining and milling operation. It is then appropriate for the county legislative authority to balance expected revenues, including revenues derived from taxes paid by the owner of such an operation, and costs associated with the operation to determine to what degree any new costs require mitigation by the metals mining applicant.

(2) An applicant for a large-scale metals mining and milling operation regulated under this chapter must submit to the relevant county legislative authority an impact analysis describing the economic impact of the proposed mining operation on local governmental units. For the purposes of this section, a metals mining operation is large-scale if, in the construction or operation of the mine and the associated milling facility, the applicant and contractors at the site employ more than thirty-five persons during any consecutive six-month period. In determining the number of persons employed, only the following shall be included: Operators and nonadministration personnel; temporary personnel, personnel used for compliance with federal and state laws, and personnel required to meet regulatory requirements will not be included. The relevant county is the county in which the mine and mill are to be sited, unless the economic impacts to local governmental units are projected to substantially affect more than one county. In that case, the impact plan must be submitted to the legislative authority of all affected counties. Local governmental units include counties, cities, towns, school districts, and special purpose districts.

(3) The economic impact analysis shall include at least the following information:

- (a) A timetable for development of the mining operation, including the opening date of the operation and the estimated closing date;
- (b) The estimated number of persons coming into the impacted area as a result of the development of the mining operation;
- (c) An estimate of the increased capital and operating costs to local governmental units for providing services necessary as a result of the development of the mining operation; and

(d) An estimate of the increased tax or other revenues accruing to local governmental units as a result of development of the mining and milling operation.

(4) The county legislative authority of a county planning under chapter 36.70A RCW may assess impact fees under chapter 82.02 RCW to address economic impacts associated with development of the mining operation. The county legislative authority shall hold at least one public hearing on the economic impact analysis and any proposed mitigation measures.

(5) The county legislative authority of a county which is not planning under chapter 36.70A RCW may negotiate with the applicant on a strategy to address economic impacts associated with development of the mining operation. The county legislative authority shall hold at least one public hearing on the economic impact analysis and any proposed mitigation measures.

(6) The county legislative authority must approve or disapprove the impact analysis and any associated proposals from the applicant to address economic impacts to local governmental units resulting from development of the mining operation. If the applicant does not submit an adequate impact analysis to the relevant county legislative authority or if the county legislative authority does not find the applicant's proposals to be acceptable because of their failure to adequately mitigate adverse economic impacts, the county legislative authority shall refuse to issue any permits under its jurisdiction necessary for the construction or operation of the mine and associated mill.

(7) The requirements established in this section apply to metals mining operations under construction or constructed after the effective date of this section.

(8) The provisions of chapter 82.02 RCW shall apply to new mining and milling operations.

NEW SECTION. Sec. 14. (1) Except as provided in subsections (2) and (5) of this section, any aggrieved person may commence a civil action on his or her own behalf:

(a) Against any person, including any state agency or local government agency, who is alleged to be in violation of a law, rule, order, or permit pertaining to metals mining and milling operations regulated under chapter . . . , Laws of 1994 (this act);

(b) Against a state agency if there is alleged a failure of the agency to perform any nondiscretionary act or duty under state laws pertaining to metals mining and milling operations; or

(c) Against any person who constructs a metals mining and milling operation without the permits and authorizations required by state law.

The superior courts shall have jurisdiction to enforce metals mining laws, rules, orders, and permit conditions, or to order the state to perform such act or duty, as the case may be. In addition to injunctive relief, a superior court may award a civil penalty when deemed appropriate in an amount not to exceed ten thousand dollars per violation per day, payable to the state of Washington.

(2) No action may be commenced:

(a) Under subsection (1)(a) of this section:

(i) Prior to sixty days after the plaintiff has given notice of the alleged violation to the state, and to any alleged violator of a metals mining and milling law, rule, order, or permit condition; or

(ii) If the state has commenced and is diligently prosecuting a civil action in a court of the state or of the United States or is diligently pursuing authorized administrative enforcement action to require compliance with the law, rule, order, or permit. To preclude a civil action, the enforcement action must contain specific, aggressive, and enforceable timelines for compliance and must provide for public notice of and reasonable opportunity for public comment on the enforcement action. In any such court action, any aggrieved person may intervene as a matter of right; or

(b) Under subsection (1)(b) of this section prior to sixty days after the plaintiff has given notice of such action to the state.

(3)(a) Any action respecting a violation of a law, rule, order, or permit condition pertaining to metals mining and milling operations may be brought in the judicial district in which such operation is located or proposed.

(b) In such action under this section, the state, if not a party, may intervene as a matter of right.

(4) The court, in issuing any final order in any action brought pursuant to subsection (1) of this section, may award costs of litigation, including reasonable attorney and expert witness fees, to any prevailing party, wherever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the rules of civil procedure.

(5) A civil action to enforce compliance with a law, rule, order, or permit may not be brought under this section if any other statute, or the common law, provides authority for the plaintiff to bring a civil action and, in such action, obtain the same relief, as authorized under this section, for enforcement of such law, rule, order, or permit. Nothing in this section restricts any right which any person, or class of persons, may have under any statute or common law to seek any relief, including relief against the state or a state agency.

NEW SECTION. Sec. 15. A milling facility which is not adjacent to or in the vicinity of the metals mining operation producing the ore to be milled and which processes precious or base metal ore by treatment or concentration is subject to the provisions of sections 1 through 9, 10(1) (a), (c) and (d), 11 through 14, 18, and 19 of this act and chapters 70.94, 70.105, 90.03, and 90.48 RCW and all other applicable laws. The smelting of aluminum does not constitute a metals milling operation under this section.

NEW SECTION. Sec. 16. (1) Until June 30, 1996, there shall be a moratorium on metals mining and milling operations using the heap leach extraction process. The department of natural resources and the department of ecology shall jointly review the existing laws and regulations pertaining to the heap leach extraction process for their adequacy in safeguarding the environment and shall report their findings to the legislature by December 30, 1994.

(2) Metals mining using the process of in situ extraction is permanently prohibited in the state of Washington.

NEW SECTION. Sec. 17. The department of ecology will work with the metals mining industry and relevant federal, state, and local governmental agencies to identify areas of regulatory overlap among regulators of mining and milling operations. The department will also identify possible solutions for eliminating or reducing regulatory overlap. The department will report back to the legislature on its findings and possible solutions by January 1, 1995.

NEW SECTION. Sec. 18. A new section is added to chapter 70.94 RCW to read as follows:

If a metals mining and milling operation is issued a permit pursuant to this chapter, then it will be subject to special inspection requirements. The department of ecology shall inspect these mining operations at least quarterly in order to ensure that the operation is in compliance with the conditions of any permit issued to it pursuant to this chapter. The department shall conduct additional inspections during the construction phase of the mining and milling operation in order to ensure compliance with this chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 70.105 RCW to read as follows:

If a metals mining and milling operation is issued a permit pursuant to this chapter, then it will be subject to special inspection requirements. The department of ecology shall inspect these mining operations at least quarterly in order to ensure that the operation is in compliance with the conditions of any permit issued to it pursuant to this chapter. The department shall conduct additional inspections during the construction phase of the mining operation in order to ensure compliance with this chapter.

Sec. 20. RCW 90.03.350 and 1987 c 109 s 91 are each amended to read as follows:

Any person, corporation or association intending to construct or modify any dam or controlling works for the storage of ten acre feet or more of water, shall before beginning said construction or modification, submit plans and specifications of the same to the department for examination and approval as to its safety. Such plans and specifications shall be submitted in duplicate, one copy of which shall be retained as a public record, by the department, and the other returned with its approval or rejection endorsed thereon. No such dam or controlling works shall be constructed or modified until the same or any modification thereof shall have been approved as to its safety by the department. Any such dam or controlling works constructed or modified in any manner other than in accordance with plans and specifications approved by the department or which shall not be maintained in accordance with the order of the department shall be presumed to be a public nuisance and may be abated in the manner provided by law, and it shall be the duty of the attorney general or prosecuting attorney of the county wherein such dam or controlling works, or the major portion thereof, is situated to institute abatement proceedings against the owner or owners of such dam or controlling works, whenever he or she is requested to do so by the department.

A metals mining and milling operation regulated under chapter . . . , Laws of 1994 (this act) is subject to additional dam safety inspection requirements due to the special hazards associated with failure of a tailings pond impoundment. The department shall inspect these impoundments at least quarterly during the project's operation and at least annually thereafter for the postclosure monitoring period in order to ensure the safety of the dam or controlling works. The department shall conduct additional inspections as needed during the construction phase of the mining operation in order to ensure the safe construction of the tailings impoundment.

Sec. 21. RCW 90.48.090 and 1987 c 109 s 127 are each amended to read as follows:

The department or its duly appointed agent shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution of or the possible pollution of any of the waters of this state.

The department shall have special inspection requirements for metals mining and milling operations regulated under chapter . . . , Laws of 1994 (this act). The department shall inspect these mining and milling operations at least quarterly in order to ensure compliance with the intent and any permit issued pursuant to this chapter. The department shall conduct additional inspections as needed during the construction phase of these mining operations in order to ensure compliance with this chapter.

Sec. 22. RCW 78.44.161 and 1993 c 518 s 25 are each amended to read as follows:

The department may order at any time an inspection of the disturbed area to determine if the miner or permit holder has complied with the reclamation permit, rules, and this chapter.

The department shall have special inspection requirements for metals mining and milling operations regulated under chapter . . . , Laws of 1994 (this act). The department shall inspect these mining operations at least quarterly, unless prevented by inclement weather conditions, in order to ensure that the permit holder is in compliance with the reclamation permit, rules, and this chapter. The department shall conduct additional inspections as needed during the construction phase of these mining operations in order to ensure compliance with the reclamation permit, rules, and this chapter.

Sec. 23. RCW 78.44.087 and 1993 c 518 s 15 are each amended to read as follows:

The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed and furnished by the department. A public or governmental agency shall not be required to post performance security nor shall a permit holder be required to post surface mining performance security with more than one state (~~(, local, or federal)~~) or local agency.

This performance security may be:

- (1) Bank letters of credit acceptable to the department;
- (2) A cash deposit;
- (3) Negotiable securities acceptable to the department;
- (4) An assignment of a savings account;

- (5) A savings certificate in a Washington bank on an assignment form prescribed by the department;
- (6) Assignments of interests in real property within the state of Washington; or
- (7) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules adopted under it.

The department shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved.

The department may increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate.

Liability under the performance security shall be maintained until reclamation is completed according to the approved reclamation plan to the satisfaction of the department unless released as hereinafter provided. Liability under the performance security may be released only upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

Any interest or appreciation on the performance security shall be held by the department until reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder; except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security.

Except as provided in this section, no other state agency or local government shall require performance security for the purposes of surface mine reclamation and only one agency of government shall require and hold the performance security. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of surface mines straddling boundaries between federally controlled and other lands within Washington state.

~~(Notwithstanding any other provision of this section, nothing shall preclude the department of ecology from requiring a separate performance security for metallic minerals or uranium surface mines under any authority if any that may be presently vested in the department of ecology relating to such mines.)~~ The department and the department of ecology shall jointly require performance security for metals mining and milling operations regulated under chapter . . . , Laws of 1994 (this act).

Sec. 24. RCW 78.44.131 and 1993 c 518 s 20 are each amended to read as follows:

The need for, and the practicability of, reclamation shall control the type and degree of reclamation in any specific instance. However, the basic objective of reclamation is to reestablish on a continuing basis the vegetative cover, slope stability, water conditions, and safety conditions suitable to the proposed subsequent use consistent with local land use plans for the surface mine site.

Each permit holder shall comply with the minimum reclamation standards in effect on the date the permit was issued and any additional reclamation standards set forth in the approved reclamation plan. The department may modify, on a site specific basis, the minimum reclamation standards for metals mining and milling operations regulated under chapter . . . , Laws of 1994 (this act) in order to achieve the reclamation and closure objectives of that chapter. The basic objective of reclamation for these operations is the reestablishment on a continuing basis of vegetative cover, slope stability, water conditions, and safety conditions.

Reclamation activities, particularly those relating to control of erosion and mitigation of impacts of mining to adjacent areas, shall, to the extent feasible, be conducted simultaneously with surface mining, and in any case shall be initiated at the earliest possible time after completion of surface mining on any segment of the permit area.

All reclamation activities shall be completed not more than two years after completion or abandonment of surface mining on each segment of the area for which a reclamation permit is in force.

The department may by contract delegate enforcement of provisions of reclamation plans to counties, cities, and towns. A county, city, or town performing enforcement functions may not impose any additional fees on permit holders.

NEW SECTION. Sec. 25. Sections 1 through 16 of this act shall constitute a new chapter in Title 78 RCW.

NEW SECTION. Sec. 26. (1) The department of ecology shall establish a metals mining advisory group, to be comprised of members representing the metals mining industry, county commissioners of affected counties, the environmental community, the department of ecology, the department of fish and wildlife, and the department of natural resources.

(2) The metals mining advisory group will focus on the following tasks:

(a) A review of the adequacy of the cost-accounting methods of the departments of ecology and natural resources in accurately identifying the costs associated with the requirements established in this act;

(b) Establishing a set of success measures to be used to evaluate the implementation of the new coordinator role established in this act;

(c) Examination of possible new inspection requirements for the department of fish and wildlife and a means to fund any new requirements;
and

(d) Identification and evaluation of the alternative bases for allocating the costs that may be necessitated by this act.

(3) The advisory group shall report its findings and its preferred alternative among the options identified in subsection (2)(d) of this section to the legislature by January 1, 1995.

NEW SECTION. Sec. 27. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1994, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and, with the exception of sections 6 through 8 and 18 through 22 of this act, shall take effect immediately.

NEW SECTION. Sec. 30. Sections 6 through 8 and 18 through 22 of this act shall take effect July 1, 1995."

Senator Amondson moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 12, line 14, after "period." strike everything through "included." on line 18

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Amondson on page 12, line 14, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2521.

The motion by Senator Amondson carried and the amendment to the Committee on Ways and Means striking amendment was adopted.

MOTION

On motion of Senator Owen, the following amendment by Senators Owen, Amondson and Oke to the Committee on Ways and Means striking amendment was adopted:

On page 20, after line 26 of the amendment, insert the following:

"NEW SECTION. Sec. 25. A new section is added to chapter 43.21C RCW to read as follows:

Notwithstanding any provision in RCW 43.21C.030 and 43.21C.031 to the contrary, an environmental impact statement shall be prepared for any proposed metals mining and milling operation as required by section 5 of this act."

Renumber the remaining sections consecutively and correct internal references accordingly.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 2521.

The motion by Senator Owen carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Owen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "operations;" strike the remainder of the title and insert "amending RCW 90.03.350, 90.48.090, 78.44.161, 78.44.087, and 78.44.131; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new chapter to Title 78 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency."

On page 22, line 2 of the title amendment, after "70.105 RCW;" insert "adding a new section to chapter 43.21C RCW;"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2521, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Oke: "Senator Owen, are you aware that there are currently EIS documents and permit applications being prepared on different mining proposals? Is it the intent of this legislation to have the Department of Ecology delay action on any proposal until the provisions of the bill are implemented?"

Senator Owen: "First, yes, I am aware and no, this bill was drafted after a thorough review of the state's mining regulations by a legislative advisory group. Our deliberations identified no flaws in the existing environmental review process that should require the Department of Ecology to postpone action on proposals until the provisions of the bill are implemented."

POINT OF INQUIRY

Senator Sellar: "Senator Owen, is it your understanding that the provisions of this bill are intended to affect the shut down of the Cannon Mine in Wenatchee?"

Senator Owen: "No, Senator Sellar, the Cannon Mine is an existing mine and its shut down has been under way for a year. This bill affects new mines and expansions of existing mines only."

Further debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Owen, would the type of mining that Olivine does in my district, would that be subject to the provisions of this bill? They are not a new mine, but if they wanted to expand the mine would that be part of the provisions of this bill?"

Senator Owen: "I'm not familiar with this mine. Is it a metals's mine? What kind of mine is it?"

Senator Anderson: "They mine olivine; that's the product."

Senator Owen: "Olivine? No, it is exempted in the bill. It would not be affected by it. I don't recognize the name that you are saying, but my experts around here are informing me that is not one of the metals that are included in this mining act."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2521, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2521, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Anderson, Deccio, Hargrove, Hochstatter, McCaslin, McDonald, Moyer, Prince and Schow - 10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2521, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Engrossed Substitute House Bill No. 2688.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688, by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole and King) (by request of Attorney General)

Modifying the duties and responsibilities of sellers of travel.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Labor and Commerce amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.138.010 and 1986 c 283 s 1 are each amended to read as follows:

The legislature finds and declares that advertising, sales, and business practices of certain ~~((travel charter or tour operators))~~ sellers of travel have worked financial hardship upon the people of this state; that the travel business has a significant impact upon the economy and well-being of this state and its people; that problems have arisen regarding certain ~~((segments of the travel charter or tour operator business))~~ sales of travel; and that the public welfare requires ~~((regulation))~~ registration of ~~((travel charter or tour operators))~~ sellers of travel in order to eliminate unfair advertising, sales and business practices. The legislature further finds it necessary to establish standards that will safeguard the people against financial hardship and to encourage fair dealing and prosperity in the travel business.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing or the director's designee.

(3) "Seller of travel" means a person, firm, or corporation both inside and outside the state of Washington, who transacts business with Washington consumers, including, but not limited to, travel agencies, who sell, provide, furnish contracts for, arrange, or advertise, either directly or indirectly, by any means or method, to arrange or book any travel services including travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation or hotel or other lodging accommodation and vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration.

(a) "Seller of travel" includes a travel agent and any person who is an independent contractor or outside agent for a travel agency or other seller of travel whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations in the conduct or administration of its business. If a seller of travel is employed by a seller of travel who is registered under this chapter, the employee need not also be registered.

(b) "Seller of travel" does not include:

(i) An air carrier;

(ii) An owner or operator of a vessel including an ocean common carrier as defined in 46 U.S.C. App. 1702(18), an owner or charterer of a vessel that is required to establish its financial responsibility in accordance with the requirements of the federal maritime commission, 46 U.S.C. App. 817 (e), and a steamboat company as defined in RCW 84.12.200 whether or not operating over and upon the waters of this state;

(iii) A motor carrier;

(iv) A rail carrier;

(v) A charter party carrier of passengers as defined in RCW 81.70.020;

(vi) An auto transportation company as defined in RCW 81.68.010;

(vii) A hotel or other lodging accommodation;

(viii) An affiliate of any person or entity described in (i) through (vii) of this subsection (3)(b) that is primarily engaged in the sale of travel services provided by the person or entity. For purposes of this subsection (3)(b)(viii), an "affiliate" means a person or entity owning, owned by, or under common ownership, with "owning," "owned," and "ownership" referring to equity holdings of at least eighty percent.

(4) "Travel services" includes transportation by air, sea, or rail ground transportation, hotel or any lodging accommodations, or package tours, whether offered or sold on a wholesale or retail basis.

(5) "Advertisement" includes, but is not limited to, a written or graphic representation in a card, brochure, newspaper, magazine, directory listing, or display, and oral, written, or graphic representations made by radio, television, or cable transmission that relates to travel services.

NEW SECTION. Sec. 3. No person, firm, or corporation may act or hold itself out as a seller of travel unless, prior to engaging in the business of selling or advertising to sell travel services, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements. Any corporation which issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by such corporation including any wholly owned subsidiary of such corporation are not required to include company registration numbers in advertisements.

(2) The director shall issue duplicate registrations upon payment of a nominal duplicate registration fee to valid registration holders operating more than one office.

(3) No registration is assignable or transferable.

(4) If a registered seller of travel sells his or her business, when the new owner becomes responsible for the business, the new owner must comply with all provisions of this chapter, including registration.

NEW SECTION. Sec. 4. An application for registration as a seller of travel shall be submitted in the form prescribed by rule by the director, and shall contain but not be limited to the following:

- (1) The name, address, and telephone number of the seller of travel;
- (2) Proof that the seller of travel holds a valid business license in the state of its principal state of business;
- (3) A registration fee in an amount determined under RCW 43.24.086;
- (4) The name, address, and social security numbers of all employees who sell travel and are covered by the seller of travel's registration.

This subsection shall not apply to the out-of-state employees of a corporation that issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by the corporation.

NEW SECTION. Sec. 5. (1) Each seller of travel shall renew its registration on or before July 1 of every other year or as otherwise determined by the director.

(2) Renewal of a registration is subject to the same provisions covering issuance, suspension, and revocation of a registration originally issued.

(3) The director may refuse to renew a registration for any of the grounds set out under section 6 of this act, and where the past conduct of the applicant affords reasonable grounds for belief that the applicant will not carry out the applicant's duties in accordance with law and with integrity and honesty. The director shall promptly notify the applicant in writing by certified mail of its intent to refuse to renew the registration. The registrant may, within twenty-one days after receipt of that notice or intent, request a hearing on the refusal. The director may permit the registrant to honor commitments already made to its customers, but no new commitments may be incurred, unless the director is satisfied that all new commitments are completely bonded or secured to insure that the general public is protected from loss of money paid to the registrant. It is the responsibility of the registrant to contest the decision regarding conditions imposed or registration denied through the process established by the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 6. (1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant:

- (a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;
- (b) Has been found guilty of a felony within the past five years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;
- (c) Has made a false statement of a material fact in an application under this chapter or in data attached to it;
- (d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter;
- (e) Has failed to display the registration as provided in this chapter;
- (f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public;
- (g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising; or
- (h) Has aided or abetted a person, firm, or corporation that they know has not registered in this state in the business of conducting a travel agency or other sale of travel.

(2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion.

NEW SECTION. Sec. 7. The department, in cooperation with the industry, shall examine the establishment of a cost recovery account to indemnify industry customers and shall report to the legislature by December 1, 1994, concerning legislation to establish such an account.

NEW SECTION. Sec. 8. A seller of travel shall perform its duties reasonably and with ordinary care in providing travel services.

Sec. 9. RCW 19.138.030 and 1986 c 283 s 3 are each amended to read as follows:

A ~~((travel charter or tour operator))~~ seller of travel shall not advertise that air, sea, or land transportation either separately or in conjunction with other services is or may be available unless he or she has, prior to ~~((such))~~ the advertisement, ~~((received written confirmation with a carrier for the transportation advertised))~~ determined that the product advertised was available at the time the advertising was placed. This determination can be made by the seller of travel either by use of an airline computer reservation system, or by written confirmation from the vendor whose program is being advertised.

It is the responsibility of the seller of travel to keep written or printed documentation of the steps taken to verify that the advertised offer was available at the time the advertising was placed. These records are to be maintained for at least two years after the placement of the advertisement.

Sec. 10. RCW 19.138.040 and 1986 c 283 s 4 are each amended to read as follows:

At or prior to the time of full or partial payment for air, sea, or land transportation or any other services offered by the seller of travel ~~((charter or tour operator))~~ in conjunction with ~~((such))~~ the transportation, the seller of travel ~~((charter or tour operator))~~ shall furnish to the person making the payment a written statement conspicuously setting forth the following information:

- (1) The name and business address and telephone number of the ~~((travel charter or tour operator))~~ seller of travel.
- (2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.

(3) The ~~((location and))~~ registration number of the ~~((trust account or bond))~~ seller of travel required by this chapter.

(4) The name of the ~~((carrier))~~ vendor with whom the ~~((travel charter or tour operator))~~ seller of travel has contracted to provide ~~((the transportation, the type of equipment contracted, and the date, time, and place of each departure: PROVIDED, That the information required in this subsection may be provided at the time of final payment))~~ travel arrangements for a consumer and all pertinent information relating to the travel as known by the seller of travel at the time of booking. The seller of travel will make known further details as soon as received from the vendor. All information will be provided with final documentation.

(5) The conditions, if any, upon which the contract between the ~~((travel charter or tour operator))~~ seller of travel and the passenger may be canceled, and the rights and obligations of all parties in the event of ~~((such))~~ cancellation.

(6) A statement in eight-point boldface type in substantially the following form:

"If transportation or other services are canceled by the ~~((travel charter or tour operator))~~ seller of travel, all sums paid to the ~~((travel charter or tour operator))~~ seller of travel for services not performed in accordance with the contract between the ~~((travel charter or tour operator))~~ seller of travel and the ~~((passenger))~~ purchaser will be refunded within ~~((fourteen))~~ thirty days ~~((after the cancellation by the travel charter or tour operator to the passenger or the party who contracted for the passenger unless mutually acceptable alternative travel arrangements are provided))~~ of receiving the funds from the vendor with whom the services were arranged, or if the funds were not sent to the vendor, the funds shall be returned within fourteen days after cancellation by the seller of travel to the purchaser unless the purchaser requests the seller of travel to apply the money to another travel product and/or date."

Sec. 11. RCW 19.138.050 and 1986 c 283 s 5 are each amended to read as follows:

(1) If the transportation or other services contracted for are canceled ~~((the travel charter or tour operator)), or if the money is to be refunded for any reason, the seller of travel~~ shall ~~((return))~~ refund to the ~~((passenger within fourteen days after the cancellation all moneys paid for services not performed in accordance with the contract unless mutually acceptable alternative travel arrangements are provided))~~ person with whom it contracts for travel services, the money due the person within thirty days of receiving the funds from the vendor with whom the services were arranged. If the funds were not sent to the vendor and remain in the possession of the seller of travel, the funds shall be refunded within fourteen days.

(2) Any material misrepresentation with regard to the transportation and other services offered shall be deemed to be a cancellation necessitating the refund required by this section.

(3) When travel services are paid to a vendor and charged to a consumer's credit card by the seller of travel, and the arrangements are subsequently canceled by the consumer, the vendor, or the seller of travel, any refunds to the consumer's credit card must be applied for within ten days from the date of cancellation.

(4) The seller of travel shall not be obligated to refund any cancellation penalties imposed by the vendor with whom the services were arranged if these penalties were disclosed in the statement required under RCW 19.138.040.

NEW SECTION. **Sec. 12.** The director has the following powers and duties:

(1) To adopt, amend, and repeal rules to carry out the purposes of this chapter;

(2) To issue and renew registrations under this chapter and to deny or refuse to renew for failure to comply with this chapter;

(3) To suspend or revoke a registration for a violation of this chapter;

(4) To establish fees;

(5) Upon receipt of a complaint, to inspect and audit the books and records of a seller of travel. The seller of travel shall immediately make available to the director those books and records as may be requested at the seller of travel's place of business or at a location designated by the director. For that purpose, the director shall have full and free access to the office and places of business of the seller of travel during regular business hours; and

(6) To do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

NEW SECTION. **Sec. 13.** (1) A nonresident seller of travel soliciting business or selling travel in the state of Washington, by mail, telephone, or otherwise, either directly or indirectly, is deemed, absent any other appointment, to have appointed the director to be the seller of travel's true and lawful attorney upon whom may be served any legal process against that nonresident arising or growing out of a transaction involving travel services. That solicitation signifies the nonresident's agreement that process against the nonresident that is served as provided in this chapter is of the same legal force and validity as if served personally on the nonresident seller of travel.

(2) Service of process upon a nonresident seller of travel shall be made by leaving a copy of the process with the director. The fee for the service of process shall be determined by the director by rule. That service is sufficient service upon the nonresident if the plaintiff or plaintiff's attorney of record sends notice of the service and a copy of the process by certified mail before service or immediately after service to the defendant at the address given by the nonresident in a solicitation furnished by the nonresident, and the sender's post office receipt of sending and the plaintiff's or plaintiff's attorney's affidavit of compliance with this section are returned with the process in accordance with Washington superior court civil rules. Notwithstanding the foregoing requirements, however, once service has been made on the director as provided in this section, in the event of failure to comply with the requirement of notice to the nonresident, the court may order that notice be given that will be sufficient to apprise the nonresident.

NEW SECTION. **Sec. 14.** The director, in the director's discretion, may:

- (1) Annually, or more frequently, make public or private investigations within or without this state as the director deems necessary to determine whether a registration should be granted, denied, revoked, or suspended, or whether a person has violated or is about to violate this chapter or a rule adopted or order issued under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms of this chapter;
- (2) Publish information concerning a violation of this chapter or a rule adopted or order issued under this chapter; and
- (3) Investigate complaints concerning practices by sellers of travel for which registration is required by this chapter.

NEW SECTION. Sec. 15. For the purpose of an investigation or proceeding under this chapter, the director or any officer designated by the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

NEW SECTION. Sec. 16. If it appears to the director that a person has engaged in an act or practice constituting a violation of this chapter or a rule adopted or order issued under this chapter, the director may, in the director's discretion, issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of an opportunity for a hearing shall be given. The director may issue a temporary order pending the hearing, which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after the receipt of the notice.

NEW SECTION. Sec. 17. The attorney general, a county prosecuting attorney, the director, or any person may, in accordance with the law of this state governing injunctions, maintain an action in the name of this state to enjoin a person or entity selling travel services for which registration is required by this chapter without registration from engaging in the practice until the required registration is secured. However, the injunction shall not relieve the person or entity selling travel services without registration from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

NEW SECTION. Sec. 18. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, that shall be paid to the department. For the purpose of this section, the superior court issuing an injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 19. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 20. (1) The director may assess against a person or organization that violates this chapter, or a rule adopted under this chapter, a civil penalty of not more than one thousand dollars for each violation.

(2) The person or organization shall be afforded the opportunity for a hearing, upon request made to the director within thirty days after the date of issuance of the notice of assessment. The hearing shall be conducted in accordance with chapter 34.05 RCW.

(3) A civil penalty shall be imposed by the court for each violation of this chapter in an amount not less than five hundred dollars nor more than two thousand dollars per violation.

(4) If a person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the state, the director may recover the amount assessed by action in the appropriate superior court. In the action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

NEW SECTION. Sec. 21. The director may assess against a person or organization that violates this chapter, or a rule adopted under this chapter, the full amount of restitution as may be necessary to restore to a person an interest in money or property, real or personal, that may have been acquired by means of an act prohibited by or in violation of this chapter.

NEW SECTION. Sec. 22. In order to maintain or defend a lawsuit, a seller of travel must be registered with the department as required by this chapter and rules adopted under this chapter.

NEW SECTION. Sec. 23. (1) Each person who knowingly violates this chapter or who knowingly gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) A person who violates this chapter or who gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 24. The administrative procedure act, chapter 34.05 RCW, shall, wherever applicable, govern the rights, remedies, and procedures respecting the administration of this chapter.

NEW SECTION. Sec. 25. All information, documents, and reports filed with the director under this chapter are matters of public record and shall be open to public inspection, subject to reasonable regulation. The director may make public, on a periodic or other basis, the information as may be necessary or appropriate in the public interest concerning the registration, reports, and information filed with the director or any other matters to the administration and enforcement of this chapter.

NEW SECTION. Sec. 26. The legislature finds that the practices governed by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

NEW SECTION. Sec. 27. In addition to any other penalties or remedies under chapter 19.86 RCW, a person who is injured by a violation of this chapter may bring an action for recovery of actual damages, including court costs and attorneys' fees. No provision in this chapter shall be construed to limit any right or remedy provided under chapter 19.86 RCW.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

- (1) RCW 19.138.020 and 1986 c 283 s 2;
- (2) RCW 19.138.060 and 1986 c 283 s 6;
- (3) RCW 19.138.070 and 1986 c 283 s 7; and
- (4) RCW 19.138.080 and 1986 c 283 s 8.

NEW SECTION. Sec. 29. Any state funds appropriated to the department of licensing for implementation of chapter . . . , Laws of 1994 (this act) for the biennium ending June 30, 1995, shall be reimbursed by June 30, 1997, by an assessment of fees sufficient to cover all costs of implementing chapter . . . , Laws of 1994 (this act).

NEW SECTION. Sec. 30. A violation of RCW 19.138.030 through 19.138.070 shall constitute a violation of RCW 19.86.020.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. Sections 1 through 28 of this act shall take effect January 1, 1996.

NEW SECTION. Sec. 33. Sections 2 through 6, 8, 12 through 27, 29, and 30 of this act are each added to chapter 19.138 RCW.

NEW SECTION. Sec. 34. The director of licensing, beginning July 1, 1995, may take such steps as are necessary to ensure that this act is implemented on its effective date."

The President declared the question before the Senate to be the motion by Senator Moore that the Committee on Labor and Commerce striking amendment to Engrossed Substitute House Bill No. 2688 not be adopted.

The motion by Senator Moore carried and the Committee on Labor and Commerce striking amendment to Engrossed Substitute House Bill No. 2688 was not adopted.

MOTION

Senator Prentice moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.138.010 and 1986 c 283 s 1 are each amended to read as follows:

The legislature finds and declares that advertising, sales, and business practices of certain (~~travel charter or tour operators~~) sellers of travel have worked financial hardship upon the people of this state; that the travel business has a significant impact upon the economy and well-being of this state and its people; that problems have arisen regarding certain (~~segments of the travel charter or tour operator business~~) sales of travel; and that the public welfare requires (~~regulation~~) registration of (~~travel charter or tour operators~~) sellers of travel in order to eliminate unfair advertising, sales and business practices. The legislature further finds it necessary to establish standards that will safeguard the people against financial hardship and to encourage fair dealing and prosperity in the travel business.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing or the director's designee.

(3) "Seller of travel" means a person, firm, or corporation both inside and outside the state of Washington, who transacts business with Washington consumers, including, but not limited to, travel agencies, who sell, provide, furnish contracts for, arrange, or advertise, either directly or indirectly, by any means or method, to arrange or book any travel services including travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation or hotel or other lodging accommodation and vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration.

(a) "Seller of travel" includes a travel agent and any person who is an independent contractor or outside agent for a travel agency or other seller of travel whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations in the conduct or administration of its business. If a seller of travel is employed by a seller of travel who is registered under this chapter, the employee need not also be registered.

(b) "Seller of travel" does not include:

(i) An air carrier;

(ii) An owner or operator of a vessel including an ocean common carrier as defined in 46 U.S.C. App. 1702(18), an owner or charterer of a vessel that is required to establish its financial responsibility in accordance with the requirements of the federal maritime commission, 46 U.S.C. App. 817 (e), and a steamboat company as defined in RCW 84.12.200 whether or not operating over and upon the waters of this state;

(iii) A motor carrier;

(iv) A rail carrier;

(v) A charter party carrier of passengers as defined in RCW 81.70.020;

(vi) An auto transportation company as defined in RCW 81.68.010;

(vii) A hotel or other lodging accommodation;

(viii) An affiliate of any person or entity described in (i) through (vii) of this subsection (3)(b) that is primarily engaged in the sale of travel services provided by the person or entity. For purposes of this subsection (3)(b)(viii), an "affiliate" means a person or entity owning, owned by, or under common ownership, with "owning," "owned," and "ownership" referring to equity holdings of at least eighty percent.

(4) "Travel services" includes transportation by air, sea, or rail ground transportation, hotel or any lodging accommodations, or package tours, whether offered or sold on a wholesale or retail basis.

(5) "Advertisement" includes, but is not limited to, a written or graphic representation in a card, brochure, newspaper, magazine, directory listing, or display, and oral, written, or graphic representations made by radio, television, or cable transmission that relates to travel services.

NEW SECTION. Sec. 3. No person, firm, or corporation may act or hold itself out as a seller of travel unless, prior to engaging in the business of selling or advertising to sell travel services, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements. Any corporation which issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by such corporation including any wholly owned subsidiary of such corporation are not required to include company registration numbers in advertisements.

(2) The director shall issue duplicate registrations upon payment of a nominal duplicate registration fee to valid registration holders operating more than one office.

(3) No registration is assignable or transferable.

(4) If a registered seller of travel sells his or her business, when the new owner becomes responsible for the business, the new owner must comply with all provisions of this chapter, including registration.

NEW SECTION. Sec. 4. An application for registration as a seller of travel shall be submitted in the form prescribed by rule by the director, and shall contain but not be limited to the following:

(1) The name, address, and telephone number of the seller of travel;

(2) Proof that the seller of travel holds a valid business license in the state of its principal state of business;

(3) A registration fee in an amount determined under RCW 43.24.086;

(4) The name, address, and social security numbers of all employees who sell travel and are covered by the seller of travel's registration.

This subsection shall not apply to the out-of-state employees of a corporation that issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by the corporation;

(5) A report prepared and signed by a licensed public accountant or certified public accountant or other report, approved by the director, that verifies that the seller of travel maintains a trust account or other approved account at a federally insured institution located in the state of Washington, the location and number of that trust account or other approved account, and verifying that the account is maintained and used as required by section 8 of this act. The director, by rule, may permit alternatives to the report that provides for at least the same level of verification.

NEW SECTION. Sec. 5. (1) Each seller of travel shall renew its registration on or before July 1 of every other year or as otherwise determined by the director.

(2) Renewal of a registration is subject to the same provisions covering issuance, suspension, and revocation of a registration originally issued.

(3) The director may refuse to renew a registration for any of the grounds set out under section 6 of this act, and where the past conduct of the applicant affords reasonable grounds for belief that the applicant will not carry out the applicant's duties in accordance with law and with integrity and honesty. The director shall promptly notify the applicant in writing by certified mail of its intent to refuse to renew the registration. The registrant may, within twenty-one days after receipt of that notice or intent, request a hearing on the refusal. The director may permit the registrant to honor commitments already made to its customers, but no new commitments may be incurred, unless the director is satisfied that all new commitments are completely bonded or secured to insure that the general public is protected from loss of money paid to the registrant. It is the responsibility of the registrant to contest the decision regarding conditions imposed or registration denied through the process established by the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 6. (1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant:

(a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has been found guilty of a felony within the past five years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;

(c) Has made a false statement of a material fact in an application under this chapter or in data attached to it;

(d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter;

(e) Has failed to display the registration as provided in this chapter;

- (f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public;
- (g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising; or
- (h) Has aided or abetted a person, firm, or corporation that they know has not registered in this state in the business of conducting a travel agency or other sale of travel.

(2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion.

NEW SECTION. Sec. 7. The department, in cooperation with the travel industry and the office of the attorney general shall examine the establishment of a cost recovery fund, surety bond, or other requirement to indemnify industry consumers. The department shall report to the legislature by December 1, 1994, concerning legislation to establish one or all of these procedures.

NEW SECTION. Sec. 8. (1) Within five business days of receipt, a seller of travel shall deposit all sums received from a person or entity, for travel services offered by the seller of travel, in a trust account or other approved account maintained in a federally insured financial institution located in Washington state. Exempted are airline sales made by a seller of travel, when payments for the airline tickets are made through the airline reporting corporation either by cash or credit card sale.

(2) The trust account or other approved account required by this section shall be established and maintained for the benefit of any person or entity paying money to the seller of travel. The seller of travel shall not in any manner encumber the amounts in trust and shall not withdraw money from the account except the following amounts may be withdrawn at any time:

- (a) Partial or full payment for travel services to the entity directly providing the travel service;
- (b) Refunds as required by this chapter;
- (c) The amount of the sales commission;
- (d) Interest earned and credited to the trust account or other approved account; or
- (e) Remaining funds of a purchaser once all travel services have been provided or once tickets or other similar documentation binding upon the ultimate provider of the travel services have been provided.

(3) At the time of registration, the seller of travel shall file with the department the account number and the name of the financial institution at which the trust account or other approved account is held as set forth in section 4 of this act. The seller of travel shall notify the department of any change in the account number or location within one business day of the change.

(4) The director, by rule, may allow for the use of other types of funds or accounts only if the protection for consumers is no less than that provided by this section.

(5) The seller of travel need not comply with the requirements of this section if all of the following apply, except as exempted in subsection (1) of this section:

- (a) The payment is made by credit card;
- (b) The seller of travel does not deposit, negotiate, or factor the credit card charge or otherwise seek to obtain payment of the credit card charge to any account over which the seller of travel has any control; and
- (c) If the charge includes transportation, the carrier that is to provide the transportation processes the credit card charge, or if the charge is only for services, the provider of services processes the credit card charges.

(6) If the seller of travel maintains its principal place of business in another state and maintains a trust account or other approved account in that state consistent with the requirement of this section, and if that seller of travel has transacted business within the state of Washington in an amount exceeding five million dollars for the preceding year, the out-of-state trust account or other approved account may be substituted for the in-state account required under this section.

NEW SECTION. Sec. 9. A seller of travel shall perform its duties reasonably and with ordinary care in providing travel services.

Sec. 10. RCW 19.138.030 and 1986 c 283 s 3 are each amended to read as follows:

A ~~((travel charter or tour operator))~~ seller of travel shall not advertise that air, sea, or land transportation either separately or in conjunction with other services is or may be available unless he or she has, prior to ~~((such))~~ the advertisement, ~~((received written confirmation with a carrier for the transportation advertised))~~ determined that the product advertised was available at the time the advertising was placed. This determination can be made by the seller of travel either by use of an airline computer reservation system, or by written confirmation from the vendor whose program is being advertised.

It is the responsibility of the seller of travel to keep written or printed documentation of the steps taken to verify that the advertised offer was available at the time the advertising was placed. These records are to be maintained for at least two years after the placement of the advertisement.

Sec. 11. RCW 19.138.040 and 1986 c 283 s 4 are each amended to read as follows:

At or prior to the time of full or partial payment for air, sea, or land transportation or any other services offered by the seller of travel ~~((charter or tour operator))~~ in conjunction with ~~((such))~~ the transportation, the seller of travel ~~((charter or tour operator))~~ shall furnish to the person making the payment a written statement conspicuously setting forth the following information:

- (1) The name and business address and telephone number of the ~~((travel charter or tour operator))~~ seller of travel.

(2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.

(3) The ~~((location and))~~ registration number of the ~~((trust account or bond))~~ seller of travel required by this chapter.

(4) The name of the ~~((carrier))~~ vendor with whom the ~~((travel charter or tour operator))~~ seller of travel has contracted to provide ~~((the transportation, the type of equipment contracted, and the date, time, and place of each departure: PROVIDED, That the information required in this subsection may be provided at the time of final payment))~~ travel arrangements for a consumer and all pertinent information relating to the travel as known by the seller of travel at the time of booking. The seller of travel will make known further details as soon as received from the vendor. All information will be provided with final documentation.

(5) The conditions, if any, upon which the contract between the ~~((travel charter or tour operator))~~ seller of travel and the passenger may be canceled, and the rights and obligations of all parties in the event of ~~((such))~~ cancellation.

(6) A statement in eight-point boldface type in substantially the following form:

"If transportation or other services are canceled by the ~~((travel charter or tour operator))~~ seller of travel, all sums paid to the ~~((travel charter or tour operator))~~ seller of travel for services not performed in accordance with the contract between the ~~((travel charter or tour operator))~~ seller of travel and the ~~((passenger))~~ purchaser will be refunded within ~~((fourteen))~~ thirty days ~~((after the cancellation by the travel charter or tour operator to the passenger or the party who contracted for the passenger unless mutually acceptable alternative travel arrangements are provided))~~ of receiving the funds from the vendor with whom the services were arranged, or if the funds were not sent to the vendor, the funds shall be returned within fourteen days after cancellation by the seller of travel to the purchaser unless the purchaser requests the seller of travel to apply the money to another travel product and/or date."

Sec. 12. RCW 19.138.050 and 1986 c 283 s 5 are each amended to read as follows:

(1) If the transportation or other services contracted for are canceled ~~((the travel charter or tour operator))~~, or if the money is to be refunded for any reason, the seller of travel shall ~~((return))~~ refund to the ~~((passenger within fourteen days after the cancellation all moneys paid for services not performed in accordance with the contract unless mutually acceptable alternative travel arrangements are provided))~~ person with whom it contracts for travel services, the money due the person within thirty days of receiving the funds from the vendor with whom the services were arranged. If the funds were not sent to the vendor and remain in the possession of the seller of travel, the funds shall be refunded within fourteen days.

(2) Any material misrepresentation with regard to the transportation and other services offered shall be deemed to be a cancellation necessitating the refund required by this section.

(3) When travel services are paid to a vendor and charged to a consumer's credit card by the seller of travel, and the arrangements are subsequently canceled by the consumer, the vendor, or the seller of travel, any refunds to the consumer's credit card must be applied for within ten days from the date of cancellation.

(4) The seller of travel shall not be obligated to refund any cancellation penalties imposed by the vendor with whom the services were arranged if these penalties were disclosed in the statement required under RCW 19.138.040.

NEW SECTION. **Sec. 13.** The director has the following powers and duties:

(1) To adopt, amend, and repeal rules to carry out the purposes of this chapter;

(2) To issue and renew registrations under this chapter and to deny or refuse to renew for failure to comply with this chapter;

(3) To suspend or revoke a registration for a violation of this chapter;

(4) To establish fees;

(5) Upon receipt of a complaint, to inspect and audit the books and records of a seller of travel. The seller of travel shall immediately make available to the director those books and records as may be requested at the seller of travel's place of business or at a location designated by the director. For that purpose, the director shall have full and free access to the office and places of business of the seller of travel during regular business hours; and

(6) To do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

NEW SECTION. **Sec. 14.** (1) A nonresident seller of travel soliciting business or selling travel in the state of Washington, by mail, telephone, or otherwise, either directly or indirectly, is deemed, absent any other appointment, to have appointed the director to be the seller of travel's true and lawful attorney upon whom may be served any legal process against that nonresident arising or growing out of a transaction involving travel services. That solicitation signifies the nonresident's agreement that process against the nonresident that is served as provided in this chapter is of the same legal force and validity as if served personally on the nonresident seller of travel.

(2) Service of process upon a nonresident seller of travel shall be made by leaving a copy of the process with the director. The fee for the service of process shall be determined by the director by rule. That service is sufficient service upon the nonresident if the plaintiff or plaintiff's attorney of record sends notice of the service and a copy of the process by certified mail before service or immediately after service to the defendant at the address given by the nonresident in a solicitation furnished by the nonresident, and the sender's post office receipt of sending and the plaintiff's or plaintiff's attorney's affidavit of compliance with this section are returned with the process in accordance with Washington superior court civil rules. Notwithstanding the foregoing requirements, however, once service has been made on the director as provided in this section, in the event of failure to comply with the requirement of notice to the nonresident, the court may order that notice be given that will be sufficient to apprise the nonresident.

NEW SECTION. **Sec. 15.** The director, in the director's discretion, may:

(1) Annually, or more frequently, make public or private investigations within or without this state as the director deems necessary to determine whether a registration should be granted, denied, revoked, or suspended, or whether a person has violated or is about to violate this chapter or a rule adopted or order issued under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms of this chapter;

(2) Publish information concerning a violation of this chapter or a rule adopted or order issued under this chapter; and

(3) Investigate complaints concerning practices by sellers of travel for which registration is required by this chapter.

NEW SECTION. Sec. 16. For the purpose of an investigation or proceeding under this chapter, the director or any officer designated by the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

NEW SECTION. Sec. 17. If it appears to the director that a person has engaged in an act or practice constituting a violation of this chapter or a rule adopted or order issued under this chapter, the director may, in the director's discretion, issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of an opportunity for a hearing shall be given. The director may issue a temporary order pending the hearing, which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after the receipt of the notice.

NEW SECTION. Sec. 18. The attorney general, a county prosecuting attorney, the director, or any person may, in accordance with the law of this state governing injunctions, maintain an action in the name of this state to enjoin a person or entity selling travel services for which registration is required by this chapter without registration from engaging in the practice until the required registration is secured. However, the injunction shall not relieve the person or entity selling travel services without registration from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

NEW SECTION. Sec. 19. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, that shall be paid to the department. For the purpose of this section, the superior court issuing an injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 20. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 21. (1) The director may assess against a person or organization that violates this chapter, or a rule adopted under this chapter, a civil penalty of not more than one thousand dollars for each violation.

(2) The person or organization shall be afforded the opportunity for a hearing, upon request made to the director within thirty days after the date of issuance of the notice of assessment. The hearing shall be conducted in accordance with chapter 34.05 RCW.

(3) A civil penalty shall be imposed by the court for each violation of this chapter in an amount not less than five hundred dollars nor more than two thousand dollars per violation.

(4) If a person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the state, the director may recover the amount assessed by action in the appropriate superior court. In the action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

NEW SECTION. Sec. 22. The director may assess against a person or organization that violates this chapter, or a rule adopted under this chapter, the full amount of restitution as may be necessary to restore to a person an interest in money or property, real or personal, that may have been acquired by means of an act prohibited by or in violation of this chapter.

NEW SECTION. Sec. 23. In order to maintain or defend a lawsuit, a seller of travel must be registered with the department as required by this chapter and rules adopted under this chapter.

NEW SECTION. Sec. 24. (1) Each person who knowingly violates this chapter or who knowingly gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) A person who violates this chapter or who gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 25. The administrative procedure act, chapter 34.05 RCW, shall, wherever applicable, govern the rights, remedies, and procedures respecting the administration of this chapter.

NEW SECTION. Sec. 26. All information, documents, and reports filed with the director under this chapter are matters of public record and shall be open to public inspection, subject to reasonable regulation. The director may make public, on a periodic or other basis, the information as may be necessary or appropriate in the public interest concerning the registration, reports, and information filed with the director or any other matters to the administration and enforcement of this chapter.

NEW SECTION. Sec. 27. The legislature finds that the practices governed by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

NEW SECTION. Sec. 28. In addition to any other penalties or remedies under chapter 19.86 RCW, a person who is injured by a violation of this chapter may bring an action for recovery of actual damages, including court costs and attorneys' fees. No provision in this chapter shall be construed to limit any right or remedy provided under chapter 19.86 RCW.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

- (1) RCW 19.138.020 and 1986 c 283 s 2;
- (2) RCW 19.138.060 and 1986 c 283 s 6;
- (3) RCW 19.138.070 and 1986 c 283 s 7; and
- (4) RCW 19.138.080 and 1986 c 283 s 8.

NEW SECTION. Sec. 30. Any state funds appropriated to the department of licensing for implementation of chapter . . . , Laws of 1994 (this act) for the biennium ending June 30, 1995, shall be reimbursed by June 30, 1997, by an assessment of fees sufficient to cover all costs of implementing chapter . . . , Laws of 1994 (this act).

NEW SECTION. Sec. 31. A violation of RCW 19.138.030 through 19.138.070 shall constitute a violation of RCW 19.86.020.

NEW SECTION. Sec. 32. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 33. Sections 1 through 29 of this act shall take effect January 1, 1996.

NEW SECTION. Sec. 34. Sections 2 through 6, 8, 9, 13 through 28, 30, and 31 of this act are each added to chapter 19.138 RCW.

NEW SECTION. Sec. 35. The director of licensing, beginning July 1, 1995, may take such steps as are necessary to ensure that this act is implemented on its effective date."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Engrossed Substitute House Bill No. 2688.

The motion by Senator Prentice carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "travel;" strike the remainder of the title and insert "amending RCW 19.138.010, 19.138.030, 19.138.040, and 19.138.050; adding new sections to chapter 19.138 RCW; creating new sections; repealing RCW 19.138.020, 19.138.060, 19.138.070, and 19.138.080; prescribing penalties; and providing an effective date."

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 2688, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

POINT OF INQUIRY

Senator West: "I need help from one of the legal minds on the floor, maybe Senator Talmadge, maybe Senator Smith. In Section 18, there is a phrase that says, 'or any person may in accordance with law bring an action in the name of the state.' Is that unusual--allowing a person to bring an action in the name of the state? I object to that. I don't know if that is a term of art or not. What it says is, 'the attorney general can or the prosecuting attorney or the director can bring an injunction.' I don't have a problem with that, bringing it in the name of the state, but I don't want to give just any Joe Smuck out there the authority to come in and in the name of the state of Washington file an injunction. Not being a lawyer, I don't know if that is a term of art or not. Obviously, no one over there is paying any attention, so I guess I will vote against the bill. Thank you."

Senator Amondson: "Senator West, I don't intend or claim to be a legal mind, nor would I want to be, but the bill itself, I think, speaks to the issue of what we have been doing and trying to do in this session. That is with respect to the issue of regulatory reform. I think it is unfortunate that many consumers are being taken advantage of by unscrupulous people such as travel agents--that are taking advantage of consumers and have a problem with absconding their dollars and going away with them.

"Unfortunately, I wish we could, but we can't always legislate common sense or moral fibre in the people that represent and do business. We can't do that; I think this bill tries to help in some manner to protect those consumers, but unfortunately as anything can happen, will happen. Those that break the law will continue to break the law and they will attempt to do so by whatever means possible. The legislation does go to a point of trying to protect them, but I don't think it will take care of the eventual problem and the underlying problem that people, if they want to break the law, they will."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2688, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2688, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Bluechel, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Roach, Schow, Sellar, Smith, L., West, Williams and Winsley - 20.

Excused: Senator Vognild - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Engrossed Substitute House Bill No. 2741.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2741, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Linville, Pruitt, King, Rust, Valle, R. Johnson, Roland, Rayburn, R. Meyers, J. Kohl, Kremen, L. Johnson and Karahalios)

Coordinating watershed-based natural resource planning.

The bill was read the second time.

MOTIONS

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) In times of decreasing revenues and increasing demands, it is critically important to ensure the efficient use of scarce financial resources by avoiding overlap and duplication of effort among watershed-based planning efforts;

(2) Comprehensive planning for the management of natural resources on a watershed basis is desirable because it has the potential to address multiple concerns in an integrated and efficient manner;

(3) Implementation of watershed-based planning may be complicated by multiple land ownerships, different management missions and objectives, different ways of collecting information, and legal constraints such as federal and state antitrust statutes;

(4) Many different entities, including federal, state, and local governments, tribes, and landowners are already conducting watershed-based planning, research, and monitoring programs;

(5) There exists a compelling need for a consistent process for collecting and sharing information and data among all interested parties;

and

(6) There also exists a compelling need to ensure that the goals and objectives of watershed planning efforts are coordinated and consistent with each other.

NEW SECTION. Sec. 2. (1) State agencies involved in watershed-based natural resource planning efforts shall coordinate their planning and implementation processes. These cooperating state agencies shall include, but not be limited to, the departments of natural resources,

agriculture, ecology, fish and wildlife, health, and community, trade, and economic development; the Puget Sound water quality authority; and the office of the governor. These agencies will meet as a group and include at those meetings representatives of federal agencies, local governments, tribes, private landowners, environmental groups, the public water supply entities utilizing water from the watershed, resource user groups, and other interested parties.

(2) The commissioner of public lands shall coordinate discussions of watershed-based natural resource planning among these various parties. The department of natural resources will provide a reasonable level of staff support for the work of the group.

(3) On or before December 15, 1994, the department of natural resources shall prepare a report for the legislature based on the group's discussions and findings. At a minimum this report shall include:

- (a) Identification of barriers to coordination and cooperation in watershed-based planning and management of natural resources;
- (b) Recommendations on the collection, storage, and maintenance of information in watershed analysis, planning, monitoring, and research programs. These recommendations could lead to the establishment of protocols governing data collection and information exchange;
- (c) Identification of actual and potential overlap and duplication of effort in watershed-based natural resource planning efforts;
- (d) Identification of gaps of coverage in existing and proposed watershed planning projects;
- (e) Examination of the possible establishment of a central depository and of a process for periodically updating and distributing information on watershed-based natural resource planning efforts;
- (f) Identification of strategies for developing cooperative watershed-based planning efforts which provide an opportunity for participants to:
 - (i) Establish coordinated and consistent goals and objectives which emphasize the natural and economic values of the watershed; and
 - (ii) Identify approaches for coordinating and financing the implementation of watershed-based plans; and
- (g) A process providing for ongoing review, revision, and update of watershed-based plans and management activities."

On motion of Senator Owen, the following amendments by Senators Owen and Rinehart to the Committee on Natural Resources striking amendment were considered simultaneously and were adopted:

On page 1, line 24 of the amendment, strike "and"

On page 1, line 27 of the amendment, after "other" insert "; and"

(7) Coordination of state, federal, and local resources is needed to maximize the value of the state's forty million dollar biennial investment in anadromous fish protection to improve stocks in critical and depressed condition"

On page 2, after line 33 of the amendment, insert the following:

"(4) The commissioner of public lands shall cochair with the director of the department of fish and wildlife, a committee named the watershed council. The council shall consist of, but not be limited to, the director of the department of ecology, the secretary of transportation, the chair of the conservation commission, a representative of forest landowners, and a representative of agricultural landowners for the purpose of coordinating the state's efforts in addressing threatened anadromous fish resources and to preclude endangered species listings. The council shall coordinate the allocation of state resources in conjunction with federal, tribal, private, and local resources for watershed restoration and protection in order to maximize the state's effort to improve fish stocks in critical and depressed condition. The coordination is intended to maximize the expenditure of public funds, not to change statutory mandates for specific programs.

The council shall report to the appropriate policy and fiscal committees of the legislature on or before December 15, 1994. The report shall include a plan for coordinating and targeting existing and new state, federal, and local resources toward this goal of precluding endangered species listings. It will be the goal that at least fifty percent of the fiscal year 1995 watershed-related expenditures be targeted for this purpose. This plan shall include: (a) A prioritized listing of watersheds based on department of natural resources watershed analysis and department of fish and wildlife stock assessments; (b) a definition of the geographical unit for watershed management that all state agencies shall use; (c) recommendations for the establishment of common protocols governing data collection and a central depository of information to be used by all state agencies involved in watershed management efforts; (d) an identification of gaps of coverage in existing and proposed watershed planning efforts; (e) an identification of state agency responsibilities by watershed; (f) an identification of barriers to state agency cooperation in watershed management efforts and recommendations to overcome such barriers; (g) an identification of barriers and incentives to encourage local government and private landowner cooperation in watershed management activities; and (h) recommendations for integration of watershed habitat protection with land use planning and regulation by local governments under the growth management act."

MOTION

On motion of Senator Owen, the following amendment by Senators Sutherland and Owen to the Committee on Natural Resources striking amendment was adopted:

On page 2, line 33, after "activities." insert the following:

"NEW SECTION. Sec. 3. The military department shall consult with the watershed recovery council to identify and implement training and readiness exercises that will assist in the state's watershed restoration efforts. Particular emphasis shall be placed on projects that assist in fish passage barrier removal, erosion control, and road closure, obliteration, revegetation, and drainage improvements. If the watershed recovery council is not established by July 1, 1994, then the department shall consult with the commissioner of public lands and the director of fish and wildlife to identify and implement watershed restoration projects. Nothing in this section shall interfere with the duties and functions of the military department as prescribed under Title 38 RCW."

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources striking amendment, as amended, to Engrossed Substitute House bill No. 2741.

The motion by Senator Owen carried and the Committee on Natural Resources striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "and creating new sections."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2741, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senator Moore demanded the previous question, but the demand was not sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2741, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2741, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators McCaslin, Morton, Roach and Sellar - 4.

Absent: Senators Bluechel and Pelz - 2.

Excused: Senator Vognild - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2741, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate commenced consideration of Engrossed House Bill No. 2161.

SECOND READING

ENGROSSED HOUSE BILL NO. 2161, by Representatives Conway, King, Veloria, Heavey, Campbell, Orr, Wineberry, J. Kohl, Chappell and Anderson

Prohibiting disciplining public employees because of labor disputes.

The bill was read the second time.

MOTION

Senator Snyder moved that the following Committee on Labor and Commerce amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.160 and 1983 c 58 s 1 are each amended to read as follows:

The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders(~~(: PROVIDED, That)~~). However, a complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission. ((This)) The commission shall establish an expedited review and hearing process for an unfair labor practice involving a disciplinary action against a public employee for participating in a strike or honoring a picket line. Such disciplinary action shall be prohibited unless the employee's participation in a strike or honoring of a picket line is in violation of a court order. The power granted in this section shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law."

The President declared the question before the Senate to be the motion by Senator Snyder that the Committee on Labor and Commerce striking amendment to Engrossed House Bill No 2161 not be adopted.

The motion by Senator Snyder carried and the Committee on Labor and Commerce striking amendment to Engrossed House Bill No. 2161 was not adopted.

MOTION

Senator Snyder moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.160 and 1983 c 58 s 1 are each amended to read as follows:

The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders(~~(: PROVIDED, That)~~). However, a complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission. ((This)) The commission shall establish an expedited review and hearing process for an unfair labor practice involving a disciplinary action against a public employee for participating in a strike or honoring a picket line. Notwithstanding RCW 41.56.120, in the event that a public employee participates in a strike or honors a picket line against his or her public employer, and as a result of the strike or honoring of a picket line an amnesty agreement with the bargaining representative is approved by the legislative authority or governing body of the public entity that prohibits disciplinary action for such participation, any disciplinary action taken against an employee in violation of the amnesty agreement shall be subject to expedited review and remedial action by the commission. The power granted in this section shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law."

POINT OF INQUIRY

Senator Anderson: "Senator Snyder, on the amendment, is the language still in here that is in our book that says it is clarifying that a disciplinary action against a public employee for participating in a strike or for honoring a picket line is prohibited? Is that language that was in the Senate amendment found in this amendment we are now adopting?"

Senator Snyder: "I can't answer that for sure, but the purpose of this is to get this in to conference and work out the problem. It is to take care of the action that was perpetuated in Spokane and also to clarify--some people think that the amendment that I have would keep the strike provision the same as it is in the law today. Other people think that it is going to change that."

The President declared the question before the Senate be the adoption of the striking amendment by Senator Snyder to Engrossed House Bill No. 2161.

The motion by Senator Snyder carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Snyder, the following title amendment was adopted:

On page 1, line 2 of the title, after "bargaining;" strike the remainder of the title and insert "and amending RCW 41.56.160."

Senator Snyder moved that the rules be suspended and Engrossed House Bill No. 2161, as amended by the Senate, be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

REMARKS BY SENATOR WEST

Senator West: "Mr. President, I would suggest that we not suspend the rules on this bill, under Rule 64. The bill should be sent to the Rules Committee. I think it needs further review. None of us has had the opportunity to see the Snyder amendment and I don't think that we should waive Rule 64 or suspend Rule 64.

"I believe that you will find that by looking at Rule 64 that Rule 64 does not apply to within the three days or within the ten days, that is Rule 62. Rule 62 is the rule that says that each bill shall be read on a separate day. It says, 'three separate days unless the Senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 19 of the constitution or concurrent resolution.' Then that rule, Rule 62, can be suspended by a majority vote.

"The rule I'm speaking of, Mr. President, is Rule 64. Rule 64 states, 'Upon second reading, the bill shall be read section by section, in full, and be subject to amendment. Any member may, if sustained by three members, remove a bill from the consent calendar, etc., etc.--No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary--all amendments adopted,'--I'll get to the pertinent section here--'When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.' That, Mr. President, would come under Rule No. 35, I believe, talking about suspension of the rules, which does require a two-thirds vote."

Senators Gaspard, Snyder and Spanel demanded the previous question and the demand was sustained.

MOTIONS

Senator Gaspard moved that the Senate commence consideration of Engrossed Second Substitute House Bill No. 2798.

Senator Erwin objected to the motion by Senator Gaspard to commence consideration of Engrossed Second Substitute House Bill No. 2798 and moved to consider Engrossed Substitute House Bill No. 2462.

The President declared the question before the Senate to be the first motion, the motion by Senator Gaspard, to commence consideration of Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Gaspard carried and the Senate commenced consideration of Engrossed Second Substitute House Bill No. 2798.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2798, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Thibaudeau, Cooke, Peery, Silver, Dorn, R. Meyers, Talcott, Valle, Carlson, Dunshee, Linville, Rust, Ballasiotes, Sehlin, Jacobsen, Foreman, Wolfe, Wineberry, Mastin, G. Fisher, Grant, Campbell, Brough, L. Thomas, B. Thomas, Lisk, McMorris, Chandler, Wood, Schoesler, Sheldon, Rayburn, Kremen, Brumsickle, Holm, Roland, Pruitt, Jones, Flemming, Horn, Kessler, Long, Shin, Moak, Finkbeiner, Quall, Conway, Springer, Tate, Mielke and Johanson)

Making major changes to the welfare system.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that lengthy stays on welfare, lack of access to vocational education and training, the inadequate emphasis on employment by the social welfare system, and teen pregnancy are obstacles to achieving economic independence. Therefore, the legislature intends that:

- (1) Income and employment assistance programs emphasize the temporary nature of welfare and set goals of responsibility, work, and independence;
- (2) State institutions take an active role in preventing pregnancy in young teens;
- (3) Family planning assistance be readily available to welfare recipients;
- (4) Support enforcement be more effective and the level of responsibility of noncustodial parents be significantly increased; and
- (5) Employment assistance resources focus on recipients so as to reduce the likelihood of long-term stays on welfare and target most likely to benefit from such resources.

PART I. EMPHASIZING WORK AND FAMILY PLANNING IN PUBLIC ASSISTANCE

NEW SECTION. Sec. 2. A new section is added to chapter 74.12 RCW to read as follows:

The department shall train financial services and social work staff who provide direct service to recipients of aid to families with dependent children to:

- (1) Effectively communicate the transitional nature of aid to families with dependent children and the expectation that recipients will enter employment;
- (2) Actively refer clients to the job opportunities and basic skills program;
- (3) Provide social services needed to overcome obstacles to employability; and
- (4) Provide family planning information and assistance, including alternatives to abortion, which shall be conducted in consultation with the department of health.

NEW SECTION. Sec. 3. A new section is added to chapter 74.12 RCW to read as follows:

At time of application or reassessment under this chapter the department shall offer or contract for family planning information and assistance, including alternatives to abortion, and any other available locally based teen pregnancy prevention programs, to prospective and current recipients of aid to families with dependent children.

PART II. TEEN PREGNANCY PREVENTION

NEW SECTION. Sec. 4. For the 1994-95 school year, the office of the superintendent of public instruction shall administer a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. The messages shall be distributed in the school and community where produced. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields. For purposes of evaluating the impact of the campaigns, applicants shall estimate student pregnancy and birth rates over the prior three to five years.

PART III. REFOCUSING JOBS

Sec. 5. RCW 74.25.010 and 1991 c 126 s 5 are each amended to read as follows:

The legislature establishes as state policy the goal of economic self-sufficiency for employable recipients of public assistance, through employment, training, and education. In furtherance of this policy, the legislature intends to comply with the requirements of the federal social security act, as amended, by creating a job opportunities and basic skills training program for applicants and recipients of aid to families with dependent children. The purpose of this program is to provide recipients of aid to families with dependent children the opportunity to obtain ~~((a full range of necessary))~~ appropriate education, training, skills, and supportive services, including child care, consistent with their needs, that will help them enter or reenter gainful employment, thereby avoiding long-term welfare dependence and achieving economic self-sufficiency. The program shall be operated by the department of social and health services in conformance with federal law and consistent with the following legislative findings:

(1) The legislature finds that the well-being of children depends not only on meeting their material needs, but also on the ability of parents to become economically self-sufficient. The job opportunities and basic skills training program is specifically directed at increasing the labor force participation and household earnings of aid to families with dependent children recipients, through the removal of barriers preventing them from achieving self-sufficiency. These barriers include, but are not limited to, the lack of recent work experience, supportive services such as affordable and reliable child care, adequate transportation, appropriate counseling, and necessary job-related tools, equipment, books, clothing, and supplies, the absence of basic literacy skills, the lack of educational attainment sufficient to meet labor market demands for career employees, and the nonavailability of useful labor market assessments.

(2) The legislature also recognizes that aid to families with dependent children recipients must be acknowledged as active participants in self-sufficiency planning under the program. The legislature finds that the department of social and health services should communicate concepts of the importance of work and how performance and effort directly affect future career and educational opportunities and economic well-being, as well as personal empowerment, self-motivation, and self-esteem to program participants. The legislature further recognizes that informed choice is consistent with individual responsibility, and that parents should be given a range of options for available child care while participating in the program.

(3) The legislature finds that current work experience is one of the most important factors influencing an individual's ability to work toward financial stability and an adequate standard of living in the long term, and that work experience should be the most important component of the program.

(4) The legislature finds that education, including, but not limited to, literacy, high school equivalency, vocational, secondary, and postsecondary, is one of the most important tools an individual needs to achieve full independence, and that this should be an important component of the program.

~~((4))~~ (5) The legislature further finds that the objectives of this program are to assure that aid to families with dependent children recipients gain experience in the labor force and thereby enhance their long-term ability to achieve financial stability and an adequate standard of living at wages that will meet family needs.

Sec. 6. RCW 74.25.020 and 1993 c 312 s 7 are each amended to read as follows:

(1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. In contracting for job placement, job search, and other job opportunities and basic skills services, the department is encouraged to structure payments to the contractor on a performance basis. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services. The department shall maximize the federal matching funds available for the job opportunities and basic skills program by aggressively seeking private and public funds as match for federal funds.

(2) The department shall collect information from all adult recipients of aid to families with dependent children on years of education and recent work experience. This information, along with age and number of months of assistance receipt, shall be used to target and prioritize job opportunities and basic skills services.

(3) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall ~~((give first priority of service to individuals volunteering for program participation))~~ place nonexempt adult recipients of aid to families with dependent children (AFDC) into the following four target categories:

(a) Recipients with high education and low-work experience;

(b) Recipients with high education and high-work experience;

(c) Recipients with low education and high-work experience; and

(d) Recipients with low education and low-work experience.

(4) As used in subsection (3) of this section, "low education" means having only a general equivalency diploma or lacking a high school diploma. "Low-work experience" means working five hundred or fewer hours annually.

(5) Aid to families with dependent children recipients under age twenty who have not completed high school will be required to do so and are excluded from the target categories defined in subsection (3) of this section.

(6) To the maximum extent permitted under state and federal law, the department and all entities contracting with the department shall prioritize existing job search, job training, and education resources in the manner provided in this subsection. All recipients in the target categories in subsection (3) (a), (b), and (c) of this section shall receive immediate mandatory job search assistance prior to any individualized assessment. To the extent that such assistance does not result in employment for a period of at least six months, additional job search assistance and training shall be provided as necessary for the recipient to become self-sufficient and as indicated by an individualized assessment and employability plan. The assessments and employability plan shall identify and primarily respond to a participant's job readiness. The job opportunities and basic skills training program components specified by the employability plan shall place a high priority on participants gaining work experience and participants under subsection (2) of this section will normally be expected to take any job offered unless there is good cause to refuse to accept a job. Good cause shall be found if any of the conditions described in subsection (3) of this section are met, or if accepting a job would result in a participant having to discontinue an education or job training program that is part of the participant's employability plan prior to completion of such education or job training program.

The department of social and health services shall track the experience of those recipients who accept any job offered as part of their job opportunities and basic skills program participation. In tracking such recipients, the department shall determine the wages and hours of the job taken, whether earnings resulted in ineligibility for aid to families with dependent children, whether the recipient returns to the aid to families with dependent children program, and, for recipients who do return to the aid to families with dependent children program, the wages and hours of subsequent jobs taken.

Hours of unsubsidized employment shall count towards participation requirements independent of date of hire or concurrent participation in other components of the job opportunities and basic skills program. The additional services identified through assessments and identified in the employability plan shall be provided within existing state and federal resources and in the following priority order: First, to recipients in the category in subsection (3)(a) of this section, second to recipients in the category in subsection (3)(b) of this section, and third to recipients in the category in subsection (3)(c) of this section. Recipients who have received aid to families with dependent children for thirty-six of the last sixty months shall have the highest priority for services within the categories in subsection (3) (a), (b), and (c) of this section. Recipients in the target category in subsection (3)(d) of this section shall receive job search assistance and other services to the extent that resources are available, with recipients who have received assistance grants for thirty-six of the last sixty months having the highest priority for services within this group.

(7) All job search, skills training, and postsecondary education shall be oriented towards local labor force needs as determined by the department in consultation with the local private industry council and the employment security department. Education and skills training shall emphasize basic, secondary, and vocational education. Aid to families with dependent children grants shall be provided to individuals attending a four-

year college or university only if it can be demonstrated that it provides the fastest and most efficient path to employment for a particular recipient. Aid to families with dependent children recipients are prohibited from undertaking a postsecondary course of study oriented primarily towards liberal arts.

(8) Job search assistance, whether provided by the department or an entity contracting with the department, shall include job development services. The services shall be provided by persons responsible for identifying existing and potential job openings and for developing relationships with existing and potential area employers.

~~((3))~~ (9) The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age ~~((six years, and the employment would require the individual to work more than twenty hours per week))~~ three; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

~~((4))~~ (10) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 74.25 RCW to read as follows:

Recipients of aid to families with dependent children who are not participating in an education or work training program may volunteer to work in a licensed child care facility, or other willing volunteer work site. Licensed child care facilities participating in this effort shall provide care for the recipient's children and provide for the development of positive child care skills.

PART IV. ELIGIBILITY AND BENEFIT PAYMENT REVISIONS

NEW SECTION. Sec. 8. A new section is added to chapter 74.12 RCW to read as follows:

The department shall pay to all recipients of food stamps a cash grant equal to the monthly food stamp benefit.

NEW SECTION. Sec. 9. A new section is added to chapter 74.12 RCW to read as follows:

The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable.

NEW SECTION. Sec. 10. A new section is added to chapter 74.12 RCW to read as follows:

The revisions to the aid to families with dependent children program and job opportunities and basic skills training program shall be implemented by the department of social and health services on a state-wide basis.

PART V. CHILD SUPPORT

NEW SECTION. Sec. 11. The department of social and health services shall make a substantial effort to determine the identity of the noncustodial parent through consistent implementation of RCW 70.58.080. By December 1, 1994, the department of social and health services shall report to the fiscal committees of the legislature on the method for validating claims of good cause for refusing to establish paternity, the methods used in other states, and the national average rate of claims of good cause for refusing to establish paternity compared to the Washington state rate of claims of good cause for refusing to establish paternity, the reasons for differences in the rates, and steps that may be taken to reduce these differences.

NEW SECTION. Sec. 12. A new section is added to chapter 74.20A RCW to read as follows:

(1) In each case within the jurisdiction of the office of support enforcement in which a child support obligation has been established, the secretary shall issue a letter, by mail, to the parent responsible for payment of the support obligation. The letter shall notify the parent that the fact and amount of the child support obligation will be reported to consumer reporting agencies, as defined in RCW 19.182.010, operating in the state of Washington.

(2) Within thirty days following the date that a notice described in subsection (1) of this section is mailed, the secretary shall report the fact and amount of the child support obligation to consumer reporting agencies, as defined in RCW 19.182.010, operating in the state of Washington. Any modification in the amount of a child support obligation for which a report has been made under this section, shall be reported to consumer reporting agencies, as defined in RCW 19.182.010, operating in the state of Washington.

NEW SECTION. Sec. 13. A new section is added to chapter 74.20 RCW to read as follows:

(1) The office of support enforcement shall contract with private collection agencies to pursue collection of arrearages that might otherwise consume a disproportionate share of the office's collection efforts. In determining appropriate contract provisions, the department shall consult with other state support enforcement agencies which have successfully contracted with private collection agencies to the extent allowed by federal regulations.

(2) The department shall solicit proposals and shall select collection agencies that have computerized location and asset information service capabilities.

(3) The department shall monitor each case that it refers to a collection agency.

(4) The department shall evaluate the effectiveness of entering into contracts for services under this section.

(5) The department shall report to the fiscal committees of the legislature on the results of its analysis under subsections (3) and (4) of this section.

NEW SECTION. Sec. 14. A new section is added to chapter 74.20 RCW to read as follows:

The office of support enforcement shall, as a matter of policy, use all available remedies for the enforcement of support obligations where the obligor is a self-employed individual. The office of support enforcement shall not discriminate in favor of certain obligors based upon employment status.

PART VI. EMPLOYMENT PARTNERSHIP PROGRAM

Sec. 15. RCW 50.63.010 and 1986 c 172 s 1 are each amended to read as follows:

The legislature finds that the restructuring in the Washington economy has created rising public assistance caseloads and declining real wages for Washington workers. There is a profound need to develop partnership programs between the private and public sectors to create new jobs with adequate salaries and promotional opportunities for chronically unemployed and underemployed citizens of the state. Most public assistance recipients want to become financially independent through paid employment. A voluntary program which utilizes public wage subsidies and employer matching salaries has provided a beneficial financial incentive allowing public assistance recipients transition to permanent full-time employment.

Sec. 16. RCW 50.63.020 and 1986 c 172 s 2 are each amended to read as follows:

The employment partnership program is created to develop a series of geographically distributed model projects to provide permanent full-time employment for low-income and unemployed persons. The program shall be ~~((a cooperative effort between the employment security department and))~~ administered by the department of social and health services. The department shall contract for the program through local public or private nonprofit organizations. The goals of the program are as follows:

(1) To reduce inefficiencies in administration and provide model coordination of agencies with responsibilities for employment and human service delivery to unemployed persons;

(2) To create voluntary financial incentives to simultaneously reduce unemployment and welfare caseloads; ~~((and))~~

(3) To provide other state and federal support services to the client population to enable economic independence;

(4) To improve partnerships between the public and private sectors designed to move recipients of public assistance into productive employment; and

(5) To provide employers with information on federal targeted jobs tax credit and other state and federal tax incentives for participation in the program.

Sec. 17. RCW 50.63.030 and 1986 c 172 s 3 are each amended to read as follows:

The ~~((commissioner of employment security and the))~~ secretary of the department of social and health services shall establish pilot projects that enable grants to be used as a wage subsidy. The department of social and health services ~~((is designated as the lead agency for the purpose of employing))~~ shall comply with applicable federal statutes and regulations~~((The department))~~, and shall seek any waivers from the federal government necessary to operate the employment partnership program. The projects shall be available on an individual case-by-case basis or subject to the limitations outlined in RCW 50.63.050 (as recodified by this act) for the start-up or reopening of a plant under worker ownership. The projects shall be subject to the following criteria:

(1) It shall be a voluntary program and no person may have any sanction applied for failure to participate.

(2) Employment positions established by this chapter shall not be created as the result of, nor result in, any of the following:

(a) Displacement of current employees, including overtime currently worked by these employees;

(b) The filling of positions that would otherwise be promotional opportunities for current employees;

(c) The filling of a position, before compliance with applicable personnel procedures or provisions of collective bargaining agreements;

(d) The filling of a position created by termination, layoff, or reduction in workforce;

(e) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific work site, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff;

(f) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers;

(g) Decertification of any collective bargaining unit.

(3) Wages shall be paid at the usual and customary rate of comparable jobs and may include a training wage if permitted by applicable federal statutes and regulations;

(4) A recoupment process shall recover state supplemented wages from an employer when a job does not last six months following the subsidization period for reasons other than the employee voluntarily quitting or being fired for good cause as determined by the ~~((commissioner of employment security))~~ local employment partnership council under rules prescribed by the ~~((commissioner pursuant to chapter 50.20 RCW))~~ secretary;

(5) Job placements shall have promotional opportunities or reasonable opportunities for wage increases;

(6) Other necessary support services such as training, day care, medical insurance, and transportation shall be provided to the extent possible;

(7) Employers shall provide monetary matching funds of at least fifty percent of total wages;

(8) Wages paid to participants shall be a minimum of five dollars an hour; and

(9) The projects shall target the ~~((hardest-to-employ))~~ populations in the priority and for the purposes set forth in RCW 74.25.020, to the extent that necessary support services are available.

Sec. 18. RCW 50.63.040 and 1986 c 172 s 4 are each amended to read as follows:

An employer, before becoming eligible to fill a position under the employment partnership program, shall certify to the ~~((department of employment security))~~ local employment partnership council that the employment, offer of employment, or work activity complies with the following conditions:

(1) The conditions of work are reasonable and not in violation of applicable federal, state, or local safety and health standards;

(2) The assignments are not in any way related to political, electoral, or partisan activities;

(3) The employer shall provide industrial insurance coverage as required by Title 51 RCW;

(4) The employer shall provide unemployment compensation coverage as required by Title 50 RCW;

(5) The employment partnership program participants hired following the completion of the program shall be provided benefits equal to those provided to other employees including social security coverage, sick leave, the opportunity to join a collective bargaining unit, and medical benefits.

NEW SECTION. Sec. 19. A local employment partnership council shall be established in each pilot project area to assist the department of social and health services in the administration of this chapter and to allow local flexibility in dealing with the particular needs of each pilot project area. Each council shall be primarily responsible for recruiting and encouraging participation of employment providers in the project site. Each council shall be composed of nine members who shall be appointed by the county legislative authority of the county in which the pilot project operates. Councilmembers shall be residents of or employers in the pilot project area in which they are appointed and shall serve three-year terms. The council shall have two members who are current or former recipients of the aid to families with dependent children program or food stamp program, two members who represent labor, and five members who represent the local business community. In addition, one person representing the local community service office of the department of social and health services, one person representing a community action agency or other nonprofit service provider, and one person from a local city or county government shall serve as nonvoting members.

Sec. 20. RCW 50.63.060 and 1986 c 172 s 6 are each amended to read as follows:

Participants shall be considered recipients of aid to families with dependent children and remain eligible for medicaid benefits even if the participant does not receive a residual grant. Work supplementation participants shall be eligible for (1) the thirty-dollar plus one-third of earned income exclusion from income, (2) the work related expense disregard, and (3) ~~((the))~~ any applicable child care expense disregard deemed available to recipient of aid in computing his or her grant under this chapter, unless prohibited by federal law.

Sec. 21. RCW 50.63.090 and 1986 c 172 s 9 are each amended to read as follows:

The department of social and health services shall seek any federal funds available for implementation of this chapter, including, but not limited to, funds available under Title IV of the federal social security act (42 U.S.C. Sec. 601 et seq.) for the ~~((work incentive demonstration program, and the employment search program))~~ job opportunities and basic skills program.

NEW SECTION. Sec. 22. RCW 50.63.010, 50.63.020, 50.63.030, 50.63.040, 50.63.050, 50.63.060, 50.63.070, 50.63.080, and 50.63.090 are each recodified as a new chapter in Title 74 RCW.

NEW SECTION. Sec. 23. The department of social and health services shall report to the appropriate committees of the house of representatives and senate on the implementation of this employment partnership program for recipients of aid to families with dependent children by October 1, 1995.

NEW SECTION. Sec. 24. Section 19 of this act shall be codified in the new chapter created by section 22 of this act.

PART VII. IMMUNIZATION

NEW SECTION. Sec. 25. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in conjunction with local health jurisdictions, shall require each local health jurisdiction to submit an immunization assessment and enhancement proposal, consistent with the standards established in the public health improvement plan, to provide immunization protection to the children of the state to further reduce vaccine-preventable diseases.

(2) These plans shall include, but not be limited to:

(a) A description of the population groups in the jurisdiction that are in the greatest need of immunizations;

- (b) A description of strategies to use outreach, volunteer, and other local educational resources to enhance immunization rates; and
- (c) A description of the capacity required to accomplish the enhancement proposal.
- (3) This section shall be implemented consistent with available funding.
- (4) The secretary shall report through the public health improvement plan to the health care and fiscal committees of the legislature on the status of the program and progress made toward increasing immunization rates in population groups of greatest need.

PART VIII. CHILD'S RESOURCES

Sec. 26. RCW 74.12.350 and 1979 c 141 s 354 are each amended to read as follows:

The department of social and health services is hereby authorized to promulgate rules and regulations in conformity with the provisions of Public Law 87-543 to allow all or any portion of a dependent child's earned or other income to be set aside for the identifiable future needs of the dependent child which will make possible the realization of the child's maximum potential as an independent and useful citizen.

The transfer into, or accumulation of, a child's income or resources in an irrevocable trust account is hereby allowed. The amount allowable is four thousand dollars. The department will provide income assistance recipients with clear and simple information on how to set up educational accounts, including how to assure that the accounts comply with federal law by being adequately earmarked for future educational use, and are irrevocable.

NEW SECTION. Sec. 27. RCW 74.12.360 and 1993 c 312 s 10 are each repealed.

NEW SECTION. Sec. 28. A new section is added to chapter 74.12 RCW to read as follows:

(1) The department shall determine, after consideration of all relevant factors, the most appropriate living situation for applicants under eighteen years of age, unmarried, and either pregnant or having a dependent child in the applicant's care. Appropriate living situations shall include a place of residence maintained by the applicant's parent, legal guardian, or other adult relative as their own home, or other appropriate supportive living arrangement supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107.

(2) An applicant under eighteen years of age who is either pregnant or has a dependent child and is not living in a situation described in subsection (1) of this section shall be presumed to be unable to manage adequately the funds paid on behalf of the dependent child and, unless the teenage custodial parent demonstrates otherwise, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

NEW SECTION. Sec. 29. A new section is added to chapter 74.04 RCW to read as follows:

(1) The department shall determine, after consideration of all relevant factors, the most appropriate living situation for applicants under eighteen years of age, unmarried, and pregnant who are eligible for general assistance as defined in RCW 74.04.005 (6)(a)(ii)(A). Appropriate living situations shall include a place of residence maintained by the applicant's parent, legal guardian, or other adult relative as their own home, or other appropriate supportive living arrangement supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107.

(2) An applicant under eighteen years of age who is pregnant and is not living in a situation described in subsection (1) of this section shall be presumed to be unable to manage adequately the funds paid on behalf of the dependent child and, unless the teenage custodial parent demonstrates otherwise, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

PART IX. MISCELLANEOUS

NEW SECTION. Sec. 30. A new section is added to chapter 74.12 RCW to read as follows:

The department shall actively develop mechanisms for the income assistance program, the medical assistance program, and the community services administration to facilitate the enrollment in the federal supplemental security income program of disabled persons currently part of assistance units receiving aid to families with dependent children benefits.

NEW SECTION. Sec. 31. A new section is added to chapter 74.12 RCW to read as follows:

By October 1, 1994, the department shall request the governor to seek congressional action on any federal legislation that may be necessary to implement any sections of chapter . . . , Laws of 1994 (this act). By October 1, 1994, the department shall request the governor to seek federal agency action on any federal regulation that may require a federal waiver.

NEW SECTION. Sec. 32. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 33. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 34. Sections 6 and 8 of this act shall take effect July 1, 1995.

NEW SECTION. Sec. 35. Part headings as used in this act constitute no part of the law."

POINT OF ORDER
SPECIAL ORDER OF BUSINESS

Senator Nelson: "A point of order, Mr. President. The motion has been made prior to this time to have a special order of business on Engrossed Second Substitute House Bill No. 2319 at 4:55 p.m."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, I think Senator Nelson is actually right that we do have a special order of business for 4:55 p.m. and it would be my understanding, Mr. President, that we can come back to this bill after we finish our special order of business."

RELY BY THE PRESIDENT

President Pritchard: "That has been the custom."

PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, when the time comes, I would like to have you prepared to make a ruling on whether we can still vote on Engrossed House Bill No. 2161. I just wanted you to be prepared to make a ruling if someone asks if we can have a vote on that after 5 o'clock. You don't need to make a ruling right now."

REPLY BY THE PRESIDENT

President Pritchard: "I'll be prepared."

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319, by House Committee on Appropriations (originally sponsored by Representatives Appelwick, Leonard, Johanson, Valle, Wang, Wineberry, Scott, Karahalios, Caver, Kessler, Basich, Wolfe, J. Kohl, Veloria, Quall, Holm, Jones, Shin, King, Patterson, Eide, Dellwo, L. Johnson, Springer, Pruitt, Ogden, H. Myers and Anderson) (by request of Governor Lowry)

Enacting programs to reduce violence.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Health and Human Services amendment not be adopted:
Strike everything after the enacting clause and insert the following:

"PART I. INTENT

NEW SECTION. **Sec. 101.** The legislature finds that the increasing violence in our society causes great concern for the immediate health and safety of our citizens and our social institutions. Youth violence is increasing at an alarming rate and young people between the ages of fifteen and twenty-four are at the highest risk of being perpetrators and victims of violence. Additionally, random violence, including homicide and the use of firearms, has dramatically increased over the last decade.

The legislature finds that violence is abhorrent to the aims of a free society and that it can not be tolerated. State efforts at reducing violence must include changes in criminal penalties, reducing the unlawful use of and access to firearms, increasing educational efforts to encourage nonviolent means for resolving conflicts, and allowing communities to design their prevention efforts.

The legislature finds that the problem of violence can be addressed with many of the same approaches that public health programs have used to control other problems such as infectious disease, tobacco use, and traffic fatalities.

Addressing the problem of violence requires the concerted effort of all communities and all parts of state and local governments. It is the immediate purpose of chapter . . . , Laws of 1994 (this act) to: (1) Prevent acts of violence by encouraging change in social norms and individual behaviors that have been shown to increase the risk of violence; (2) reduce the number of at-risk children and youth, as defined in RCW 70.190.010; (3) increase the severity and certainty of punishment for youth and adults who commit violent acts; (4) reduce the severity of harm to individuals when violence occurs; (5) empower communities to focus their concerns and allow them to control the funds dedicated to empirically supported preventive efforts in their region; and (6) reduce the fiscal and social impact of violence on our society.

Sec. 102. RCW 74.14A.020 and 1983 c 192 s 2 are each amended to read as follows:

~~((The department of social and health services))~~ State efforts shall address the needs of children and their families, including emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Ensuring that appropriate social and health services are provided to the family unit both prior to and during the removal of a child from the home and after family reunification;

(3) Ensuring that the safety and best interests of the child are the paramount considerations when making placement and service delivery decisions;

(4) Recognizing the interdependent and changing nature of families and communities, building upon their inherent strengths, maintaining their dignity and respect, and tailoring programs to their specific circumstances;

(5) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

~~((4))~~ (6) Being sensitive to the family and community culture, norms, values, and expectations, ensuring that all services are provided in a culturally appropriate and relevant manner, and ensuring participation of racial and ethnic minorities at all levels of planning, delivery, and evaluation efforts;

~~(7)~~(a) Developing coordinated social and health services which:

~~((a))~~ (i) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

~~((b))~~ (ii) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

~~((c))~~ (iii) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

~~((d))~~ (iv) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

~~((e))~~ (v) Reduce duplication of and gaps in service delivery;

~~((f))~~ (vi) Improve planning, budgeting, and communication among all units of the department ~~((serving))~~ and among all agencies that serve children and families; and

~~((g) Develop)~~ (vii) Utilize outcome standards for measuring the effectiveness of social and health services for children and families.

(b) In developing services under this subsection, local communities must be involved in planning and developing community networks that are tailored to their unique needs.

PART II. PUBLIC HEALTH

NEW SECTION. Sec. 201. The legislature recognizes that the state patrol, the office of the administrator for the courts, the sheriffs' and police chiefs' association, the department of social and health services, the department of community development, the sentencing guidelines commission, the department of corrections, and the superintendent of public instruction each have comprehensive data and analysis capabilities that have contributed greatly to our current understanding of crime and violence, and their causes.

The legislature finds, however, that a single health-oriented agency must be designated to provide consistent guidelines to all these groups regarding the way in which their data systems collect this important data. It is not the intent of the legislature by section 202 of this act to transfer data collection requirements from existing agencies or to require the addition of major new data systems. It is rather the intent to make only the minimum required changes in existing data systems to increase compatibility and comparability, reduce duplication, and to increase the usefulness of data collected by these agencies in developing more accurate descriptions of violence.

NEW SECTION. Sec. 202. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department of health shall develop, in consultation with affected groups or agencies, comprehensive rules for the collection and reporting of data relating to acts of violence and associated risk and protective factors. The data collection and reporting rules shall be used by any public or private entity that is required to report data relating to acts of violence or other intentional injuries. The department may require any agency or program that is state-funded or that accepts state funds and any licensed or regulated person or professional to report acts of violence and unintentional injuries. To the extent possible the department shall require the reports to be filed through existing data systems. The department may

also require reporting of attempted acts of violence and of nonphysical injuries. For the purposes of this section "acts of violence" means self-directed and interpersonal behaviors that can result in suicide, homicide, and nonfatal intentional injuries.

(2) The department is designated as the state-wide agency for the coordination of all information relating to violence and other intentional injuries.

(3) The department shall provide any necessary data to the local health departments for use in the planning or evaluation by any community network authorized under section 303 of this act.

(4) The department shall publish annual reports on intentional injuries, unintentional injuries, numbers of at-risk youth, and the associated risk and protective factors related to violence. The reports shall be submitted to the legislative budget committee.

(5) The department may, consistent with its general authority and directives under sections 201 through 205 of this act, contract with a college or university that has experience in social service data collection relating to children to provide assistance to:

(a) State and local health departments in developing new sources of data to track acts of violence and associated risk and protective factors; and

(b) Local health departments to compile and effectively communicate data in their communities.

NEW SECTION. Sec. 203. A new section is added to chapter 43.70 RCW to read as follows:

The public health services improvement plan developed under RCW 43.70.520 shall include:

(1) Compatible minimum standards for state and local public health assessment, performance measurement, policy development, and assurances regarding social development to reduce at-risk factors and behaviors associated with violence and other public health threats.

(2)(a) Measurable risk factors that are empirically linked to violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school; and

(b) An evaluation of other factors to determine whether they are empirically related risk factors, such as: Child abuse and neglect, out-of-home placements, poverty, single-parent households, inadequate nutrition, hunger, unemployment, lack of job skills, gang affiliation, lack of recreational or cultural opportunities, domestic violence, school absenteeism, court-ordered parenting plans, physical, emotional, or behavioral problems requiring special needs assistance in K-12 schools, learning disabilities, and any other possible factors.

(3) Data collection and analysis standards on risk and protective factors for use by the local public health departments and the state council and the local community networks to ensure consistent and interchangeable data.

(4) Recommendations regarding any state or federal statutory barriers affecting data collection or reporting.

The department shall provide an annual report to the legislative budget committee on the implementation of this section.

NEW SECTION. Sec. 204. A new section is added to chapter 43.70 RCW to read as follows:

The department shall establish, by rule, standards for local health departments to use in assessment, performance measurement, policy development, and assurances regarding social development to prevent health problems caused by risk factors empirically linked to: Violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school. The standards shall be based on the standards set forth in the public health improvement plan as required by section 203 of this act.

The department shall review the definitions of at-risk children and youth, protective factors, and risk factors contained in RCW 70.190.010 and make any suggested recommendations for change to the legislature by January 1, 1995.

NEW SECTION. Sec. 205. A new section is added to chapter 43.70 RCW to read as follows:

The legislature encourages the use of a state-wide voluntary, socially responsible policy to reduce the emphasis, amount, and type of violence in all public media. The department shall develop a suggested reporting format for use by the print, television, and radio media in reporting their voluntary violence reduction efforts. Each area of the public media may carry out the policy in whatever manner that area deems appropriate.

PART III. COMMUNITY NETWORKS

Sec. 301. RCW 70.190.005 and 1992 c 198 s 1 are each amended to read as follows:

The legislature finds that a primary goal of public involvement in the lives of children has been to strengthen the family unit.

However, the legislature recognizes that traditional two-parent families with one parent routinely at home are now in the minority. In addition, extended family and natural community supports have eroded drastically. The legislature recognizes that public policy assumptions must be altered to account for this new social reality. Public effort must be redirected to expand, support, strengthen, and help ~~((refashion))~~ reconstruct family and community ~~((associations))~~ networks to ~~((care-for))~~ assist in meeting the needs of children.

The legislature finds that a broad variety of services for children and families has been independently designed over the years and that the coordination and cost-effectiveness of these services will be enhanced through the adoption of ~~((a-common))~~ an approach ~~((to-their-delivery))~~ that allows communities to prioritize and coordinate services to meet their local needs. The legislature further finds that the most successful programs for reaching and working with at-risk families and children treat individuals' problems in the context of the family, offer a broad spectrum of services, are flexible in the use of program resources, and use staff who are trained in crossing traditional program categories in order to broker services necessary to fully meet a family's needs.

The legislature further finds that eligibility criteria, expenditure restrictions, and reporting requirements of state and federal categorical programs often create barriers toward the effective use of resources for addressing the multiple problems of at-risk families and children.

The purposes of this chapter are (1) to modify public policy and programs to empower communities to support and respond to the needs of individual families and children and (2) to improve the responsiveness of services for children and families at risk by facilitating greater coordination and flexibility in the use of funds by state and local service agencies.

Sec. 302. RCW 70.190.010 and 1992 c 198 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) "At-risk" children and youth are those who risk the significant loss of social, educational, or economic opportunities. At-risk behaviors include delinquent acts, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school. At-risk children and youth also include those who are victims of violence, abuse, neglect, and those who have been removed from the custody of their parents.~~

~~(2) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported.~~

~~((2)) (3) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community, trade, and economic development, and such other departments as may be specifically designated by the governor.~~

~~((3) "Family policy") (4) "Community public health and safety council" or "council" means: The superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community, trade, and economic development or their designees((-)); one legislator from each caucus of the senate and house of representatives((-and)); one representative of the governor; one representative each appointed by the governor for cities, towns, counties, federally recognized Indian tribes, school districts, the children's commission, law enforcement agencies, superior courts, public parks and recreation programs, and private agency service providers; citizen representatives of community organizations not associated with delivery of services affected by chapter . . . Laws of 1994 (this act); and two chief executive officers of major Washington corporations appointed by the governor.~~

~~((4)) (5) "Outcome" or "outcome based" means defined and measurable outcomes and indicators that make it possible for communities to evaluate progress in meeting their goals ((and whether systems are fulfilling their responsibilities)) in reducing the number of at-risk children and youth through reducing their risk factors and increasing their protective factors.~~

~~((5)) (6) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a ((consortium's project)) community network's plan. Up to half of the ((consortium's)) community network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match.~~

~~((6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortia shall represent a county, multicounty, or municipal service area. In addition, consortia may represent Indian tribes applying either individually or collectively.)~~

~~(7) "Community public health and safety networks" or "community networks" means authorities authorized under section 303 of this act.~~

~~(8) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, and alcohol and substance abuse, educational opportunities, employment opportunities, and absence of crime.~~

~~(9) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence. Risk factors include availability of drugs or alcohol, economic, educational, and social deprivation, rejection of identification with the community, academic failure, a family history of high substance abuse, crime, a lack of acceptance of societal norms, and substance, child, and sexual abuse.~~

NEW SECTION. Sec. 303. A new section is added to chapter 70.190 RCW to read as follows:

(1) The legislature intends to create community public health and safety networks to reconnect parents and other citizens with children, youth, families, and community institutions which support health and safety. The networks should empower parents and other citizens by being a means of expressing their attitudes, spirit, and perspectives regarding safe and healthy family and community life. The legislature intends that parent and other citizen perspectives exercise a controlling influence over policy and program operations of professional organizations concerned with children and family issues within networks in a manner consistent with the Constitution and state law. It is not the intent of the legislature that health, social service, or educational professionals dominate community public health and safety network processes or programs, but rather that these professionals use their skills to lend support to parents and other citizens in expressing their values as parents and other citizens identify community needs and establish community priorities. To this end, the legislature intends full participation of parents and other citizens in community public health and safety networks. The intent is that local community values are reflected in the operations of the network.

(2) A group of persons described in subsection (3) of this section may apply by December 1, 1994, to be a community public health and safety network.

(3) Each community public health and safety network shall be composed of twenty-three people, thirteen of whom shall be citizens with no direct fiduciary interest in health, education, social service, or justice system organizations operating within the network area. In selecting these members, consideration shall be given to citizen members of community mobilization advisory boards, city or county children's services commissions, human services advisory boards, or other such organizations which may exist within the network. These thirteen persons shall be selected as follows: Three by the chambers of commerce located in the network, three by school board members of the school districts within the network boundary, three by the county legislative authorities of the counties within the network boundary, three by the city legislative authorities of the cities within the network boundary, and one high school student, selected by student organizations within the network boundary. The remaining ten members shall include local representation from the following groups and entities: Cities, counties, federally recognized Indian tribes, parks and recreation programs, law enforcement agencies, superior court judges, state children's service workers from within the network area, employment assistance workers from within the network area, private social, educational, or health service providers from within the network area, and broad-based nonsecular organizations.

(4) A list of the network members shall be submitted to the governor on December 1, 1994, by the network chair who shall be selected by network members at their first meeting. The list shall become final unless the governor chooses other members by December 20, 1994. The governor shall accept the list unless he or she believes the proposed list does not adequately represent all parties identified in subsection (3) of this section or a member has a conflict of interest between his or her membership and his or her livelihood. Members of the community network shall serve terms of three years.

The terms of the initial members of each network shall be as follows: (a) One-third shall serve for one year; (b) one-third shall serve for two years; and (c) one-third shall serve for three years. Initial members may agree which shall serve fewer than three years or the decision may be made by lot. The same process shall be used in the selection of the chair and members for subsequent terms. Any vacancy occurring during the term may be filled by the chair for the balance of the unexpired term.

(5) The network shall select a public entity as the lead administrative and fiscal agency for the network. In making the selection, the network shall consider: (a) Experience in administering prevention and intervention programs; (b) the relative geographical size of the network and its members; (c) budgeting and fiscal capacity; and (d) how diverse a population each entity represents.

NEW SECTION. Sec. 304. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety networks shall:

- (1) Review local public health data relating to risk factors, protective factors, and at-risk children and youth;
- (2) Prioritize the risk factors and protective factors to reduce the likelihood of their children and youth being at risk. The priorities shall be based upon the local public health data and shall utilize the data standards established by the department of health under section 204 of this act;
- (3) Develop long-term community plans to reduce the number of at-risk children and youth; set definitive, measurable goals, based upon the department of health standards; and project their desired outcomes;
- (4) Distribute funds to local programs that reflect the locally established priorities;
- (5) Comply with outcome-based standards for determining success;
- (6) Cooperate with the department of health and local boards of health to provide data and determine outcomes; and
- (7) Coordinate its efforts with anti-drug use efforts and organizations and maintain a high priority for combatting drug use by at-risk youth.

NEW SECTION. Sec. 305. A new section is added to chapter 70.190 RCW to read as follows:

(1) The community network's plan may include a program to provide postsecondary scholarships to at-risk students who: (a) Are community role models under criteria established by the community network; (b) successfully complete high school; and (c) maintain at least a 2.5 grade point average throughout high school. Funding for the scholarships may include public and private sources.

(2) The community network's plan may also include funding of community-based home visitor programs which are designed to reduce the incidence of child abuse and neglect with the network. The program may provide parents with education and support either in parents' homes or in other locations comfortable for parents, beginning with the birth of their first baby. The program may make the following services available to the families:

- (a) Visits for all expectant or new parents, either at the parent's home or another location with which the parent is comfortable;
- (b) Screening before or soon after the birth of a child to assess the family's strengths and goals and define areas of concern in consultation with the family;
- (c) Parenting education and skills development;
- (d) Parenting and family support information and referral;
- (e) Parent support groups; and
- (f) Service coordination for individual families, and assistance with accessing services, provided in a manner that ensures that individual families have only one individual or agency to which they look for service coordination. Where appropriate for a family, service coordination may be conducted through interdisciplinary or interagency teams.

(3) The community network may include funding of:

- (a) At-risk youth job placement and training programs. The programs shall:
- (i) Identify and recruit at-risk youth for local job opportunities;
 - (ii) Provide skills and needs assessments for each youth recruited;
 - (iii) Provide career and occupational counseling to each youth recruited;
 - (iv) Identify businesses willing to provide employment and training opportunities for at-risk youth;
 - (v) Match each youth recruited with a business that meets his or her skills and training needs;
 - (vi) Provide employment and training opportunities that prepare the individual for demand occupations; and
 - (vii) Include, to the extent possible, collaboration of business, labor, education and training, community organizations, and local government;
- (b) Employment assistance, including job development, school-to-work placement, employment readiness training, basic skills, apprenticeships, job mentoring, and private sector and community service employment;
- (c) Education assistance, including tutoring, mentoring, interactions with role models, entrepreneurial education and projects, and employment reentry assistance services;
- (d) Peer-to-peer, group, and individual counseling, including crisis intervention, for at-risk youth and their parents;
- (e) Youth coalitions that provide opportunities to develop leadership skills and gain appropriate respect, recognition, and rewards for their positive contribution to their community;
- (f) Technical assistance to applicants to increase their organizational capacity and to improve the likelihood of a successful application; and
- (g) Technical assistance and training resources to successful applicants.

NEW SECTION. Sec. 306. A new section is added to chapter 70.190 RCW to read as follows:

- (1) All community networks shall be eligible to receive planning grants and technical assistance from the council on January 1, 1995. Planning grants may be funded through available federal funds for family preservation services. After receiving the planning grant the region will be given up to one year to submit the long-term community plan. Effective July 1, 1995, up to one-half of the community networks will be eligible to receive grant funds for prevention and early intervention programs.
- (2) The community networks that did not receive the initial grants shall be eligible, upon approval of their plans by the council, to receive such funds on January 1, 1997.
- (3) The participating state agencies shall enter into biennial contracts with community networks as part of the grant process. The contracts shall be consistent with available resources, and shall be distributed in accordance with the distribution formula developed pursuant to section 325 of this act.
- (4) No later than February 1 of each odd-numbered year following the initial contract between the council and a network, the council shall request from the network its plan for the upcoming biennial contract period.
- (5) The council shall notify the community networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

NEW SECTION. Sec. 307. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety council shall:

- (1) Establish network boundaries by July 1, 1994. There is a presumption that no county may be divided between two or more community networks and no network shall have fewer than forty thousand population. When approving multicounty networks, considering dividing a county between networks, or creating a network with a population of less than forty thousand, the council must consider: (a) Common economic, geographic, and social interests; (b) historical and existing shared governance; and (c) the size and location of population centers. Individuals and groups within any area shall be given ample opportunity to propose network boundaries in a manner designed to assure full consideration of their expressed wishes;
- (2) Develop a technical assistance and training program to assist communities in creating and developing community networks;
- (3) Approve the structure, purpose, goals, plan, and performance measurements of each community network;
- (4) Identify all prevention and early intervention programs and funds, other than program funds designed for treatment as defined in section 308 of this act, including all programs funded under RCW 69.50.520, in addition to those set forth in sections 311 through 315 of this act, which could be transferred, in all or part, to the community networks, and report their findings and recommendations to the governor and the legislature regarding any appropriate program transfers by January 1 of each year;
- (5) Reward community networks that show exceptional success as provided in section 325 of this act;
- (6) Seek every opportunity to maximize federal and other funding that is consistent with the plans approved by the council for the purpose and goals of this chapter;
- (7) Review the state-funded out-of-home placement rate before the end of each contract to determine whether the region has sufficiently reduced the rate. If the council determines that there has not been a sufficient reduction in the rate, it may reduce the immediately succeeding grant to the network; and
- (8) Review the implementation of chapter . . . , Laws of 1994 (this act) and report its recommendations to the legislature annually. The report shall use measurable performance standards to evaluate the implementation.

NEW SECTION. Sec. 308. A new section is added to chapter 70.190 RCW to read as follows:

(1) The council may, by a vote of its membership, remove from a program, subject to the grant process under this chapter, any funds that are used solely for treatment.

(2) For the purposes of this section, "treatment" means remediation of personal functioning that has been lost or impaired as the immediate result of an act of violence, as defined in section 202 of this act.

NEW SECTION. Sec. 309. A new section is added to chapter 70.190 RCW to read as follows:

(1) The participating state agencies shall execute an interagency agreement to ensure the coordination of their local program efforts regarding children. This agreement shall recognize and give specific planning, coordination, and program administration responsibilities to community networks after the approval under section 310 of this act of their comprehensive community plans. The community networks shall encourage the development of integrated, regionally based children, youth, and family activities and services with adequate local flexibility to accomplish the purposes stated in section 101 of this act and RCW 74.14A.020.

(2) The community networks shall exercise the planning, coordinating, and program administration functions specified by the state interagency agreement in addition to other activities required by law, and shall participate in the planning process required by chapter 71.36 RCW.

(3) Any state or federal funds identified for contracts with community networks shall be transferred with no reductions. Until federal waivers are obtained, federal funds shall be used only for federally allowable purposes.

NEW SECTION. Sec. 310. A new section is added to chapter 70.190 RCW to read as follows:

(1) The council shall only disburse funds to a community network after a comprehensive community plan has been prepared and approved by the network. In approving the plan the council shall consider whether the network:

(a) Promoted input from the widest practical range of agencies and affected parties;

(b) Reviewed the indicators of violence data compiled by the local public health departments and incorporated a response to those indicators in the plan;

(c) Obtained a declaration by the largest health department in the region, ensuring that the plan met the department of health's minimum standards for assessment and policy development relating to social development under section 204 of this act;

(d) Included a specific mechanism of data collection and transmission based on the rules established by the department of health under section 204 of this act;

(e) Considered all relevant causes of violence in its community and did not isolate only one or a few of the elements to the exclusion of others and demonstrated evidence of building community capacity through effective neighborhood and community development; and

(f) Committed to make measurable reductions in the number of at-risk children and youth by reducing state-funded out-of-home placements and make reductions in at least three of the following areas: Violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or the youth rate of dropping out of school.

(2) Upon approval of a community network's plan, the council shall grant all of the funds for the programs identified in sections 311 through 315 of this act, unless the community network has demonstrated that a specific program, or a part of a program, should not be granted to the network. To preclude a grant, the community network shall demonstrate, in a detailed plan, that the existing program, or part of a program:

(a) Is incorporated into the community plan;

(b) Is adequately integrated and coordinated with other prevention and intervention programs in the community;

(c) Possesses such a unique character that the community network would be unable to independently contract for those services;

(d) Is adequately supported and reinforced by the community;

(e) Presently ensures that follow-up efforts are utilized so that the program has long-lasting benefits;

(f) Is designed such that decategorization of the services would be detrimental to the consumer; and

(g) Is contributing to the reduction in the number of at-risk children and youth in the community through reducing risk factors or increasing protective factors.

NEW SECTION. Sec. 311. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall, subject to the provisions of sections 308 and 310(2) of this act, contract with the community networks approved under section 310 of this act, on a grant basis, for the administration of an integrated program reducing the number of at-risk children and youth beginning July 1, 1995. The contract shall include state and federal funds currently appropriated for at least:

(1) The victim's assistance program, except sexual assault services;

(2) Consolidated juvenile services; and

(3) Family preservation and support services.

The contract may also include funds for family preservation services which may be available for the purposes of chapter 70.190 RCW.

NEW SECTION. Sec. 312. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall, subject to the provisions of sections 308 and 310(2) of this act, contract with the community networks approved under section 310 of this act, on a grant basis, for the administration of an integrated program reducing the number of at-risk children and youth beginning July 1, 1995. The contracts shall include state and federal funds currently appropriated for at least:

(1) The readiness to learn program; and

(2) Drug and alcohol abuse prevention and early intervention in schools under RCW 28A.170.075 through 28A.170.100.

NEW SECTION. Sec. 313. A new section is added to chapter 43.63A RCW to read as follows:

The department of community, trade, and economic development shall, subject to the provisions of sections 308 and 310(2) of this act, contract with the community networks approved under section 310 of this act, on a grant basis, for the administration of an integrated program reducing the number of at-risk children and youth beginning July 1, 1995. The contracts shall include state and federal funds currently appropriated for at least:

- (1) The community mobilization program; and
- (2) The violence prevention program.

NEW SECTION. Sec. 314. A new section is added to chapter 70.190 RCW to read as follows:

All funds transferred to community networks for programs under RCW 28A.170.075 through 28A.170.100 and chapter 43.270 RCW shall, until July 1, 1997, be used only for the purposes of RCW 28A.170.075 through 28A.170.100 and chapter 43.270 RCW.

NEW SECTION. Sec. 315. A new section is added to chapter 43.101 RCW to read as follows:

The criminal justice training commission shall, subject to the provisions of sections 308 and 310(2) of this act, contract with community networks approved under section 310 of this act, on a grant basis for the administration of an integrated program reducing the number of at-risk children and youth. The contract shall include all state and federal funds currently appropriated for the community-police partnership program under RCW 43.101.240.

Sec. 316. RCW 43.101.240 and 1989 c 271 s 423 are each amended to read as follows:

(1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region X) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing. ((The commission shall report its findings and progress to the legislature by January 1990.))

(2) Local law enforcement agencies are encouraged to form community-police partnerships in ~~((areas of substantial drug crimes))~~ all neighborhoods and particularly areas with high rates of criminal activity. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

~~((3) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission for the purposes of subsection (1) of this section.))~~

NEW SECTION. Sec. 317. A new section is added to chapter 70.190 RCW to read as follows:

If there exist any federal restrictions against the transfer of funds, for the programs enumerated in sections 309 through 315 of this act, to the community networks, the council shall assist the governor in immediately applying to the federal government for waivers of the federal restrictions. The council shall also assist the governor in coordinating efforts to make any changes in federal law necessary to meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

NEW SECTION. Sec. 318. A new section is added to chapter 70.190 RCW to read as follows:

For grant funds awarded under sections 307 and 311 through 315 of this act, no state agency may require any other program requirements, except those necessary to meet federal funding standards or requirements. None of the grant funds awarded to the community networks shall be considered as new entitlements.

NEW SECTION. Sec. 319. A new section is added to chapter 70.190 RCW to read as follows:

The implementation of community networks shall be included in all federal and state plans affecting the state's children, youth, and families. The plans shall be consistent with the intent and requirements of this chapter.

Sec. 320. RCW 70.190.020 and 1992 c 198 s 4 are each amended to read as follows:

To the extent that any power or duty of the council ~~((created according to chapter 198, Laws of 1992))~~ may duplicate efforts of existing councils, commissions, advisory committees, or other entities, the governor is authorized to take necessary actions to eliminate such duplication. This shall include authority to consolidate similar councils or activities in a manner consistent with the goals of this chapter ~~((198, Laws of 1992)).~~

Sec. 321. RCW 70.190.030 and 1992 c 198 s 5 are each amended to read as follows:

~~((4))~~ The ~~((family policy))~~ council shall annually solicit from ~~((consortiums))~~ community networks proposals to facilitate greater flexibility, coordination, and responsiveness of services at the community level. The council shall consider such proposals only if:

~~((a))~~ (1) A comprehensive plan has been prepared by the ~~((consortium; and~~
~~((b))~~ community networks;

(2) The ~~((consortium))~~ community network has identified and agreed to contribute matching funds as specified in RCW 70.190.010; ~~((and~~

~~((e))~~ (3) An interagency agreement has been prepared by the ~~((family policy))~~ council and the participating local service and support agencies that governs the use of funds, specifies the relationship of the project to the principles listed in RCW 74.14A.025, and identifies specific outcomes and indicators; and

~~((d) Funds are to be used to provide support or services needed to implement a family's or child's case plan that are not otherwise adequately available through existing categorical services or community programs; [and]~~

~~(e) The consortium has provided written agreements that identify a lead agency that will assume fiscal and programmatic responsibility for the project, and identify participants in a consortium council with broad participation and that shall have responsibility for ensuring effective coordination of resources; and~~

~~(f)) (4) The ((consortium)) community network has designed into its comprehensive plan standards for accountability. Accountability standards include, but are not limited to, the public hearing process eliciting public comment about the appropriateness of the proposed comprehensive plan. The ((consortium)) community network must submit reports to the ((family policy)) council outlining the public response regarding the appropriateness and effectiveness of the comprehensive plan.~~

~~((2) The family policy council may submit a prioritized list of projects recommended for funding in the governor's budget document.~~

~~(3) The participating state agencies shall identify funds to implement the proposed projects from budget requests or existing appropriations for services to children and their families.)~~

Sec. 322. RCW 70.190.040 and 1993 c 336 s 901 are each amended to read as follows:

(1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the ((family policy)) council shall ((award)) include those funds in grants to ((community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn)) community networks.

Sec. 323. RCW 70.190.900 and 1992 c 198 s 11 are each amended to read as follows:

By June 30, 1995, the ((family policy)) council shall report to the appropriate committees of the legislature on the expenditures made, outcomes attained, and other pertinent aspects of its experience in the implementation of RCW 70.190.030.

NEW SECTION. Sec. 324. A new section is added to chapter 43.41 RCW to read as follows:

The office of financial management shall review the administration of funds as modified by sections 307 and 311 through 317 of this act and shall by January 1, 1995, propose legislation to complete interdepartmental transfers of funds or programs needed to place all programs and funds affected by sections 307 and 311 through 317 of this act into a single existing state agency. The proposal shall place these programs in a single state agency whose statutory purpose, mission, goals, and operating philosophy most closely supports the principles and purposes of section 101 of this act and RCW 74.14A.020. The office of financial management may not suggest the creation of a new state agency for the function unless, after thorough review and documentation, the office of financial management determines that no suitable state agency exists. The office of financial management shall review statutes that authorize the programs transferred by sections 311 through 317 of this act and suggest legislation to eliminate statutory requirements that may interfere with the administration of that policy.

NEW SECTION. Sec. 325. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office of financial management, in consultation with affected parties, shall establish a fund distribution formula for determining allocations to the community networks authorized under section 310 of this act. The formula shall reflect the local needs assessment for at-risk children and consider:

- (a) The number of arrests and convictions for juvenile violent offenses;
- (b) The number of arrests and convictions for crimes relating to juvenile drug offenses and alcohol related offenses;
- (c) The number of teen pregnancies and parents;
- (d) The number of child and teenage suicides and attempted suicides; and
- (e) The high school graduation rate.

(2) In developing the formula, the office of financial management shall reserve five percent of the funds for the purpose of rewarding community networks.

(3) The reserve fund shall be used by the council to reward community networks that show exceptional reductions in: State-funded out-of-home placements, violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or school dropout rates.

(4) The office of financial management shall submit the distribution formula to the community public health and safety council and to the appropriate committees of the legislature by December 20, 1994.

NEW SECTION. Sec. 326. A new section is added to chapter 70.190 RCW to read as follows:

If a community network is unable or unwilling to assume powers and duties authorized under this chapter by June 30, 1998, and the legislative budget committee recommends under section 701 of this act making grants with available funds, the office of financial management may transfer all funds and programs to a single state agency for the purpose of integrating the programs and services.

NEW SECTION. Sec. 327. The secretary of social and health services and the insurance commissioner shall conduct a study regarding liability issues and insurance rates for private nonprofit group homes that contract with the department for client placement. The secretary and commissioner shall report their findings and recommendations to the legislature by November 15, 1994.

NEW SECTION. Sec. 328. A new section is added to chapter 43.20A RCW to read as follows:

The secretary of social and health services shall make all of the department's evaluation and research materials and data on private nonprofit group homes available to group home contractors. The department may delete any information from the materials that identifies a specific client or contractor, other than the contractor requesting the materials.

NEW SECTION. Sec. 329. The governor shall appoint the initial members of the community public health and safety council by May 15, 1994.

NEW SECTION. Sec. 330. RCW 70.190.900 and 1994 c . . . s 323 (section 323 of this act) & 1992 c 198 s 11 are each repealed.

NEW SECTION. Sec. 331. Section 330 of this act shall take effect July 1, 1995.

PART IV. PUBLIC SAFETY

Sec. 401. RCW 43.06.260 and 1969 ex.s. c 186 s 7 are each amended to read as follows:

After the proclamation of a state of emergency as provided in RCW 43.06.010 any person (~~sixteen~~) fourteen years of age or over who violates any provision of RCW 43.06.010(~~and~~) or 43.06.200 through 43.06.270 shall be (~~prosecuted as an adult~~) subject to a decline hearing under RCW 13.40.110.

NEW SECTION. Sec. 402. A new section is added to chapter 35.21 RCW to read as follows:

(1) Any city or town has the authority to enact an ordinance, for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at such rates as to be beyond the capacity of the police to assure public safety, establishing times and conditions under which juveniles may be present on the public streets, in the public parks, or in any other public place during specified hours.

(2) The ordinance shall: (a) Contain clear specific prohibitions in terms of location, conduct, and ages; and (b) accommodate (i) juveniles acting in the course of their employment, (ii) juveniles engaged in organized school activities, (iii) the physical well-being of the juvenile, and (iv) juveniles who are in the presence of their parents.

NEW SECTION. Sec. 403. A new section is added to chapter 35A.11 RCW to read as follows:

(1) Any code city has the authority to enact an ordinance, for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at such rates as to be beyond the capacity of the police to assure public safety, establishing times and conditions under which juveniles may be present on the public streets, in the public parks, or in any other public place during specified hours.

(2) The ordinance shall: (a) Contain clear specific prohibitions in terms of location, conduct, and ages; and (b) accommodate (i) juveniles acting in the course of their employment, (ii) juveniles engaged in organized school activities, (iii) the physical well-being of the juvenile, and (iv) juveniles who are in the presence of their parents.

NEW SECTION. Sec. 404. A new section is added to chapter 36.32 RCW to read as follows:

(1) The legislative authority of any county has the authority to enact an ordinance, for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at such rates as to be beyond the capacity of the police to assure public safety, establishing times and conditions under which juveniles may be present on the public streets, in the public parks, or in any other public place during specified hours.

(2) The ordinance shall: (a) Contain clear specific prohibitions in terms of location, conduct, and ages; and (b) accommodate (i) juveniles acting in the course of their employment, (ii) juveniles engaged in organized school activities, (iii) the physical well-being of the juvenile, and (iv) juveniles who are in the presence of their parents.

Sec. 405. RCW 46.20.265 and 1991 c 260 s 1 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to section 407 or 408 of this act, RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection.

(b) If the diversion agreement was for the juvenile's first violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 9.41, 66.44,

69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

Sec. 406. RCW 13.40.265 and 1989 c 271 s 116 are each amended to read as follows:

(1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) If the offense is the juvenile's first violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

NEW SECTION. Sec. 407. A new section is added to chapter 9.41 RCW to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

NEW SECTION. Sec. 408. A new section is added to chapter 9.94A RCW to read as follows:

Upon conviction of any person under age eighteen of an offense involving the use of a deadly weapon as defined in RCW 9A.04.110 or a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing of the conviction.

NEW SECTION. Sec. 409. A new section is added to chapter 9.41 RCW to read as follows:

Upon conviction of any person of any offense that disqualifies the offender from ownership of a pistol the court shall: (1) Immediately revoke the concealed pistol license of the offender, if any; (2) order the immediate surrender of the license to the court; (3) destroy the license, unless an appeal of the conviction is timely filed, in which case the court shall retain possession of the license until a final determination of the appeal; and (4) notify the department of licensing of the revocation.

If the license has not otherwise expired, the court shall restore, without cost, the license of a person whose conviction is reversed on appeal. The person shall also be eligible for relicensing without consideration of the original conviction. Upon restoration, the court shall immediately notify the department of licensing.

NEW SECTION. Sec. 410. A new section is added to chapter 9.41 RCW to read as follows:

Upon receipt of notice from the court under section 409 of this act, the department shall correct its records to reflect the revocation or restoration of the concealed pistol license.

Sec. 411. RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ("Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(2) "Crime of violence" ((as used in this chapter)) means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, residential burglary, burglary in the second degree, ((and)) robbery in the second degree, and malicious harassment;

(b) Any conviction or adjudication for a felony offense in effect at any time prior to ~~((July 1, 1976))~~ the effective date of this section, which is comparable to a felony classified as a crime of violence in subsection (2)(a) of this section; and

(c) Any federal or out-of-state conviction or adjudication for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Deadly weapon" has the same definition as in RCW 9A.04.110.

(4) "Dealer" means:

(a) Any person engaged in the business of selling firearms at wholesale or retail;

(b) Any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or

(c) Any person who is a pawnbroker.

(5)(a) "Engaged in the business" means:

(i) As applied to a dealer as defined in subsection (4)(a) of this section, a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms;

(ii) As applied to a dealer as defined in subsection (4)(b) of this section, a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

(b) For the purpose of this subsection, "with the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.

(c) The possession of a federal firearms license under 18 U.S.C. Sec. 923 does not constitute conclusive proof that the holder is a person engaged in business as a dealer.

(6) "Firearm" ((as used in this chapter)) means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.))~~

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom.

(8) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Child molestation in the second degree;

(c) Controlled substance homicide;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Sexual exploitation;

(j) Vehicular assault;

(k) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(l) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(m) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or

(n) Any felony offense in effect at any time prior to the effective date of this section that is comparable to a most serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense.

(9) "Pistol" means any firearm with a barrel less than twelve inches in length.

Sec. 412. RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are each reenacted and amended to read as follows:

(1) A person is guilty of the crime of unlawful possession of a ~~((short firearm or))~~ pistol, if, having previously been convicted or, as a juvenile, adjudicated in this state or elsewhere of a crime of violence, a most serious offense, a domestic violence offense enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW 9A.46.060, or of a felony in which a firearm was used or displayed, the person owns or has in his or her possession any ~~((short firearm or))~~ pistol.

(2) Unlawful possession of a ~~((short firearm or))~~ pistol shall be punished as a class C felony under chapter 9A.20 RCW.

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

(4) Except as provided in subsection (5) of this section, a person is guilty of the crime of unlawful possession of a ~~((short firearm or))~~ pistol if, after having been convicted or adjudicated of any felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction, the person owns or has in his or her possession or under his or her control any ~~((short firearm or))~~ pistol.

(5) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from ownership, possession, or control of a firearm as a result of the conviction.

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

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

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

Sec. 413. RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each amended to read as follows:

(1) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a concealed pistol license ~~((to carry a concealed weapon))~~.

(2) A person who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person shall not carry or place a loaded pistol in any vehicle unless the person has a concealed pistol license ~~((to carry a concealed weapon))~~ and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

Sec. 414. RCW 9.41.060 and 1961 c 124 s 5 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, ~~((policemen))~~ police officers or other law enforcement officers, or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of any organization duly authorized to purchase or receive such ~~((weapons))~~ pistols from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting or modern and antique firearm collecting or to individual hunters: PROVIDED, Such members are at, or are going to or from their places of target practice, or their collector's gun shows and exhibits, or are on a hunting, camping or fishing trip, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his or her possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business or in moving from one place of abode or business to another.

Sec. 415. RCW 9.41.070 and 1992 c 168 s 1 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within ~~((thirty))~~ forty-five days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his or her person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to ~~((sixty))~~ seventy-five days after the filing of the application to issue a license. Such applicant's constitutional right to bear arms shall not be denied, unless he or she:

- (a) Is ineligible to ~~((own))~~ possess a pistol under the provisions of RCW 9.41.040; or
- (b) Is under twenty-one years of age; or
- (c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or
- (d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or
- (e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his or her person; or

(g) Has been convicted of any of the following offenses: Assault in the third degree, indecent liberties, malicious mischief in the first degree, possession of stolen property in the first or second degree, or theft in the first or second degree. Any person who becomes ineligible for a concealed pistol ~~((permit))~~ license as a result of a conviction for a crime listed in this subsection (1)(g) and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition the district court for a declaration that the person is no longer ineligible for a concealed pistol ~~((permit))~~ license under this subsection (1)(g).

(2) In the event the issuing authority is unable to determine whether the applicant has been convicted of an offense that disqualifies the applicant from receiving a license, the issuing authority may extend the period in which a decision is to be made by not more than thirty days if the applicant is notified of the delay by certified mail and is provided an opportunity to present to the issuing authority evidence that he or she has not been convicted of any disqualifying offense. If, at the end of the extended period the issuing authority is unable to determine whether a disqualifying conviction has been entered, the application shall be approved.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored.

~~((3))~~ (4) The license shall be revoked by the issuing authority immediately upon conviction of a crime which makes such a person ineligible to ~~((own))~~ possess a pistol or upon the third conviction for a violation of this chapter within five calendar years.

~~((4))~~ (5) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the issuing authority shall:

(a) On the first forfeiture, revoke the license for one year;

(b) On the second forfeiture, revoke the license for two years;

(c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period. The issuing authority shall notify, in writing, the department of licensing upon revocation of a license. The department of licensing shall record the revocation.

~~((5))~~ (6) The license application shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the full name, street address, ~~((and))~~ date and place of birth, race, gender, description, fingerprints, ~~((and))~~ signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The application shall also include a statement that the applicant is eligible to possess a pistol under RCW 9.41.040. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. ~~The ((application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen))~~ applicant shall also provide the following information: Citizenship, and if not a citizen of the United States whether the applicant has declared the intent to become a citizen of the United States and whether he or she has been required to register with the state or federal government and any identification or registration number, if applicable. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen. ~~((A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor.))~~ A person who is not a citizen of the United States, or has not declared his or her intention to become a citizen shall meet the additional requirements of RCW 9.41.170.

Upon approval of the application by the issuing authority, the original ((thereof)) application and license shall be delivered to the licensee((, the)); a duplicate of the license shall within seven days be sent ((by registered mail)) to the director of licensing; and ((the)) a triplicate of the license shall be preserved for six years, by the issuing authority ((issuing said license)). If the application is denied, notice of the denial shall be sent to the applicant and the director of licensing by the issuing authority within five days of denial.

The department of licensing shall enter the information on the application record and license into its data bank. The department shall make available in an on-line format all information received under this subsection and subsection (5) of this section. The form of the application and license shall be as determined by the director of licensing.

~~((6))~~ (7) The fee for the original issuance of a four-year license shall be ~~((twenty-three))~~ thirty dollars ~~((: PROVIDED, That))~~. No other ((additional charges by any)) branch or unit of government ((shall be borne by)) may impose any additional charges on the applicant for the issuance of the license((: PROVIDED FURTHER, That)).

The fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) ~~((Four))~~ Five dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) ~~((Twelve))~~ Fifteen dollars and fifty cents shall be paid to the issuing authority solely for the purpose of enforcing this chapter; ~~((and))~~

(d) Three dollars to the firearms range account in the general fund; and

(e) Two dollars and fifty cents to the department of licensing solely for the purpose of enforcing this chapter.

~~((7))~~ (8) The fee for the renewal of such license shall be ~~((fifteen))~~ twenty dollars ~~((: PROVIDED, That))~~. No other ~~((additional charges by any))~~ branch or unit of government ~~((shall be borne by))~~ may impose any additional charges on the applicant for the renewal of the license ~~((: PROVIDED FURTHER, That))~~.

The renewal fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) ~~((Eight))~~ Ten dollars shall be paid to the issuing authority solely for the purpose of enforcing this chapter; ~~((and))~~

(c) Three dollars to the firearms range account in the general fund; and

(d) Three dollars to the department of licensing.

~~((9))~~ (9) Methods of payment shall be ~~((by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed))~~ determined at the option of the issuing authority.

~~((9))~~ (10) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection ~~((7))~~ (8) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

~~((10))~~ (11) Notwithstanding the requirements of subsections (1) through ~~((9))~~ (10) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

~~((11))~~ (12) A political subdivision of the state shall not: (a) Modify the requirements of this ~~((section or))~~ chapter ~~((nor may a political subdivision)); (b) refuse to accept a completed application; or (c) ask the applicant to voluntarily submit any information not required by this section.~~ A civil suit may be brought to enjoin a wrongful refusal to accept a completed application or to issue a license or a wrongful modification of the requirements of this ~~((section or))~~ chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

(13) A person who knowingly makes a false statement regarding residency, identity, citizenship, or other required information on an application for a concealed pistol license is guilty of a misdemeanor. Each false statement is a separate offense.

(14) A person may apply for a license only in, and such license may be issued only in, the municipality or the county in which the applicant resides.

Sec. 416. RCW 9.41.080 and 1935 c 172 s 8 are each amended to read as follows:

(1) No person ~~((shall))~~ may deliver a pistol or ammunition usable only in a pistol to any person under the age of twenty-one or to one who he or she has reasonable cause to believe ~~((has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind))~~ is ineligible to possess a pistol under RCW 9.41.040. Violation of this subsection is a gross misdemeanor for the first offense and a class C felony punishable under chapter 9A.20 RCW for all subsequent offenses.

(2) Any person who makes an unlawful delivery under this section within one thousand feet of any public or private elementary or secondary school premises is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) The minimum sentence for a violation of this section is ninety days of confinement.

Sec. 417. RCW 9.41.090 and 1988 c 36 s 2 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no ~~((commercial seller shall))~~ dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the ~~((commercial seller))~~ dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (4) of this section; or

(b) The ~~((seller))~~ dealer is notified in writing by the chief of police of the municipality or the sheriff of the county that the purchaser ~~((meets the requirements of))~~ is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is ~~((granted))~~ approved by the chief of police or sheriff; or

(c) Five consecutive days ~~((including))~~ excluding Saturday, Sunday and holidays have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (4) of this section, and, when delivered, ~~((said))~~ the pistol shall be securely wrapped and shall not be ~~((unloaded))~~ loaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the ~~((seller))~~ dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the ~~((seller))~~ dealer so that the hold may be released if the warrant was for a crime other than a crime of violence.

(3) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for a crime of violence, or (e) an arrest for a crime of violence if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(4) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the ~~((seller))~~ dealer an application containing his or her full name, street address, date and place of birth, ~~((and))~~ race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; ~~((and))~~ a description of the ~~((weapon))~~ pistol, including ~~((:))~~ the make, model, caliber and manufacturer's number; and a statement that the purchaser is eligible to ~~((own))~~ possess a pistol under RCW 9.41.040. The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The ~~((seller))~~ dealer shall, by the end of the business day, sign and attach his or her address and deliver the original of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the ~~((seller))~~ dealer is a resident. The dealer shall send the duplicate to the director of licensing within seven days, and retain the triplicate for six years. The ~~((seller))~~ dealer shall deliver the pistol to the purchaser following the period of time specified in this section unless the ~~((seller))~~ dealer is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser ~~((fails to meet the requirements specified in))~~ is not eligible to possess a pistol under RCW 9.41.040. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

(5) Sales by wholesalers to dealers are exempt from the provisions of this section.

(6) A person who knowingly makes a false statement regarding residency, identity, citizenship, or other required information on the application to purchase a pistol is guilty of a misdemeanor. Each false statement is a separate offense.

Sec. 418. RCW 9.41.095 and 1969 ex.s. c 227 s 3 are each amended to read as follows:

Any person whose application to purchase a pistol as provided in RCW 9.41.090 ~~((as now or hereinafter amended))~~ is denied shall have a right to appeal to the legislative body of the municipality or of the county, whichever is applicable, for a review of the denial at a public hearing to be conducted within fifteen days after denial. It shall be the duty of the law enforcement officer recommending the denial to appear at such hearing and to present proof relating to the grounds for denial. In the event that the evidence so presented does not sustain one of the grounds for denial enumerated in RCW 9.41.090, the legislative authority shall authorize the sale.

Any person aggrieved by a determination of the appropriate legislative body not to permit the sale of such weapon is entitled to judicial review by the superior court in the appropriate county.

Sec. 419. RCW 9.41.098 and 1993 c 243 s 1 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the ~~((Uniformed Uniform))~~ **Uniform** Controlled Substances Act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993, and applies only if the law enforcement agency has complied with (b) of this subsection.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, ~~((short firearms))~~ **pistols**, or shall pay a fee of twenty-five dollars to the state treasurer for every ~~((short firearm))~~ **pistol** neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every ~~((short firearm))~~ **pistol** listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 77.12.720. All trades or auctions of firearms under this subsection shall be to ~~((commercial-sellers))~~ **dealers**. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 77.12.720.

(c) Antique firearms as defined by RCW 9.41.150 and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to ~~((commercial-sellers))~~ **dealers**.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to ~~((commercial-sellers))~~ **dealers**. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 420. RCW 9.41.110 and 1979 c 158 s 2 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

~~(4)~~ The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell pistols or firearms other than pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160 (as recodified by this act).

~~((1+))~~ (5)(a) A licensing authority shall, within forty-five days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to seventy-five days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to own, possess, or control a firearm, and eligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols that are applicable to dealers.

(6)(a) The business shall be carried on only in the building designated in the license.

~~((2))~~ (b) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

~~((3))~~ (c) No pistol ~~((shall))~~ may be sold ~~((a))~~ in violation of any provisions of RCW 9.41.010 through 9.41.160 (as recodified by this act), nor ~~((b-shall))~~ may a pistol be sold under any circumstances unless the purchaser is personally known to the ~~((seller))~~ dealer or shall present clear evidence of his or her identity.

~~((4))~~ A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.

~~(5)~~ This section shall not apply to sales at wholesale.-() (d) The license fee for pistols shall be one hundred fifty dollars. The license fee for firearms other than pistols shall be one hundred fifty dollars. The license fee for ammunition shall be one hundred fifty dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 for the purpose of providing firearm safety training through the department of fish and wildlife in whatever manner the director deems appropriate.

~~((6))~~ (7) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses.

~~((7))~~ (8) Except as provided in RCW 9.41.090 ~~((as now or hereinafter amended))~~, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

~~((The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.-))~~

Sec. 421. RCW 9.41.140 and 1961 c 124 s 10 are each amended to read as follows:

No person ~~((shall))~~ may change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any ~~((pistol))~~ firearm. Possession of any ~~((pistol))~~ firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old ~~((revolvers))~~ firearms, which barrels are produced by current manufacturers and ~~((therefor))~~ do not have the markings on the barrels of the original manufacturers who are no longer in business.

Sec. 422. RCW 9.41.170 and 1979 c 158 s 3 are each amended to read as follows:

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his or her intention to become a citizen of the United States, to carry or have in his or her possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of licensing, and such license is not to be issued by the director of licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he or she is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section ~~((shall be construed to))~~ allows aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 423. RCW 9.41.180 and 1992 c 7 s 8 are each amended to read as follows:

Except as provided in RCW 9.41.185, every person who ((shall)) sets a so-called trap, spring pistol, rifle, or other deadly weapon((, shall be punished as follows:

(1) If no injury result therefrom to any human being, by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both.

(2) If injuries not fatal result therefrom to any human being, by imprisonment in a state correctional facility for not more than twenty years.

(3) If the death of a human being results therefrom, by imprisonment in a state correctional facility for not more than twenty years)) is guilty of a gross misdemeanor.

Sec. 424. RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each amended to read as follows:

(1) It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in his or her possession ((or under control)), any machine gun, or any part thereof capable of use or assembling or repairing any machine gun((: PROVIDED, HOWEVER, That such limitation)).

(2) This section shall not apply to:

(a) Any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington((: PROVIDED FURTHER, That this section does not apply to)) in the discharge of official duty; or

(b) A person, including an employee of such person, who or which is exempt from or licensed under the National Firearms Act (26 U.S.C. section 5801 et seq.), and engaged in the production, manufacture, or testing of weapons or equipment to be used or purchased by the armed forces of the United States, and having a United States government industrial security clearance.

(3) Any person violating this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

Sec. 425. RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as follows:

((No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes.)) (1) Except as provided in this section, no person: (a) Under the age of twenty-one may handle, possess, or control any pistol or ammunition usable only in a pistol; or (b) under the age of fourteen may handle, possess, or control any firearm or ammunition.

(2) Subsection (1) of this section shall not apply to any person:

(a) While in the presence of the person's parent, guardian, or other adult approved for the purpose of this section by the parent or guardian;

(b) While engaged in hunting when in possession of a valid license issued under RCW 77.32.101; or

(c) While under the supervision of a certified safety instructor at an established gun range or at a firearm training class.

(3) This section shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty.

(4) Every person violating ((any of the foregoing provisions)) this section, or aiding or knowingly permitting any such ((minor)) person under the age of twenty-one to violate ((the same)) this section, shall be guilty of a gross misdemeanor for a first offense, and a class C felony punishable under chapter 9A.20 RCW for each subsequent offense.

(5) Nothing in this section shall interfere with the right to use a firearm in self-defense as set forth in chapter 9A.16 RCW.

Sec. 426. RCW 9.41.250 and 1959 c 143 s 1 are each amended to read as follows:

((Every)) It is unlawful for any person ((who shall)) to manufacture, own, buy, sell ((or dispose of)), loan, furnish, transport, or have in his or her possession any ((instrument or)) deadly weapon ((of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; who shall furtively carry with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a gross)) other than a firearm or motor vehicle. A violation of this section is a misdemeanor. This section does not apply to law enforcement or any person engaged in military activities sponsored by the federal or state governments.

Sec. 427. RCW 9.41.260 and 1909 c 249 s 283 are each amended to read as follows:

Every proprietor, lessee or occupant of any place of amusement, or any plat of ground or building, who shall allow it to be used for the exhibition of skill in throwing any sharp instrument or in shooting any bow ((gun, pistol)) or firearm of any description, at or toward any human being, shall be guilty of a misdemeanor.

Sec. 428. RCW 9.41.270 and 1969 c 8 s 1 are each amended to read as follows:

(1) It ((shall be unlawful)) is a class C felony punishable under chapter 9A.20 RCW for anyone to aim any firearm, whether loaded or not, at or towards any human being, or to carry, exhibit, display, or draw any ((firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm.)) deadly weapon in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) ((Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor)) It is a gross misdemeanor to willfully discharge any firearm, air gun, or other deadly weapon or throw any deadly weapon in a public place, or in any place where any reasonable person believes a person might be endangered thereby, although no injury results; or to use any contrivance or device for suppressing the noise of any firearm. A public place shall not include any location at which firearms are authorized to be lawfully discharged.

(3) It is a misdemeanor to carry a concealed deadly weapon, except for a pistol when the person carrying the pistol is licensed under RCW 9.41.070.

(4) For purposes of this section, "reasonable" means a conclusion that a person of ordinary intelligence, given the circumstances during which a belief is held or an event occurred, would be expected to reach, or an action that a person of ordinary intelligence would be expected to take.

(5) Subsection (1) of this section shall not apply to or affect the following:

(a) Any act committed by a person while in his or her place of abode or fixed place of business for the purpose of preventing any criminal act;

(b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments.

Sec. 429. RCW 9.41.280 and 1993 c 347 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any ~~(firearm; or~~

~~(b) Any dangerous~~) deadly weapon ((as defined in RCW 9.41.250)); or

~~((c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or~~

~~(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or~~

~~(e))~~ (b) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, and the deadly weapon used in the violation was a firearm, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. However, any violation of subsection (1)(a) of this section by an elementary or secondary school student involving a firearm shall result in expulsion in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person who possesses nun-chu-ka sticks, throwing stars, or other ~~((dangerous))~~ deadly weapons to be used in martial arts classes authorized to be conducted on the school premises;

(e) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(f) Any person who has been issued a license under RCW 9.41.070, while picking up or dropping off a student;

(g) Any person legally in possession of a ~~((firearm or dangerous))~~ deadly weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(h) Any person who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school;

or

(i) Any law enforcement officer of the federal, state, or local government agency.

(4) Except as provided in subsection (3)(b), (c), (e), and (i) of this section, firearms are not permitted in a public or private school building.

(5) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. Sec. 430. A new section is added to chapter 9.41 RCW to read as follows:

(1) A person who possesses a stolen firearm is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) A person who commits theft of a firearm with a value less than one thousand five hundred dollars is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) A person who commits theft of a firearm with a value of one thousand five hundred dollars or more is guilty of a class B felony punishable under chapter 9A.20 RCW.

(4) It shall be a defense to any prosecution under this section, which the defendant shall prove by a preponderance of the evidence, that he or she did not know, at any time while in possession of the firearm, that it was stolen.

Sec. 431. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

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

(c) An access device; or

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

~~(e) A firearm, of a value less than one thousand five hundred dollars)).~~

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

Sec. 432. RCW 9A.56.160 and 1987 c 140 s 4 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

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

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

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

~~(e) He possesses a stolen firearm)).~~

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

Sec. 433. RCW 4.24.190 and 1992 c 205 s 116 are each amended to read as follows:

(1) The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall willfully or maliciously destroy property, real or personal or mixed, or who shall willfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed ((five)) ten thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

(2)(a) A parent or guardian is liable for any damages arising from the illegal or unlawful use of a firearm by his or her minor child when the parent or guardian knowingly or negligently allows his or her minor child to possess a firearm with the awareness that this creates a substantial risk of harm.

(b) A parent or guardian is presumed to have "awareness of a substantial risk of harm" if: (i) His or her minor child has been convicted of a "crime of violence" or "most serious offense" as defined in RCW 9.41.010; or (ii) the parent had previous knowledge of the child's illegal possession of a firearm.

(3) The prevailing party shall be entitled to costs and attorneys' fees in such amount as the court shall deem reasonable.

Sec. 434. RCW 9.94A.125 and 1983 c 163 s 3 are each amended to read as follows:

In a criminal case wherein there has been a special allegation and evidence establishing that the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it ((find[s])) finds the defendant guilty, also find a special verdict as to whether or not the defendant or an accomplice was armed with a deadly weapon at the time of the commission of the crime.

For purposes of this section, ((a)) "deadly weapon ((is an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death))" shall have the same definition as "deadly weapon" under RCW 9A.04.110. ((The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.))

Sec. 435. RCW 13.40.110 and 1990 c 3 s 303 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing (on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; ((or))

(b) The respondent is fourteen years of age or over and the information alleges a violation of RCW 43.06.010 or 43.06.200 through 43.06.270;

(c) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(d) The information alleges a crime of violence or most serious offense as defined in RCW 9.94A.030 in which a juvenile, age twelve or over, has used a deadly weapon.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 436. RCW 13.04.030 and 1988 c 14 s 1 are each amended to read as follows:

The juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(as now or hereafter amended)~~);

(3) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210(~~(as now or hereafter amended)~~);

(4) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170;

(5) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, (~~(as now or hereafter amended)~~;) unless:

(a) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110(~~(as now or hereafter amended)~~); or

(b) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(c) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(d) The juvenile is sixteen or seventeen years old and the alleged offense is: (i) A serious violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this section; or (ii) a violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this section and the juvenile has a criminal history consisting of one or more prior violent offenses committed after the juvenile's thirteenth birthday. In such a case the adult criminal court shall have exclusive original jurisdiction. If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(6) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(7) Relating to termination of a diversion agreement under RCW 13.40.080 (~~(as now or hereafter amended)~~), including a proceeding in which the diveree has attained eighteen years of age; and

(8) Relating to court validation of a voluntary consent to foster care placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction.

Sec. 437. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (4) Community-based sanctions may include one or more of the following:
 - (a) A fine, not to exceed one hundred dollars;
 - (b) Community service not to exceed one hundred fifty hours of service;
- (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;
- (6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;
- (7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;
- (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);
- (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:
 - (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or
 - (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;
- (10) "Department" means the department of social and health services;
- (11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;
- (12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;
- (13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;
- (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;
- (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;
- (16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;
- (17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;
- (18) "Minor or first offender" means a person (~~sixteen years of age or younger~~) whose current offense(s) and criminal history fall entirely within one of the following categories:
 - (a) Four misdemeanors;
 - (b) Two misdemeanors and one gross misdemeanor;
 - (c) One misdemeanor and two gross misdemeanors;
 - (d) Three gross misdemeanors;
 - (e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;
 - (f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(22) "Secretary" means the secretary of the department of social and health services;

(23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 438. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read as follows:

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE

JUVENILE DISPOSITION

DISPOSITION CATEGORY FOR ATTEMPT,

OFFENSE BAILJUMP, CONSPIRACY,

CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION

.....

Arson and Malicious Mischief

A Arson 1 (9A.48.020) B+

B Arson 2 (9A.48.030) C

C Reckless Burning 1 (9A.48.040) D

D Reckless Burning 2 (9A.48.050) E

B Malicious Mischief 1 (9A.48.070) C

C Malicious Mischief 2 (9A.48.080) D

D Malicious Mischief 3 (<\$50 is

E class) (9A.48.090) E

E Tampering with Fire Alarm

Apparatus (9.40.100) E

A Possession of Incendiary Device

(9.40.120) B+

Assault and Other Crimes

Involving Physical Harm

A Assault 1 (9A.36.011) B+

B+ Assault 2 (9A.36.021) C+

C+ Assault 3 (9A.36.031) D+

D+ Assault 4 (9A.36.041) E

D+ Reckless Endangerment

(9A.36.050) E

C+ Promoting Suicide Attempt

(9A.36.060) D+

D+ Coercion (9A.36.070) E
C+ Custodial Assault (9A.36.100) D+

Burglary and Trespass

B+ Burglary 1 (9A.52.020) C+
B Burglary 2 (9A.52.030) C
D Burglary Tools (Possession of)
(9A.52.060) E
D Criminal Trespass 1 (9A.52.070) E
E Criminal Trespass 2 (9A.52.080) E
D Vehicle Prowling (9A.52.100) E

Drugs

E Possession/Consumption of Alcohol
(66.44.270) E
C Illegally Obtaining Legend Drug
(69.41.020) D
C+ Sale, Delivery, Possession of Legend
Drug with Intent to Sell
(69.41.030) D+
E Possession of Legend Drug
(69.41.030) E
B+ Violation of Uniform Controlled
Substances Act - Narcotic Sale
(69.50.401(a)(1)(i)) B+
C Violation of Uniform Controlled
Substances Act - Nonnarcotic Sale
(69.50.401(a)(1)(ii)) C
E Possession of Marihuana <40 grams
(69.50.401(e)) E
C Fraudulently Obtaining Controlled
Substance (69.50.403) C
C+ Sale of Controlled Substance
for Profit (69.50.410) C+
E (~~Glue Sniffing (9.47A.050)~~) E
Unlawful Inhalation (9.47A.020)
B Violation of Uniform Controlled
Substances Act - Narcotic
Counterfeit Substances
(69.50.401(b)(1)(i)) B
C Violation of Uniform Controlled
Substances Act - Nonnarcotic
Counterfeit Substances
(69.50.401(b)(1) (ii), (iii), (iv)) C
C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(d)) C
C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(c)) C

Firearms and Weapons

~~((C+ Committing Crime when Armed
(9.41.025) —D+))~~
E Carrying Loaded Pistol Without
Permit (9.41.050) E
E Use of Firearms by Minor (<14)
(9.41.240) E
D+ Possession of ~~((Dangerous))~~ Deadly
Weapon (9.41.250) E
D Intimidating Another Person by use
of Deadly Weapon (9.41.270) E

Homicide

A+ Murder 1 (9A.32.030) A
A+ Murder 2 (9A.32.050) B+
B+ Manslaughter 1 (9A.32.060) C+
C+ Manslaughter 2 (9A.32.070) D+
B+ Vehicular Homicide (46.61.520) C+

Kidnapping

A Kidnap 1 (9A.40.020) B+
B+ Kidnap 2 (9A.40.030) C+
C+ Unlawful Imprisonment
(9A.40.040) D+
~~((D—Custodial Interference
(9A.40.050)—E))~~

Obstructing Governmental Operation

E Obstructing a Public Servant
(9A.76.020) E
E Resisting Arrest (9A.76.040) E
B Introducing Contraband 1
(9A.76.140) C
C Introducing Contraband 2
(9A.76.150) D
E Introducing Contraband 3
(9A.76.160) E
B+ Intimidating a Public Servant
(9A.76.180) C+
B+ Intimidating a Witness
(9A.72.110) C+
~~((E—Criminal Contempt
(9.23.010)—E))~~

Public Disturbance

C+ Riot with Weapon (9A.84.010) D+
D+ Riot Without Weapon
(9A.84.010) E
E Failure to Disperse (9A.84.020) E
E Disorderly Conduct (9A.84.030) E

Sex Crimes

A Rape 1 (9A.44.040) B+
A- Rape 2 (9A.44.050) B+
C+ Rape 3 (9A.44.060) D+

A- Rape of a Child 1 (9A.44.073) B+
B Rape of a Child 2 (9A.44.076) C+
B Incest 1 (9A.64.020(1)) C
C Incest 2 (9A.64.020(2)) D
D+ (~~Public Indecency~~) Indecent Exposure
(Victim <14) (9A.88.010) E
E (~~Public Indecency~~) Indecent Exposure
(Victim 14 or over) (9A.88.010) E
B+ Promoting Prostitution 1
(9A.88.070) C+
C+ Promoting Prostitution 2
(9A.88.080) D+
E O & A (Prostitution) (9A.88.030) E
B+ Indecent Liberties (9A.44.100) C+
B+ Child Molestation 1 (9A.44.083) C+
C+ Child Molestation 2 (9A.44.086) C

Theft, Robbery, Extortion, and Forgery

B Theft 1 (9A.56.030) C
C Theft 2 (9A.56.040) D
D Theft 3 (9A.56.050) E
B Theft of Livestock (9A.56.080) C
C Forgery (~~(9A.56.020))~~ (9A.60.020) D
A Robbery 1 (9A.56.200) B+
B+ Robbery 2 (9A.56.210) C+
B+ Extortion 1 (9A.56.120) C+
C+ Extortion 2 (9A.56.130) D+
B Possession of Stolen Property 1
(9A.56.150) C
C Possession of Stolen Property 2
(9A.56.160) D
D Possession of Stolen Property 3
(9A.56.170) E
C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

E Driving Without a License
(46.20.021) E
C Hit and Run - Injury
(46.52.020(4)) D
D Hit and Run-Attended
(46.52.020(5)) E
E Hit and Run-Unattended
(46.52.010) E
C Vehicular Assault (46.61.522) D
C Attempting to Elude Pursuing
Police Vehicle (46.61.024) D
E Reckless Driving (46.61.500) E
D Driving While Under the Influence
(46.61.515) E
~~(B+ Negligent Homicide by Motor~~
~~Vehicle (46.61.520) C+)~~
D Vehicle Prowling (9A.52.100) E

C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

Other

B Bomb Threat (9.61.160) C

C Escape 1¹ (9A.76.110) C

C Escape 2¹ (9A.76.120) C

D Escape 3 (9A.76.130) E

C Failure to Appear in Court
(10.19.130) D

~~(E Tampering with Fire Alarm
Apparatus (9.40.100) E)~~

E Obscene, Harassing, Etc.,
Phone Calls (9.61.230) E

A Other Offense Equivalent to an
Adult Class A Felony B+

B Other Offense Equivalent to an
Adult Class B Felony C

C Other Offense Equivalent to an
Adult Class C Felony D

D Other Offense Equivalent to an
Adult Gross Misdemeanor E

E Other Offense Equivalent to an
Adult Misdemeanor E

V Violation of Order of Restitution,
Community Supervision, or
Confinement (13.40.200)² V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE 0-12 13-24 25 Months
CATEGORY Months Months or More

| | | | |
|----|----|----|----|
| A+ | .9 | .9 | .9 |
| A | .9 | .8 | .6 |
| A- | .9 | .8 | .5 |
| B+ | .9 | .7 | .4 |
| B | .9 | .6 | .3 |
| C+ | .6 | .3 | .2 |
| C | .5 | .2 | .2 |

D+ .3 .2 .1
 D .2 .1 .1
 E .1 .1 .1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C
 CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

OFFENSE 12 &
 CATEGORY Under 13 14 15 16 17

| | Under 13 | 14 | 15 | 16 | 17 |
|-------------------|----------|-------|-----|-----|-----|
| A+ STANDARD RANGE | 180-224 | WEEKS | | | |
| A | 250 | 300 | 350 | 375 | 375 |
| A- | 150 | 150 | 150 | 200 | 200 |
| B+ | 110 | 110 | 120 | 130 | 140 |
| B | 45 | 45 | 50 | 50 | 57 |
| C+ | 44 | 44 | 49 | 49 | 55 |
| C | 40 | 40 | 45 | 45 | 50 |
| D+ | 16 | 18 | 20 | 22 | 24 |
| D | 14 | 16 | 18 | 20 | 22 |
| E | 4 | 4 | 4 | 6 | 8 |

JUVENILE SENTENCING STANDARDS
 SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

MINOR/FIRST OFFENDER

OPTION A
 STANDARD RANGE

Community

Community Service
 Points Supervision Hours Fine

- 1-9 0-3 months and/or 0-8 and/or 0-\$10
- 10-19 0-3 months and/or 0-8 and/or 0-\$10
- 20-29 0-3 months and/or 0-16 and/or 0-\$10
- 30-39 0-3 months and/or 8-24 and/or 0-\$25
- 40-49 3-6 months and/or 16-32 and/or 0-\$25
- 50-59 3-6 months and/or 24-40 and/or 0-\$25
- 60-69 6-9 months and/or 32-48 and/or 0-\$50

70-79 6-9 months and/or 40-56 and/or 0-\$50
80-89 9-12 months and/or 48-64 and/or 10-\$100
90-109 9-12 months and/or 56-72 and/or 10-\$100

OR

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

OPTION C
MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5), as now or hereafter amended,)) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

| | Community Points | Community Service Supervision Hours | Confinement Fine | Days | Weeks |
|---------|---------------------|--|---------------------|--------------|-------|
| 1-9 | 0-3 months | and/or 0-8 | and/or 0-\$10 | and/or 0 | |
| 10-19 | 0-3 months | and/or 0-8 | and/or 0-\$10 | and/or 0 | |
| 20-29 | 0-3 months | and/or 0-16 | and/or 0-\$10 | and/or 0 | |
| 30-39 | 0-3 months | and/or 8-24 | and/or 0-\$25 | and/or 2-4 | |
| 40-49 | 3-6 months | and/or 16-32 | and/or 0-\$25 | and/or 2-4 | |
| 50-59 | 3-6 months | and/or 24-40 | and/or 0-\$25 | and/or 5-10 | |
| 60-69 | 6-9 months | and/or 32-48 | and/or 0-\$50 | and/or 5-10 | |
| 70-79 | 6-9 months | and/or 40-56 | and/or 0-\$50 | and/or 10-20 | |
| 80-89 | 9-12 months | and/or 48-64 | and/or 0-\$100 | and/or 10-20 | |
| 90-109 | 9-12 months | and/or 56-72 | and/or 0-\$100 | and/or 15-30 | |
| 110-129 | | 8-12 | | | |
| 130-149 | | 13-16 | | | |
| 150-199 | | 21-28 | | | |

200-249 30-40
250-299 52-65
300-374 80-100
375+ 103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

OR

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150(~~(, as now or hereafter amended)~~).

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5), as now or hereafter amended,)~~) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER
OPTION A
STANDARD RANGE

| Points | Institution Time |
|--------------------|------------------|
| 0-129 | 8-12 weeks |
| 130-149 | 13-16 weeks |
| 150-199 | 21-28 weeks |
| 200-249 | 30-40 weeks |
| 250-299 | 52-65 weeks |
| 300-374 | 80-100 weeks |
| 375+ | 103-129 weeks |
| All A+ Offenses | 180-224 weeks |

OR

OPTION B
MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW ~~((13.40.030(5), as now or hereafter amended,))~~ 13.40.030(2) shall be used to determine the range.

Sec. 439. RCW 13.40.160 and 1992 c 45 s 6 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2)~~((, as now or hereafter amended,))~~ shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230~~((, as now or hereafter amended,))~~ by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 ~~((as now or hereafter amended))~~.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2)~~((, as now or hereafter amended,))~~ shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230~~((, as now or hereafter amended,))~~ by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230 ~~((as now or hereafter amended))~~.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) ~~((as now or hereafter amended))~~.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court ~~shall impose a disposition under (a) of this subsection, which shall be suspended, and~~ shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 ~~((as now or hereafter amended))~~. If the offender violates any condition of the disposition, the court may revoke the suspension and order execution of the sentence. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4)(a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2)~~((, as now or hereafter amended,))~~ shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230~~((, as now or hereafter amended,))~~ by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 ~~((as now or hereafter amended))~~.

(5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition pursuant to option C of schedule D-1, option C of schedule D-2, or option B of schedule D-3 as appropriate, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(b)(i) Devote time to a specific education, employment, or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; or

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (5), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (5) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the sentence. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6)(a) The minimum sentence for any juvenile age sixteen or seventeen who illegally possesses a pistol is ten confinement days. The court may extend community supervision up to twelve months for such offense.

(b) The following additional times shall be added to the term of confinement for any juvenile found to have been armed with a firearm during the commission of a felony:

(i) Twenty-six weeks for A-, A, and A+ category offenses;

(ii) Sixteen weeks for B and B+ category offenses; and

(iii) Twelve weeks for C and C+ category offenses.

(c) Option B shall not be available for minor/first and middle offenders sentenced under (a) or (b) of this subsection.

~~(7)~~ Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((7))~~ ~~(8)~~ Except as provided for in subsection (5) of this section, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((8))~~ ~~(9)~~ In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 440. RCW 13.40.210 and 1990 c 3 s 304 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. ~~((Such))~~ The dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter ~~((: PROVIDED, That))~~. However, days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the end of each calendar year if any ~~((such))~~ early releases have occurred during that year as a result of excessive in-residence population. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release ~~((pursuant to))~~ under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months. A parole program is mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4) Every postrelease supervision agreement executed shall prohibit the juvenile from possessing a deadly weapon while on supervision. A juvenile found by a law enforcement official, employee of the department, or a court to be in possession of a deadly weapon shall be returned to confinement for a period of not less than sixty days or for the remainder of his or her sentence, whichever is less.

(5) Any juvenile on postrelease supervision who is charged with a criminal offense shall be returned to confinement for the terms set forth in RCW 13.40.0357(6)(b) (i) through (iii) or for the remainder of his or her sentence, whichever is less. If a court has imposed a sentence under chapter 13.40 RCW and suspended any portion thereof on condition that the juvenile commit no further offense, the court shall reimpose all or a portion of the original offense upon conviction. However, the reimposition of confinement and the sanctions imposed for violation of postrelease supervision shall not, when taken together, exceed the original term of confinement.

(6) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; (d) except as provided in (e) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (e) the secretary may order any of the conditions or may return the offender to confinement in an institution for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

~~((5))~~ ~~(7)~~ A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest ~~((such))~~ the person.

~~((6))~~ (8) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) ~~((through (5)))~~, (6), and (7) of this section.

Sec. 441. RCW 13.40.190 and 1987 c 281 s 5 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived.

(2) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(3) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

Sec. 442. RCW 13.40.300 and 1986 c 288 s 6 are each amended to read as follows:

(1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition; or

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition. If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday.

(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday except for the purpose of enforcing an order of restitution.

(4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 443. RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are each reenacted and amended to read as follows:

Every person who(~~:~~

~~(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him or her where intoxicating liquors are sold, given away or disposed of—except a restaurant or dining room, any person under the age of eighteen years; or,~~

~~(2) Shall admit to, or allow to remain in any public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him or her, any person under the age of eighteen years; or,~~

~~(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any narcotic drug is used, any persons under the age of eighteen years; or,~~

~~(4) Shall) sell~~s~~ or give~~s~~, or permit~~s~~ to be sold or given to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form(~~;~~ or~~

~~(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;~~

~~Shall be)) is guilty of a gross misdemeanor.~~

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

NEW SECTION. Sec. 444. A new section is added to chapter 9.94A RCW to read as follows:

The department shall adopt rules and procedures to administer this section. In addition, the department is authorized to determine whether any person subject to the confines of a correctional facility would substantially benefit from successful participation in: (1) Literacy training, (2)

employment skills training, or (3) educational efforts to identify and control sources of anger and, upon a determination that the person would, may require such successful participation as a condition for eligibility to obtain early release from the confines of a correctional facility.

Sec. 445. RCW 82.04.250 and 1993 sp.s. c 25 s 103 are each amended to read as follows:

(1) Upon every person except persons taxable under RCW 82.04.260(8) or subsection (2) of this section engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) In addition to the tax imposed under subsection (1) of this section, upon every person engaging within this state in the business of making sales at retail of ammunition or firearms, as defined in RCW 9.41.010, as to such persons, an additional tax is imposed with respect to such business equal to the gross proceeds of sales of ammunition and firearms, as defined in RCW 9.41.010, multiplied by the rate of 0.5 percent. Proceeds of the tax imposed under this subsection shall be deposited into the violence reduction and drug enforcement account under RCW 69.50.520.

NEW SECTION. Sec. 446. A new section is added to chapter 9.41 RCW to read as follows:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a deadly weapon in a crime of violence or previously committed any offense which makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

- (a) Require the party to surrender any deadly weapon;
- (b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;
- (c) Prohibit the party from obtaining or possessing a deadly weapon;
- (d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) The court may order temporary surrender of a deadly weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(3) In addition to the provisions of subsections (1) and (2) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(4) The requirements of subsections (1) and (3) of this section may be for a period of time less than the duration of the order.

(5) The court may require the party to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court.

Sec. 447. RCW 9A.46.050 and 1985 c 288 s 5 are each amended to read as follows:

A defendant who is charged by citation, complaint, or information with an offense involving harassment and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information. At that appearance, the court shall determine the necessity of imposing a no-contact or no-harassment order, and consider the provisions of section 446 of this act, or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

Sec. 448. RCW 10.14.080 and 1992 c 143 s 11 are each amended to read as follows:

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted.

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 10.14.085. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted. Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(3) At the hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

(4) An order issued under this chapter shall be effective for not more than one year unless the court finds that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. If the petitioner seeks relief for a period longer than one year on behalf of the

respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 or 26.10 RCW.

(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.

(6) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

- (a) Restraining the respondent from making any attempts to contact the petitioner;
- (b) Restraining the respondent from making any attempts to keep the petitioner under surveillance; ~~((and))~~
- (c) Requiring the respondent to stay a stated distance from the petitioner's residence and workplace; and
- (d) Considering the provisions of section 446 of this act.

(7) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

(8) The court order shall specify the date an order issued pursuant to subsections (4) and (5) of this section expires if any. The court order shall also state whether the court issued the protection order following personal service or service by publication and whether the court has approved service by publication of an order issued under this section.

Sec. 449. RCW 10.99.040 and 1992 c 86 s 2 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

- (a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
- (b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
- (c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and
- (d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of section 446 of this act. The no-contact order shall also be issued in writing as soon as possible. ~~((If the court has probable cause to believe that the person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require that person to surrender any deadly weapon in that person's immediate possession or control, or subject to that person's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which that person resides or to the defendant's counsel for safekeeping.))~~

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is a misdemeanor. Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued

under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.

(c) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 450. RCW 10.99.045 and 1984 c 263 s 23 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020(2) shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020(2) and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. ~~((If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, as one of the conditions of pretrial release, the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.))~~ The court may include in the order any conditions authorized under section 446 of this act.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (4).

Sec. 451. RCW 26.09.050 and 1989 c 375 s 29 are each amended to read as follows:

In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in section 446 of this act, and make provision for the change of name of any party.

Sec. 452. RCW 26.09.060 and 1992 c 229 s 9 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child ~~((and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed));~~

(c) Entering the family home or the home of the other party upon a showing of the necessity thereof;

(d) Removing a child from the jurisdiction of the court.

(3) In issuing the order, the court shall consider the provisions of section 446 of this act.

(4) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

((4)) (5) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

((5)) (6) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

((6)) (7) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

((7)) (8) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection ((8)) (9) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

((8)) (9) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 453. RCW 26.10.040 and 1989 c 375 s 31 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

(1) Child custody, visitation, and the support of any child entitled to support;

(2) The allocation of the children as a federal tax exemption; and

(3) Any necessary continuing restraining orders, including the provisions contained in section 446 of this act.

Sec. 454. RCW 26.10.115 and 1989 c 375 s 32 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child ~~((and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed));~~

(b) Entering the family home or the home of the other party upon a showing of the necessity thereof;

(c) Removing a child from the jurisdiction of the court.

(3) In issuing the order, the court shall consider the provisions of section 446 of this act.

(4) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

((4)) (5) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

~~((6))~~ (6) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

~~((7))~~ (7) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

~~((8))~~ (8) A temporary order, temporary restraining order, or preliminary injunction:

- (a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
- (b) May be revoked or modified;
- (c) Terminates when the final order is entered or when the motion is dismissed;
- (d) May be entered in a proceeding for the modification of an existing order.

~~((9))~~ (9) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 455. RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18 are each reenacted and amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of section 446 of this act.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards (~~adopted under RCW 26.19.040~~) contained in chapter 26.19 RCW.

(6) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 456. RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

- (a) Molesting or disturbing the peace of another party;
- (b) Entering the home of another party; or
- (c) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of section 446 of this act.

(5) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 457. RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and 1992 c 86 s 4 are each reenacted and amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;

(c) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(d) Order the respondent to participate in batterers' treatment;

(e) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(f) Require the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee. If the petitioner has been granted leave to proceed in forma pauperis, the court may require the respondent to pay the filing fee and costs, including services fees, to the county or municipality incurring the expense;

(g) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; ~~(and)~~

(h) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring; and

(i) Consider the provisions of section 446 of this act.

(2) Any relief granted by the order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year if the restraining order restrains the respondent from contacting the respondent's minor children. If the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children that are not also the respondent's minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either (a) grant relief for a fixed period not to exceed one year; (b) grant relief for a fixed period in excess of one year; or (c) enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service or service by publication and whether the court has approved service by publication of an order issued under this section.

Sec. 458. RCW 26.50.070 and 1992 c 143 s 3 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Excluding any party from the dwelling shared or from the residence of the other until further order of the court;

(c) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court; ~~(and)~~

(d) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(e) Considering the provisions of section 446 of this act.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted. Except as provided in RCW 26.50.050 and 26.50.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

Sec. 459. RCW 77.12.720 and 1990 c 195 s 2 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. ~~((Any funds remaining in the firearm range account established by RCW 77.12.195, at the time of its repeal by section 7, chapter 195, Laws of 1990, shall be transferred to the firearms range account established in this section.))~~ Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All ~~((ranges))~~ entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed ~~((carry permits))~~ pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state and the United States internal revenue service. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

~~((Facilities))~~ Entities receiving grants must ~~((be))~~ make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education ~~((training))~~ classes and firearm safety classes.

The interagency committee for outdoor recreation shall adopt rules to implement ~~((this act))~~ chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 460. A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310(3);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. An offender sentenced under this section shall serve his or her entire term of community placement under RCW 9.94A.120 in community custody that must include crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The department may require the offender to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Participate in outpatient substance abuse treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iv) Report as directed to a community corrections officer;

(v) Pay all court-ordered legal financial obligations;

(vi) Perform community service work;

(vii) Pay a day fine;

(viii) Stay out of areas designated by the sentencing judge;

(ix) Undergo day reporting.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community custody shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(2) For sentences imposed pursuant to subsection (1) of this section that have a sentence range of over one year, notwithstanding any other provision of RCW 9.94A.190 all such sentences regardless of length shall be served in a facility or institution operated, or utilized under contract, by the state.

(3) For the purposes of this section:

(a) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(b) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

NEW SECTION. Sec. 461. The commission shall evaluate the impact of implementing the drug offender options provided for in section 460 of this act. The commission shall submit preliminary findings to the legislature by December 1, 1995, and shall submit the final report to the legislature by December 1, 1996. The report shall describe the changes in sentencing practices related to the use of punishment options for drug offenders and include the impact of sentencing alternatives on state prison populations, the savings in state resources, and the impact on recidivism rates.

Sec. 462. RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

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

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

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

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

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing ~~((him))~~ himself or herself in the community, except for offenders sentenced under section 460 of this act who have a standard range midpoint of twenty-four months or less in which case no more than the final three months of the sentence may be served in such partial confinement;

(6) The governor may pardon any offender;

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

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

Sec. 463. RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

- (a) RCW 46.52.010, relating to duty on striking an unattended car or other property;
- (b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;
- (d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;
- (e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;
- (f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ~~((88.12.100))~~ 88.12.025 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a ~~((firearm or other dangerous))~~ deadly weapon as defined in RCW 9A.04.110 on private or public elementary or secondary school premises shall have the authority to arrest the person.

~~((For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).))~~

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 464. RCW 10.99.030 and 1993 c 350 s 3 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(3)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(4) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a state-wide twenty-four-hour toll-free hotline at 1-800-562-6025. The battered women's shelter and other resources in your area are (include local information)"

(5) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(6) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

(7) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(8) Records kept pursuant to subsections (3) and (7) of this section shall be made identifiable by means of a departmental code for domestic violence.

(9) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of state-wide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other ((dangerous)) deadly weapon as defined in RCW 9A.04.110, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other ((dangerous)) deadly weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; and (viii) arson;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 465. A new section is added to chapter 13.06 RCW to read as follows:

(1) The director of the division of juvenile rehabilitation and the several school districts within which there is located a residential school shall develop and implement a job skills training program as part of the division's and the districts' overall treatment and educational responsibilities to juvenile offenders in all residential schools. The program shall provide youth with skills necessary to locate, compete for, and maintain employment in demand occupations. In operating the program the director and the several school districts shall:

(a) Assure that educational programs offered are occupationally based and provide a wide range of prevocational skills necessary to career development;

(b) Assure that vocational skills obtained in the classroom and in school are transferable to the emerging labor market;

(c) Assure that basic skill offerings include remedial and advanced skills in workplace communication, negotiation, teamwork, and problem solving;

(d) Develop a system-wide process for evaluating all youth on the basis of self-management skills, employability skills, and life skills;

(e) Work with the office of the superintendent of public instruction to assure that credit is awarded toward high school completion for documented performance gains and vocational skill acquisition in addition to traditional or standard academic credit awarded for completion hours;

(f) Work with local business organizations to provide information and career awareness to youth in all facilities; and

(g) Provide institutional work experience opportunities and programs that are coordinated with educational programs to reinforce learning and application of skills.

(2) The director and the several school districts shall consult with the employment security department, the office of the superintendent of public instruction, and the work force training and education coordinating board on the design, implementation, coordination, and management of the program.

(3) The director shall ensure that all facility counselors are trained in the area of youth employment skills assessment and development.

NEW SECTION. Sec. 466. The legislature is making the change of "dangerous weapon" to "deadly weapon" solely to make consistent use of terminology. No substantive change in sentencing or the element of any criminal offense is intended.

NEW SECTION. Sec. 467. RCW 9.41.160 shall be recodified within chapter 9.41 RCW to follow RCW 9.41.310.

NEW SECTION. Sec. 468. The following acts or parts of acts are each repealed:

(1) RCW 9.41.030 and 1935 c 172 s 3;

(2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;

- (3) RCW 9.41.100 and 1935 c 172 s 10;
- (4) RCW 9.41.130 and 1935 c 172 s 13;
- (5) RCW 9.41.200 and 1989 c 231 s 2 & 1933 c 64 s 2;
- (6) RCW 9.41.210 and 1933 c 64 s 3; and
- (7) RCW 9.41.230 and 1909 c 249 s 307 & 1888 p 100 ss 2, 3.

PART V. EDUCATION

Sec. 501. RCW 28A.300.130 and 1993 c 336 s 501 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the commission on student learning, educational service districts, and institutions of higher education.

(2) The center shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on student learning;

(b) Serve as a clearinghouse for information regarding successful educational restructuring and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational restructuring initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: School improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; in-service or curriculum programs regarding violence prevention; and other programs that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on student learning, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Take other actions to increase public awareness of the importance of parental and community involvement in education;

(g) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015;

(h) Provide training and consultation services, including in-service training on violence prevention, and promote interagency sharing of information on violence prevention programs and model violence prevention curricula;

(i) Address methods for improving the success rates of certain ethnic and racial student groups; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on student learning, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2) (d) and (e) of this section. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The superintendent shall report annually to the commission on student learning on the activities of the center.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.310 RCW to read as follows:

The educational service districts, in meeting the core service requirement of in-service training and workshops under RCW 28A.310.350(5), shall provide to school districts, on a request basis, in-service training on violence prevention.

Sec. 503. RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with

children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories.

(2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of the restructuring plan for the school; violence data based on department of health violence data collection standards; and an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section.

NEW SECTION. Sec. 504. A new section is added to chapter 28A.405 RCW to read as follows:

To receive initial certification as a teacher in this state after August 31, 1995, an applicant shall have successfully completed a course or course work on violence prevention awareness and training. Such course or course work may be incorporated into the requirements of RCW 28A.405.025 regarding completion of a course on issues of abuse.

Sec. 505. RCW 28A.610.030 and 1990 c 33 s 507 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the department of community, trade, and economic development, the department of social and health services, the state board for community and technical colleges ~~((education))~~, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under RCW 28A.610.020. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program shall include violence prevention awareness and training and may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of RCW 28A.610.020 through 28A.610.060.

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, or parent literacy programs under RCW 28A.610.020 through 28A.610.060, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of RCW 28A.610.020 through 28A.610.060.

Sec. 506. RCW 28A.610.060 and 1987 c 518 s 109 are each amended to read as follows:

The superintendent of public instruction, through the ~~((state clearinghouse for education information))~~ center for the improvement of student learning, shall collect and disseminate to all school districts and other interested parties information about effective parent literacy programs under project even start.

Sec. 507. RCW 28A.620.020 and 1985 c 344 s 2 are each amended to read as follows:

Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized and encouraged to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: PROVIDED, That school districts are encouraged to provide programs for prospective parents, prospective foster parents, and prospective adoptive parents on parenting skills, violence prevention, and on the problems of child abuse and methods to avoid child abuse situations: PROVIDED FURTHER, That community education programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community and technical colleges ~~((education))~~ and shall be programs receiving the approval of said superintendent.

Sec. 508. RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1 are each reenacted and amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of

state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) By December 1, 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.

The recommended awards, assistance, and intervention programs shall include violence indicators or standards as part of the criteria for determining the status of a school to receive an award or assistance, or be subject to intervention.

It is the intent of the legislature to begin implementation of programs in this subsection (3)(h) on September 1, 2000;

(i) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 509. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety networks, based on rules adopted by the department of health, may include in its comprehensive community plans procedures for providing matching grants to school districts to support expanded use of school facilities for after-hours recreational opportunities and day care as authorized under chapter 28A.215 RCW and RCW 28A.620.010.

Sec. 510. RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or herself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle that is owned or operated by the transit company and that is occupied by one or more passengers; or

(c) Assaults a school bus driver employed by a school district or a private company under contract for transportation services with a school district while the driver is operating or is in control of a school bus that is occupied by one or more passengers; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a certificated staff member, classified staff member not included under (c) of this subsection, or a volunteer, of a preschool through twelfth grade school, who was performing his or her assigned duties at the time of the assault; or

(i) Assaults a referee, umpire, judge, manager, coach, or volunteer of an organized physical activity or sporting event, either during or immediately following the activity or event.

(2) Assault in the third degree is a class C felony.

Sec. 511. 1993 sp.s. c 24 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation \$ 34,414,000

General Fund--Federal Appropriation \$ 33,106,000

Public Safety and Education Account

Appropriation \$ 338,000

Violence Reduction and Drug Enforcement

~~((and Education))~~ Account Appropriation \$ 3,197,000

TOTAL APPROPRIATION \$ 71,055,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.

(b) \$423,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(c) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

~~((e))~~ (d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

~~((f))~~ (e) \$10,000 of the general fund--state appropriation is provided solely for a contract through the Washington State Institute for Public Policy at The Evergreen State College for a bilingual education conference to disseminate information on best practices in bilingual instruction, including model programs from other states, and to develop strategies for incorporating the most effective instructional methods into the state's bilingual curriculum.

(2) STATE-WIDE PROGRAMS

(a) \$100,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) \$62,000 of the general fund--state appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine school district.

(c) \$2,415,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific science center.

(d) \$70,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$2,949,000 of the general fund--state appropriation is provided for educational clinics, including state support activities.

(f) \$3,437,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(g) \$4,855,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30B as developed on May 4, 1993, at 11:00 a.m.

(h) \$3,050,000 of the violence reduction and drug enforcement ~~((and education))~~ account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors, metal detectors, or other security in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) Districts receiving allocations from subsection (2) (f) and (g) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building.

Sec. 512. RCW 28A.600.475 and 1992 c 205 s 120 are each amended to read as follows:

(1) School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to ~~((any))~~ a lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Parents and students shall be notified by the school district of all ~~((such))~~ orders or subpoenas in advance of compliance with them.

(2) The social file, diversion record, police contact record, and arrest record of a student may be made available to a school district if the records are requested by the principal or school counselor. Use of the records is restricted to the principal, the school counselor, or a teacher or teachers identified by the principal as necessary for the provision of additional services to the student. The records may only be used to identify and facilitate those services offered through the school district that would be of benefit to the student. The student's records shall be made available to the school district under the provisions of this chapter, section 519 of this act, and chapter 13.50 RCW unless a parent or guardian provides, prior to the release of the records, a written statement indicating which records shall remain confidential until such further written release. School districts shall provide written notice of this section to parents or guardians at the time of enrollment of a student.

Sec. 513. RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows:

- (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.
- (2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.
- (3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.
- (4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.
- (5) Except as provided in RCW 4.24.550 or 28A.600.475, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.
- (6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.
- (7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.
- (8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.
- (9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.
- (10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.
- (11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:
 - (a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;
 - (b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and
 - (c) No proceeding is pending seeking the formation of a diversion agreement with that person.
- (12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.
- (13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.
- (14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (24) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

- (a) The person making the motion is at least twenty-three years of age;
- (b) The person has not subsequently been convicted of a felony;
- (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and
- (d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall, subject to subsection (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subsection (24) of this section and subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(25) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

Sec. 514. RCW 13.50.010 and 1993 c 374 s 1 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to ((insure)) assure the security of its records and prevent tampering with them; and
(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

NEW SECTION. Sec. 515. The state board of education shall conduct a study to identify possible incentives to encourage schools to increase the space that is available for after-hours community use. The board shall examine incentives for both existing school facilities and for new construction. The board shall report its findings and recommendations to the legislature by November 15, 1994.

NEW SECTION. Sec. 516. A new section is added to chapter 28A.600 RCW to read as follows:

When a school transfers a student's transcript to a new school, it may also transfer the student's attendance records, records of unpaid fines or property damage, and any disciplinary records, including records relating to the facts resulting in any expulsions. The student's parent shall be given the opportunity to review all such records before the transfer.

Sec. 517. RCW 28A.190.030 and 1990 c 33 s 172 are each amended to read as follows:

Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter 39.34 RCW, conduct a program of education, including the job skills training program created in section 465 of this act and related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.190.050, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to RCW 28A.155.010 through 28A.155.100, and vocational education including the job skills training program created in section 465 of this act, as necessary to address the unique needs and limitations of residents. Vocational education opportunities shall be made available to each residential school student between the ages of fourteen and twenty-one. The vocational programs offered shall be occupationally based and provide skills that are transferrable to the emerging labor market; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for handicapped residential school students;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

Sec. 518. RCW 28A.190.040 and 1990 c 33 s 173 are each amended to read as follows:

The duties and authority of the department of social and health services and of each superintendent or chief administrator of a residential school to support each program of education conducted by a school district pursuant to RCW 28A.190.030, shall include the following:

(1) The provision of transportation for residential school students to and from the sites of the program of education through the purchase, lease or rental of school buses and other vehicles as necessary;

(2) The provision of safe and healthy building and playground space for the conduct of the program of education through the construction, purchase, lease or rental of such space as necessary;

(3) The provision of furniture, vocational instruction machines and tools, building and playground fixtures, and other equipment and fixtures for the conduct of the program of education through construction, purchase, lease or rental as necessary;

(4) The provision of heat, lights, telephones, janitorial services, repair services, and other support services for the vehicles, building and playground spaces, equipment and fixtures provided for in this section;

(5) The employment, supervision and control of persons to transport students and to maintain the vehicles, building and playground spaces, equipment and fixtures, provided for in this section;

(6) Clinical and medical evaluation services necessary to a determination by the school district of the educational needs of residential school students; and

(7) Such other support services and facilities as are reasonably necessary for the conduct of the program of education and the job skills training program created in section 465 of this act.

NEW SECTION. Sec. 519. (1) The department of social and health services and the superintendent of public instruction shall review all statutes and rules relative to the sharing or exchange of information about children who are the subject of reports of abuse and neglect or who are charged with criminal behavior. The department and the superintendent shall revise or adopt rules, consistent with federal guidelines, that allow educational professionals in elementary and secondary schools access to information contained in department records solely for purposes of improving the child's educational performance or attendance.

(2) The department and superintendent shall also revise or adopt rules, consistent with federal guidelines, that allows the department access to information contained in the records of a school or school district on a child who is the subject of a report of abuse or neglect solely for the purpose of improving the department's ability to respond to the report of abuse or neglect.

The department and superintendent shall report their findings and actions, including the need for statutory changes, to the legislature by December 31, 1994.

This section shall expire January 1, 1995.

PART VI. MEDIA

NEW SECTION. Sec. 601. The purpose of this chapter is to regulate media and media-related activities that directly or indirectly promote violence in electronic media. Decades of substantial research has now established a connection between the viewing of violent acts on television or in films and an increased acting out of violent behavior, especially in children. The social costs of increased violence are paid by all Washingtonians. The state of Washington has a compelling interest in reducing the incidence of media-induced violence as a matter of public health and safety.

The legislature finds that, to the extent that electronic media, including television, motion pictures, video games, and entertainment uses of virtual reality are conducive to increased violent behaviors, especially in children, the state has a duty to protect the public health and safety by reasonably related regulation of electronic media.

Many parents, educators, and others are concerned about protecting children and youth from the negative influences of the media, and want more information about media content and more control over media contact with their children.

The legislature finds that requiring companies that produce television, motion pictures, video games, and entertainment uses of virtual reality to provide age-rating guidelines for the public is reasonably related to the prevention of the spread of violent behavior, especially among children and youth.

NEW SECTION. Sec. 602. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Prime time" means those hours as defined by rule by the federal communication commission.

(2) "Sweeps week" means any week during the year in which national rating services measure the size of the television audience to determine the market share for purposes of setting advertising rates.

(3) "Time/channel lock" is electronic circuitry designed to enable television owners to block display of selected times and channels from viewing.

(4) "Video" means any motion picture, television or other electronically delivered programming, or other presentation on film, video tape, or other medium designed to produce, reproduce, or project images on a screen.

(5) "Violence" means any deliberate and hostile use of overt force, or the immediate threat thereof, by an individual against another individual.

(6) "Virtual reality" means any computer or other electronic artificial-intelligence-based technology that creates an enhanced simulation or illusion of three-dimensional, real-time or near-real-time interactive reality through the use of software, specialized hardware, holograms, gloves, masks, glasses, pods, goggles, helmets, computer guns, or other items capable of producing visual, audio, tactile, or sensory effects of verisimilitude beyond those available with a personal computer.

NEW SECTION. Sec. 603. All new televisions sold in this state after January 1, 1995, shall be equipped with a time/channel lock or shall be sold with an offer to the customer to purchase a time and/or channel lock, or other device that enables a person to regulate a child's access to television programming, separately. All cable television stations shall make available to all customers at the company's cost the opportunity to purchase a time and/or channel lock, or other device that enables a person to regulate a child's access to television programming. Notice of this availability shall be clearly made to all existing customers and to all new customers at the time of their signing up for service.

NEW SECTION. Sec. 604. All videos and video and virtual reality games sold or rented in this state shall clearly and prominently display a realistic age rating for appropriateness of use by end-users of the video or video game. The age rating shall be researched, developed, and provided to the purchaser or renter of the video, or video or virtual reality game, by the originator of the video or game. The originator, as used in this section, includes the manufacturer or software developer or copyright holder of the video or game.

The originator may develop the age rating in any reasonable manner, as determined by the originator, who may consult child psychologists, educators, child development specialists, pediatricians, or others as appropriate in the determination of realistic age rating. The age-rating determination shall include an objective evaluation and estimate of the number of violent incidents represented in the media material being rated.

The age-rating information may be presented to the consumer in any readily understandable format, whether by label, code, or information sheet.

NEW SECTION. Sec. 605. (1) Owners of video or video game businesses shall not sell or rent videos or video games to a person under the age of eighteen unless: (a) The renter or seller has on file a written declaration from at least one parent or guardian of the juvenile authorizing the juvenile to rent or purchase videos or video games; or (b) the juvenile is accompanied by his or her parent or guardian. The declaration may contain such restrictions as the parent deems appropriate.

(2) A violation of this section is a class 3 civil infraction under chapter 7.80 RCW. Compliance by retail outlets selling or renting materials with age-rating information provided under section 604 of this act, and reliance on the information, is a defense to civil or criminal penalties.

NEW SECTION. Sec. 606. Television and radio broadcast stations including cable stations, video rental companies, and print media are encouraged, as a matter of public health and safety, to broadcast public health-based, antiviolence public service messages. The content, style, and format of the messages shall be developed by the community public health and safety council created under RCW 70.190.010, in coordination with its violence-reduction efforts and may include the television violence report card, as set forth in section 608 of this act. The messages may be produced with grant funds from the council or may be produced voluntarily by the media working with the council.

NEW SECTION. Sec. 607. The legislature finds that, as a matter of public health and safety, access by minors to violent videos, video games, and computer software should be limited.

Public libraries, with the exception of university, college, and community college libraries, shall establish standards and policies on the protection of minors from access to violent video and other electronic materials. Libraries shall make their standards and policies known to the public in their communities.

Each library system shall formulate its own standards and policies, and may, in its discretion, include public hearings, consultation with community networks as defined under chapter 70.190 RCW, or consultation with the Washington library association in the development of its standards and policies.

NEW SECTION. Sec. 608. (1) The department of health shall establish, by rule, a program for evaluating and ranking television programs, including cable television programs, on the basis of the violence contained in the programs.

Under the program, the department shall select, within each calendar quarter, at least one week for the department to evaluate the extent of the violence contained in each of the programs carried on any of the national broadcast television networks, or on cable television systems with regard to programs available to a substantial percentage of the households that subscribe to cable television service nationally, during that week's prime-time and Saturday morning time slots. The department shall ensure that at least one of the weeks selected in any calendar year is a sweeps week.

(2) After evaluating the television programs described in this section, and in accordance with criteria established by the rules adopted under this section, the department shall:

(a) List in ranked order those programs in terms of the extent of the violence they contain; and

(b) List in ranked order program sponsors in terms of the extent to which they sponsor television programs that contain a high degree of violence.

(3) In the quarter following any quarter for which the department has made evaluations under this section, the department shall publish and make available to the public and the news media a television violence report card that reports the violence rankings performed by the department, including identification of the programs so evaluated and the sponsors of those programs.

(4) The news media shall be immune from legal liability for the accurate publication of the television violence report card.

For the purpose of facilitating the rule making required by sections 613 and 614 of this act, the department of health shall also communicate to the department of general administration and the state investment board the results of its evaluations.

NEW SECTION. Sec. 609. A new section is added to chapter 13.16 RCW to read as follows:

Motion pictures unrated or rated X or NC-17 by the motion picture association of America shall not be shown in juvenile detention facilities.

NEW SECTION. Sec. 610. A new section is added to chapter 72.02 RCW to read as follows:

Motion pictures unrated or rated X or NC-17 by the motion picture association of America shall not be shown in adult correctional facilities.

NEW SECTION. Sec. 611. A new section is added to chapter 28A.650 RCW to read as follows:

(1) Software, computer games, and videos with fictional violent content shall not be used in schools, except to depict actual historical events or for educational purposes in a formal classroom setting.

(2) Each educational service district shall monitor the software and videos used in its district for fictional violent content, using the guidelines developed by the office of the superintendent of public instruction.

Sec. 612. RCW 28A.650.015 and 1993 c 336 s 703 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan, which shall be completed by December 15, 1993, and updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; ~~((and))~~

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state; and

(d) After the effective date of this section, guidelines for monitoring fictional violent content in computer software and videos used in schools.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

NEW SECTION. Sec. 613. A new section is added to chapter 43.19 RCW to read as follows:

Notwithstanding any other provision of law, the department of general administration shall adopt a policy of refusing to purchase goods and services for the state from businesses or corporations, including parent corporations, profiting from violence-related products or services. Nothing in this section requires the department to adopt a policy that results in a refusal to purchase goods and services from a corporation that is primarily engaged in the business of producing materials intended to be used in formal educational settings as set forth in section 611 of this act. A business or corporation whose violence-related products or services are for the main purpose of national defense are exempt from this policy. Definitions and guidelines shall be developed by the department of general administration in consultation with the department of health.

NEW SECTION. Sec. 614. A new section is added to chapter 43.33A RCW to read as follows:

Notwithstanding any other provision of law, the state investment board shall adopt a policy of disinvestment in businesses or corporations, including parent corporations, profiting from violence-related products or services. Nothing in this section requires the board to adopt a policy that results in a refusal to purchase goods and services from a corporation that is primarily engaged in the business of producing materials intended to be used in formal educational settings as set forth in section 611 of this act. A business or corporation whose violence-related products or services are for the main purpose of national defense are exempt from this policy. Definitions and guidelines for disinvestment shall be established by the state investment board in consultation with the department of health.

NEW SECTION. Sec. 615. Sections 601 through 608 of this act shall constitute a new chapter in Title 19 RCW.

PART VII. MISCELLANEOUS

NEW SECTION. Sec. 701. A new section is added to chapter 44.28 RCW to read as follows:

(1) The legislative budget committee shall contract to monitor and track the implementation of chapter . . . , Laws of 1994 (this act) to determine whether these efforts result in a measurable reduction of violence, and evaluate the data provided by the state and local health departments to determine whether the community networks have met the outcome criteria. Starting five years after the initial grant to a community network, if the community network fails to meet the outcome criteria and goals in any two consecutive years, the legislative budget committee shall make recommendations to the legislature concerning whether the funds received by that community network shall revert back to the originating agency.

(2) The social development standards and measures established by the department of health under section 204 of this act shall be used in conducting the outcome evaluation of the community networks.

Sec. 702. RCW 66.24.210 and 1993 c 160 s 2 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 2001. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) (~~Until July 1, 1995,~~) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010(34) when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement (~~(and education)~~) account under RCW 69.50.520 by the twenty-fifth day of the following month.

Sec. 703. RCW 66.24.290 and 1993 c 492 s 311 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps provided under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) (~~Until July 1, 1995,~~) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement (~~(and education)~~) account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under RCW 43.72.900.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 704. RCW 82.08.150 and 1993 c 492 s 310 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) ~~((Until July 1, 1995,))~~ An additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement ~~((and education))~~ account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to class H licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to class H licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020 shall not apply to sales of spirits or strong beer in the original package.

(8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 705. RCW 82.24.020 and 1993 c 492 s 307 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) ~~((Until July 1, 1995,))~~ An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ~~((one))~~ seven and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement ~~((and education))~~ account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 706. RCW 69.50.520 and 1989 c 271 s 401 are each amended to read as follows:

The violence reduction and drug enforcement ~~((and education))~~ account is created in the state treasury. All designated receipts from RCW ~~9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505((f)(2)-(c))~~ (h)(1), 82.04.250(3), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under ~~((this act))~~ chapter 271, Laws of 1989 and chapter . . . , Laws of 1994 (this act), including state incarceration costs. At least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the community public health and safety council.

NEW SECTION. Sec. 707. Sections 445 and 702 through 705 of this act shall be submitted as a single ballot measure to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof unless section 13, chapter 2, Laws of 1994, has been declared invalid or otherwise enjoined or stayed by a court of competent jurisdiction.

NEW SECTION. Sec. 708. (1) Until July 1, 1994, any reference in this act to the director or department of community, trade, and economic development means the director or department of community development.

(2) Until July 1, 1994, any reference in this act to the director or department of fish and wildlife means the director or department of wildlife.

NEW SECTION. Sec. 709. Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 710. (1) Sections 201 through 204, 302, 329, 460, and 461 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 705 of this act shall take effect July 1, 1995."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Committee on Health and Human Services striking amendment to Engrossed Second Substitute House Bill No. 2319 not be adopted.

The motion by Senator Talmadge carried and the Committee on Health and Human Services striking amendment to Engrossed Second Substitute House Bill No. 2319 was not adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Gaspard be adopted:

Strike everything after the enacting clause and insert the following:

"PART I. INTENT

NEW SECTION. Sec. 101. The legislature finds that the increasing violence in our society causes great concern for the immediate health and safety of our citizens and our social institutions. Youth violence is increasing at an alarming rate and young people between the ages of fifteen and twenty-four are at the highest risk of being perpetrators and victims of violence. Additionally, random violence, including homicide and the use of firearms, has dramatically increased over the last decade.

The legislature finds that violence is abhorrent to the aims of a free society and that it can not be tolerated. State efforts at reducing violence must include changes in criminal penalties, reducing the unlawful use of and access to firearms, increasing educational efforts to encourage nonviolent means for resolving conflicts, and allowing communities to design their prevention efforts.

The legislature finds that the problem of violence can be addressed with many of the same approaches that public health programs have used to control other problems such as infectious disease, tobacco use, and traffic fatalities.

Addressing the problem of violence requires the concerted effort of all communities and all parts of state and local governments. It is the immediate purpose of chapter . . . , Laws of 1994 (this act) to: (1) Prevent acts of violence by encouraging change in social norms and individual behaviors that have been shown to increase the risk of violence; (2) reduce the rate of at-risk children and youth, as defined in RCW 70.190.010; (3) increase the severity and certainty of punishment for youth and adults who commit violent acts; (4) reduce the severity of harm to individuals when violence occurs; (5) empower communities to focus their concerns and allow them to control the funds dedicated to empirically supported preventive efforts in their region; and (6) reduce the fiscal and social impact of violence on our society.

Sec. 102. RCW 74.14A.020 and 1983 c 192 s 2 are each amended to read as follows:

~~((The department of social and health services))~~ State efforts shall address the needs of children and their families, including emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Ensuring that appropriate social and health services are provided to the family unit both prior to and during the removal of a child from the home and after family reunification;

(3) Ensuring that the safety and best interests of the child are the paramount considerations when making placement and service delivery decisions:

(4) Recognizing the interdependent and changing nature of families and communities, building upon their inherent strengths, maintaining their dignity and respect, and tailoring programs to their specific circumstances;

(5) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

~~((4))~~ (6) Being sensitive to the family and community culture, norms, values, and expectations, ensuring that all services are provided in a culturally appropriate and relevant manner, and ensuring participation of racial and ethnic minorities at all levels of planning, delivery, and evaluation efforts:

(7)(a) Developing coordinated social and health services which:

~~((a))~~ (i) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

~~((b))~~ (ii) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

~~((c))~~ (iii) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

~~((d))~~ (iv) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

~~((e))~~ (v) Reduce duplication of and gaps in service delivery;

~~((f))~~ (vi) Improve planning, budgeting, and communication among all units of the department (~~(servicing)~~) and among all agencies that serve children and families; and

~~((g) Develop)~~ (vii) Utilize outcome standards for measuring the effectiveness of social and health services for children and families.

(b) In developing services under this subsection, local communities must be involved in planning and developing community networks that are tailored to their unique needs.

PART II. PUBLIC HEALTH

NEW SECTION. Sec. 201. The legislature recognizes that the state patrol, the office of the administrator for the courts, the sheriffs' and police chiefs' association, the department of social and health services, the department of community development, the sentencing guidelines commission, the department of corrections, and the superintendent of public instruction each have comprehensive data and analysis capabilities that have contributed greatly to our current understanding of crime and violence, and their causes.

The legislature finds, however, that a single health-oriented agency must be designated to provide consistent guidelines to all these groups regarding the way in which their data systems collect this important data. It is not the intent of the legislature by section 202 of this act to transfer data collection requirements from existing agencies or to require the addition of major new data systems. It is rather the intent to make only the minimum required changes in existing data systems to increase compatibility and comparability, reduce duplication, and to increase the usefulness of data collected by these agencies in developing more accurate descriptions of violence.

NEW SECTION. Sec. 202. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department of health shall develop, based on recommendations in the public health improvement plan and in consultation with affected groups or agencies, comprehensive rules for the collection and reporting of data relating to acts of violence, at-risk behaviors, and risk and protective factors. The data collection and reporting rules shall be used by any public or private entity that is required to report data relating to these behaviors and conditions. The department may require any agency or program that is state-funded or that accepts state funds and any licensed or regulated person or professional to report these behaviors and conditions. To the extent possible the department shall require the reports to be filed through existing data systems. The department may also require reporting of attempted acts of violence and of nonphysical injuries. For the purposes of this section "acts of violence" means self-directed and interpersonal behaviors that can result in suicide, homicide, and nonfatal intentional injuries. "At-risk behaviors," "protective factors," and "risk factors" have the same meanings as provided in RCW 70.190.010.

(2) The department is designated as the state-wide agency for the coordination of all information relating to violence and other intentional injuries, at-risk behaviors, and risk and protective factors.

(3) The department shall provide necessary data to the local health departments for use in planning by or evaluation of any community network authorized under section 303 of this act.

(4) The department shall publish annual reports on intentional injuries, unintentional injuries, rates of at-risk youth, and associated risk and protective factors. The reports shall be submitted to the legislative budget committee.

(5) The department shall by rule establish requirements for local health departments to perform assessment related to at-risk behaviors and risk and protective factors and to assist community networks in policy development and in planning and other duties under chapter . . . , Laws of 1994 (this act).

(6) The department may, consistent with its general authority and directives under sections 201 through 205 of this act, contract with a college or university that has experience in data collection relating to the health and overall welfare of children to provide assistance to:

(a) State and local health departments in developing new sources of data to track acts of violence, at-risk behaviors, and risk and protective factors; and

(b) Local health departments to compile and effectively communicate data in their communities.

NEW SECTION. Sec. 203. A new section is added to chapter 43.70 RCW to read as follows:

The public health services improvement plan developed under RCW 43.70.520 shall include:

(1) Minimum standards for state and local public health assessment, performance measurement, policy development, and assurance regarding social development to reduce at-risk behaviors and risk and protective factors.

(2)(a) Measurable risk factors that are empirically linked to violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school; and

(b) An evaluation of other factors to determine whether they are empirically related risk factors, such as: Child abuse and neglect, out-of-home placements, poverty, single-parent households, inadequate nutrition, hunger, unemployment, lack of job skills, gang affiliation, lack of recreational or cultural opportunities, domestic violence, school absenteeism, court-ordered parenting plans, physical, emotional, or behavioral problems requiring special needs assistance in K-12 schools, learning disabilities, and any other possible factors.

(3) Data collection and analysis standards on at-risk behaviors and risk and protective factors for use by the local public health departments and the state council and the local community networks to ensure consistent and interchangeable data.

(4) Recommendations regarding any state or federal statutory barriers affecting data collection or reporting.

The department shall provide an annual report to the legislative budget committee on the implementation of this section.

NEW SECTION. Sec. 204. A new section is added to chapter 43.70 RCW to read as follows:

The department, in consultation with the community public health and safety council created in chapter 70.190 RCW, shall establish, by rule, standards for local health departments and networks to use in assessment, performance measurement, policy development, and assurance regarding social development to prevent health problems caused by risk factors empirically linked to: Violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school. The standards shall be based on the standards set forth in the public health improvement plan as required by section 203 of this act.

The department, in consultation with the community public health and safety council, shall review the definitions of at-risk children and youth, protective factors, and risk factors contained in RCW 70.190.010 and make any suggested recommendations for change to the legislature by January 1, 1995.

NEW SECTION. Sec. 205. A new section is added to chapter 43.70 RCW to read as follows:

The legislature encourages the use of a state-wide voluntary, socially responsible policy to reduce the emphasis, amount, and type of violence in all public media. The department shall develop a suggested reporting format for use by the print, television, and radio media in reporting their voluntary violence reduction efforts. Each area of the public media may carry out the policy in whatever manner that area deems appropriate.

Sec. 206. RCW 43.70.010 and 1989 1st ex.s. c 9 s 102 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness, injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

~~((2))~~ (3) "Council" means the health care access and cost control council;

~~((3))~~ (4) "Department" means the department of health; ~~(and~~

~~(4))~~ (5) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

(6) "Secretary" means the secretary of health.

PART III. COMMUNITY NETWORKS

Sec. 301. RCW 70.190.005 and 1992 c 198 s 1 are each amended to read as follows:

The legislature finds that a primary goal of public involvement in the lives of children has been to strengthen the family unit.

However, the legislature recognizes that traditional two-parent families with one parent routinely at home are now in the minority. In addition, extended family and natural community supports have eroded drastically. The legislature recognizes that public policy assumptions must be altered to account for this new social reality. Public effort must be redirected to expand, support, strengthen, and help ~~((refashion))~~ reconstruct family and community ~~((associations))~~ networks to ~~((care-for))~~ assist in meeting the needs of children.

The legislature finds that a broad variety of services for children and families has been independently designed over the years and that the coordination and cost-effectiveness of these services will be enhanced through the adoption of ~~((a-common))~~ an approach ~~((to-their-delivery))~~ that allows communities to prioritize and coordinate services to meet their local needs. The legislature further finds that the most successful programs for reaching and working with at-risk families and children treat individuals' problems in the context of the family, offer a broad spectrum of services, are flexible in the use of program resources, and use staff who are trained in crossing traditional program categories in order to broker services necessary to fully meet a family's needs.

The legislature further finds that eligibility criteria, expenditure restrictions, and reporting requirements of state and federal categorical programs often create barriers toward the effective use of resources for addressing the multiple problems of at-risk families and children.

The purposes of this chapter are (1) to modify public policy and programs to empower communities to support and respond to the needs of individual families and children and (2) to improve the responsiveness of services for children and families at risk by facilitating greater coordination and flexibility in the use of funds by state and local service agencies.

Sec. 302. RCW 70.190.010 and 1992 c 198 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~((1))~~ (1) "Assessment" has the same meaning as provided in RCW 43.70.010.

~~((2))~~ (2) "At-risk" children and youth are those who risk the significant loss of social, educational, or economic opportunities.

~~((3))~~ (3) "At-risk behaviors" means violent delinquent acts, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school. At-risk children and youth also include those who are victims of violence, abuse, neglect, and those who have been removed from the custody of their parents.

~~((4))~~ (4) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported.

~~((2))~~ (5) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community, trade, and economic development, and such other departments as may be specifically designated by the governor.

~~((3))~~ "Family policy) ~~((6))~~ (6) "Community public health and safety council" or "council" means: The superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community, trade, and economic development or their designees~~((;))~~; one legislator from each caucus of the senate and house of representatives~~((,-and))~~; one representative of the governor; one representative each appointed by the governor for cities, towns, counties, federally recognized Indian tribes, school districts, the children's commission, law enforcement agencies, superior courts, public parks and recreation programs, and private agency service providers; citizen representatives of community organizations not associated with delivery of services affected by chapter . . . Laws of 1994 (this act); and two chief executive officers of major Washington corporations appointed by the governor.

~~((4))~~ (7) "Outcome" or "outcome based" means defined and measurable outcomes ~~((and indicators that make it possible for communities))~~ used to evaluate progress in ~~((meeting their goals and whether systems are fulfilling their responsibilities))~~ reducing the rate of at-risk children and youth through reducing risk factors and increasing protective factors.

~~((5))~~ (8) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a ~~((consortium's project))~~ community network's plan. Up to half of the ~~((consortium's))~~ community network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match.

~~((6))~~ "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortia shall represent a county, multicounty, or municipal service area. In addition, consortia may represent Indian tribes applying either individually or collectively.)

~~((9))~~ (9) "Community public health and safety networks" or "community networks" means authorities authorized under section 303 of this act.

~~((10))~~ (10) "Policy development" has the same meaning as provided in RCW 43.70.010.

~~((11))~~ (11) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, and alcohol and substance abuse, educational opportunities, employment opportunities, and absence of crime.

~~((12))~~ (12) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence. Risk factors include availability of drugs or alcohol, economic, educational, and social deprivation, rejection of identification with

the community, academic failure, a family history of high substance abuse, crime, a lack of acceptance of societal norms, and substance, child, and sexual abuse.

NEW SECTION. Sec. 303. A new section is added to chapter 70.190 RCW to read as follows:

(1) The legislature intends to create community public health and safety networks to reconnect parents and other citizens with children, youth, families, and community institutions which support health and safety. The networks should empower parents and other citizens by being a means of expressing their attitudes, spirit, and perspectives regarding safe and healthy family and community life. The legislature intends that parent and other citizen perspectives exercise a controlling influence over policy and program operations of professional organizations concerned with children and family issues within networks in a manner consistent with the Constitution and state law. It is not the intent of the legislature that health, social service, or educational professionals dominate community public health and safety network processes or programs, but rather that these professionals use their skills to lend support to parents and other citizens in expressing their values as parents and other citizens identify community needs and establish community priorities. To this end, the legislature intends full participation of parents and other citizens in community public health and safety networks. The intent is that local community values are reflected in the operations of the network.

(2) A group of persons described in subsection (3) of this section may apply by December 1, 1994, to be a community public health and safety network.

(3) Each community public health and safety network shall be composed of twenty-three people, thirteen of whom shall be citizens with no direct fiduciary interest in health, education, social service, or justice system organizations operating within the network area. In selecting these members, consideration shall be given to citizen members of community mobilization advisory boards, city or county children's services commissions, human services advisory boards, or other such organizations which may exist within the network. These thirteen persons shall be selected as follows: Three by the chambers of commerce located in the network, three by school board members of the school districts within the network boundary, three by the county legislative authorities of the counties within the network boundary, three by the city legislative authorities of the cities within the network boundary, and one high school student, selected by student organizations within the network boundary. The remaining ten members shall include local representation from the following groups and entities: Cities, counties, federally recognized Indian tribes, parks and recreation programs, law enforcement agencies, superior court judges, state children's service workers from within the network area, employment assistance workers from within the network area, private social, educational, or health service providers from within the network area, and broad-based nonsecular organizations.

(4) A list of the network members shall be submitted to the governor by December 1, 1994, by the network chair who shall be selected by network members at their first meeting. The list shall become final unless the governor chooses other members within twenty days after the list is submitted. The governor shall accept the list unless he or she believes the proposed list does not adequately represent all parties identified in subsection (3) of this section or a member has a conflict of interest between his or her membership and his or her livelihood. Members of the community network shall serve terms of three years.

The terms of the initial members of each network shall be as follows: (a) One-third shall serve for one year; (b) one-third shall serve for two years; and (c) one-third shall serve for three years. Initial members may agree which shall serve fewer than three years or the decision may be made by lot. The same process shall be used in the selection of the chair and members for subsequent terms. Any vacancy occurring during the term may be filled by the chair for the balance of the unexpired term.

(5) The network shall select a public entity as the lead administrative and fiscal agency for the network. In making the selection, the network shall consider: (a) Experience in administering prevention and intervention programs; (b) the relative geographical size of the network and its members; (c) budgeting and fiscal capacity; and (d) how diverse a population each entity represents.

NEW SECTION. Sec. 304. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety networks shall:

- (1) Review state and local public health data and analysis relating to risk factors, protective factors, and at-risk children and youth;
- (2) Prioritize the risk factors and protective factors to reduce the likelihood of their children and youth being at risk. The priorities shall be based upon public health data and assessment and policy development standards provided by the department of health under section 204 of this act;
- (3) Develop long-term community plans to reduce the rate of at-risk children and youth; set definitive, measurable goals, based upon the department of health standards; and project their desired outcomes;
- (4) Distribute funds to local programs that reflect the locally established priorities;
- (5) Comply with outcome-based standards;
- (6) Cooperate with the department of health and local boards of health to provide data and determine outcomes; and
- (7) Coordinate its efforts with anti-drug use efforts and organizations and maintain a high priority for combatting drug use by at-risk youth.

NEW SECTION. Sec. 305. A new section is added to chapter 70.190 RCW to read as follows:

(1) The community network's plan may include a program to provide postsecondary scholarships to at-risk students who: (a) Are community role models under criteria established by the community network; (b) successfully complete high school; and (c) maintain at least a 2.5 grade point average throughout high school. Funding for the scholarships may include public and private sources.

(2) The community network's plan may also include funding of community-based home visitor programs which are designed to reduce the incidence of child abuse and neglect with the network. The program may provide parents with education and support either in parents' homes or in

other locations comfortable for parents, beginning with the birth of their first baby. The program may make the following services available to the families:

- (a) Visits for all expectant or new parents, either at the parent's home or another location with which the parent is comfortable;
- (b) Screening before or soon after the birth of a child to assess the family's strengths and goals and define areas of concern in consultation with the family;
- (c) Parenting education and skills development;
- (d) Parenting and family support information and referral;
- (e) Parent support groups; and
- (f) Service coordination for individual families, and assistance with accessing services, provided in a manner that ensures that individual families have only one individual or agency to which they look for service coordination. Where appropriate for a family, service coordination may be conducted through interdisciplinary or interagency teams.

These programs are intended to be voluntary for the parents involved.

(3) The community network may include funding of:

- (a) At-risk youth job placement and training programs. The programs shall:
 - (i) Identify and recruit at-risk youth for local job opportunities;
 - (ii) Provide skills and needs assessments for each youth recruited;
 - (iii) Provide career and occupational counseling to each youth recruited;
 - (iv) Identify businesses willing to provide employment and training opportunities for at-risk youth;
 - (v) Match each youth recruited with a business that meets his or her skills and training needs;
 - (vi) Provide employment and training opportunities that prepare the individual for demand occupations; and
 - (vii) Include, to the extent possible, collaboration of business, labor, education and training, community organizations, and local government;
- (b) Employment assistance, including job development, school-to-work placement, employment readiness training, basic skills, apprenticeships, job mentoring, and private sector and community service employment;
- (c) Education assistance, including tutoring, mentoring, interactions with role models, entrepreneurial education and projects, and employment reentry assistance services;
- (d) Peer-to-peer, group, and individual counseling, including crisis intervention, for at-risk youth and their parents;
- (e) Youth coalitions that provide opportunities to develop leadership skills and gain appropriate respect, recognition, and rewards for their positive contribution to their community;
- (f) Technical assistance to applicants to increase their organizational capacity and to improve the likelihood of a successful application; and
- (g) Technical assistance and training resources to successful applicants.

NEW SECTION. Sec. 306. A new section is added to chapter 70.190 RCW to read as follows:

(1) A community network that has its membership finalized under section 303(4) of this act shall, upon application to the council, be eligible to receive planning grants and technical assistance from the council. Planning grants may be funded through available federal funds for family preservation services. After receiving the planning grant the region will be given up to one year to submit the long-term community plan. Effective July 1, 1995, up to one-half of the community networks will be eligible to receive grant funds for prevention and early intervention programs.

(2) The community networks that did not receive the initial grants shall be eligible, upon approval of their plans by the council, to receive such funds on January 1, 1997.

(3) The participating state agencies shall enter into biennial contracts with community networks as part of the grant process. The contracts shall be consistent with available resources, and shall be distributed in accordance with the distribution formula developed pursuant to section 326 of this act.

(4) No later than February 1 of each odd-numbered year following the initial contract between the council and a network, the council shall request from the network its plan for the upcoming biennial contract period.

(5) The council shall notify the community networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

NEW SECTION. Sec. 307. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety council shall:

- (1) Establish network boundaries by July 1, 1994. There is a presumption that no county may be divided between two or more community networks and no network shall have fewer than forty thousand population. When approving multicounty networks, considering dividing a county between networks, or creating a network with a population of less than forty thousand, the council must consider: (a) Common economic, geographic, and social interests; (b) historical and existing shared governance; and (c) the size and location of population centers. Individuals and groups within any area shall be given ample opportunity to propose network boundaries in a manner designed to assure full consideration of their expressed wishes;
- (2) Develop a technical assistance and training program to assist communities in creating and developing community networks;
- (3) Approve the structure, purpose, goals, plan, and performance measurements of each community network;

(4) Identify all prevention and early intervention programs and funds, other than program funds designed for treatment as defined in section 309 of this act, including all programs funded under RCW 69.50.520, in addition to those set forth in sections 312 through 316 of this act, which could be transferred, in all or part, to the community networks, and report their findings and recommendations to the governor and the legislature regarding any appropriate program transfers by January 1 of each year;

(5) Reward community networks that show exceptional success as provided in section 326 of this act;

(6) Seek every opportunity to maximize federal and other funding that is consistent with the plans approved by the council for the purpose and goals of this chapter;

(7) Review the state-funded out-of-home placement rate before the end of each contract to determine whether the region has sufficiently reduced the rate. If the council determines that there has not been a sufficient reduction in the rate, it may reduce the immediately succeeding grant to the network;

(8)(a) The council shall monitor the implementation of programs contracted by participating state agencies by reviewing periodic reports on the extent to which services were delivered to intended populations, the quality of services, and the extent to which service outcomes were achieved at the conclusion of service interventions. This monitoring shall include provision for periodic feedback to community networks;

(b) The legislature intends that this monitoring be used by the legislative budget committee, together with public health data on at-risk behaviors and risk and protective factors to produce an external evaluation of the effectiveness of the networks and their programs. For this reason, and to conserve public funds, the council shall not conduct or contract for the conduct of control group studies, quasi-experimental design studies, or other analysis efforts to attempt to determine the impact of network programs on at-risk behaviors or risk and protective factors; and

(9) Review the implementation of chapter . . . , Laws of 1994 (this act) and report its recommendations to the legislature annually. The report shall use measurable performance standards to evaluate the implementation.

NEW SECTION. Sec. 308. A new section is added to chapter 70.190 RCW to read as follows:

(1) The council, and each network, shall annually review all state and federal funded programs serving individuals, families, or communities to determine whether a network may be better able to integrate and coordinate these services within the community.

(2) The council, and each network, shall specifically review and report on the feasibility and desirability of decategorizing and granting, all or part of, the following program funds to the networks:

(a) Child care;

(b) Early intervention and educational services, including but not limited to, birth to three, birth to six, early childhood education and assistance, and headstart;

(c) Crisis residential care;

(d) Victims' assistance;

(e) Foster care;

(f) Adoption support;

(g) Continuum of care; and

(h) Drug and alcohol abuse prevention and early intervention in schools.

(3) In determining the desirability of decategorizing these programs the report shall analyze whether:

(a) The program is an integral part of the community plan without decategorization;

(b) The program is already adequately integrated and coordinated with other programs that are, or will be, funded by the network;

(c) The network could develop the capacity to provide the program's services;

(d) The program goals might receive greater community support and reinforcement through the network;

(e) The program presently ensures that adequate follow-up efforts are utilized, and whether the network could improve on those efforts through decategorization of the funds;

(f) The decategorization would benefit the community; and

(g) The decategorization would assist the network in achieving its goals.

NEW SECTION. Sec. 309. A new section is added to chapter 70.190 RCW to read as follows:

(1) The council may, by a vote of its membership, remove from a program, subject to the grant process under this chapter, any funds that are used solely for treatment.

(2) For the purposes of this section, "treatment" means remediation of personal functioning that has been lost or impaired as the immediate result of an act of violence, as defined in section 202 of this act.

NEW SECTION. Sec. 310. A new section is added to chapter 70.190 RCW to read as follows:

(1) The participating state agencies shall execute an interagency agreement to ensure the coordination of their local program efforts regarding children. This agreement shall recognize and give specific planning, coordination, and program administration responsibilities to community networks after the approval under section 311 of this act of their comprehensive community plans. The community networks shall encourage the development of integrated, regionally based children, youth, and family activities and services with adequate local flexibility to accomplish the purposes stated in section 101 of this act and RCW 74.14A.020.

(2) The community networks shall exercise the planning, coordinating, and program administration functions specified by the state interagency agreement in addition to other activities required by law, and shall participate in the planning process required by chapter 71.36 RCW.

(3) Any state or federal funds identified for contracts with community networks shall be transferred with no reductions.

NEW SECTION. Sec. 311. A new section is added to chapter 70.190 RCW to read as follows:

(1) The participating state agencies shall only disburse funds to a community network after a comprehensive community plan has been prepared by the network and approved by the council. In approving the plan the council shall consider whether the network:

- (a) Promoted input from the widest practical range of agencies and affected parties;
- (b) Reviewed the indicators of violence data compiled by the local public health departments and incorporated a response to those indicators in the plan;
- (c) Obtained a declaration by the largest health department in the region, ensuring that the plan met minimum standards for assessment and policy development relating to social development according to section 204 of this act;
- (d) Included a specific mechanism of data collection and transmission based on the rules established under section 204 of this act;
- (e) Considered all relevant causes of violence in its community and did not isolate only one or a few of the elements to the exclusion of others and demonstrated evidence of building community capacity through effective neighborhood and community development; and
- (f) Committed to make measurable reductions in the rate of at-risk children and youth by reducing the rate of state-funded out-of-home placements and make reductions in at least three of the following rates of youth: Violent criminal acts, substance abuse, pregnancy and male parentage, suicide attempts, or dropping out of school.

(2) Upon approval of a community network's plan, the council shall grant all of the funds for the programs identified in sections 312 through 316 of this act, unless the community network has demonstrated that a specific program, or a part of a program, should not be granted to the network. To preclude a grant, the community network shall demonstrate, in a detailed plan, that the existing program, or part of a program:

- (a) Is incorporated into the community plan;
- (b) Is adequately integrated and coordinated with other prevention and intervention programs in the community;
- (c) Possesses such a unique character that the community network would be unable to independently contract for those services;
- (d) Is adequately supported and reinforced by the community;
- (e) Presently ensures that follow-up efforts are utilized so that the program has long-lasting benefits;
- (f) Is designed such that decategorization of the services would be detrimental to the consumer; and
- (g) Is contributing to the reduction in the rate of at-risk children and youth in the community through reducing risk factors or increasing protective factors.

NEW SECTION. Sec. 312. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall, subject to the provisions of sections 309 and 311(2) of this act, contract with the community networks approved under section 311 of this act, on a grant basis, for the administration of an integrated program reducing the rate of at-risk children and youth beginning July 1, 1995. The contract shall include state and federal funds currently appropriated for:

- (1) Consolidated juvenile services; and
- (2) Family preservation and support services.

The contract may also include funds for family preservation services which may be available for the purposes of chapter 70.190 RCW.

NEW SECTION. Sec. 313. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall, subject to the provisions of sections 309 and 311(2) of this act, contract with the community networks approved under section 311 of this act, on a grant basis, for the administration of an integrated program reducing the rate of at-risk children and youth beginning July 1, 1995. The contracts shall include state and federal funds currently appropriated for the readiness to learn program.

NEW SECTION. Sec. 314. A new section is added to chapter 43.63A RCW to read as follows:

The department of community, trade, and economic development shall, subject to the provisions of sections 309 and 311(2) of this act, contract with the community networks approved under section 311 of this act, on a grant basis, for the administration of an integrated program reducing the rate of at-risk children and youth beginning July 1, 1995. The contracts shall include state and federal funds currently appropriated for:

- (1) The community mobilization program; and
- (2) The violence prevention program.

NEW SECTION. Sec. 315. A new section is added to chapter 70.190 RCW to read as follows:

All funds transferred to community networks for programs under chapter 43.270 RCW shall, until July 1, 1997, be used only for the purposes of chapter 43.270 RCW.

NEW SECTION. Sec. 316. A new section is added to chapter 43.101 RCW to read as follows:

The criminal justice training commission shall, subject to the provisions of sections 309 and 311(2) of this act, contract with community networks approved under section 311 of this act, on a grant basis for the administration of an integrated program reducing the rate of at-risk children and youth. The contract shall include all state and federal funds currently appropriated for the community-police partnership program under RCW 43.101.240.

Sec. 317. RCW 43.101.240 and 1989 c 271 s 423 are each amended to read as follows:

(1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region X) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing. ~~((The commission shall report its findings and progress to the legislature by January 1990.))~~

(2) Local law enforcement agencies are encouraged to form community-police partnerships in ~~((areas of substantial drug crimes))~~ all neighborhoods and particularly areas with high rates of criminal activity. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

~~((3) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission for the purposes of subsection (1) of this section.))~~

NEW SECTION. Sec. 318. A new section is added to chapter 70.190 RCW to read as follows:

If there exist any federal restrictions against the transfer of funds, for the programs enumerated in sections 310 through 316 of this act, to the community networks, the council shall assist the governor in immediately applying to the federal government for waivers of the federal restrictions. The council shall also assist the governor in coordinating efforts to make any changes in federal law necessary to meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

NEW SECTION. Sec. 319. A new section is added to chapter 70.190 RCW to read as follows:

For grant funds awarded under sections 307 and 312 through 316 of this act, no state agency may require any other program requirements, except those necessary to meet federal funding standards or requirements. None of the grant funds awarded to the community networks shall be considered as new entitlements.

NEW SECTION. Sec. 320. A new section is added to chapter 70.190 RCW to read as follows:

The implementation of community networks shall be included in all federal and state plans affecting the state's children, youth, and families. The plans shall be consistent with the intent and requirements of this chapter.

Sec. 321. RCW 70.190.020 and 1992 c 198 s 4 are each amended to read as follows:

To the extent that any power or duty of the council ~~((created according to chapter 198, Laws of 1992))~~ may duplicate efforts of existing councils, commissions, advisory committees, or other entities, the governor is authorized to take necessary actions to eliminate such duplication. This shall include authority to consolidate similar councils or activities in a manner consistent with the goals of this chapter ~~((198, Laws of 1992))~~.

Sec. 322. RCW 70.190.030 and 1992 c 198 s 5 are each amended to read as follows:

~~((4))~~ The ~~((family policy))~~ council shall annually solicit from ~~((consortiums))~~ community networks proposals to facilitate greater flexibility, coordination, and responsiveness of services at the community level. The council shall consider such proposals only if:

~~((a))~~ (1) A comprehensive plan has been prepared by the ~~((consortium; and~~

~~((b))~~ community networks;

(2) The ~~((consortium))~~ community network has identified and agreed to contribute matching funds as specified in RCW 70.190.010; ~~((and~~

~~((e))~~ (3) An interagency agreement has been prepared by the ~~((family policy))~~ council and the participating local service and support agencies that governs the use of funds, specifies the relationship of the project to the principles listed in RCW 74.14A.025, and identifies specific outcomes and indicators; and

~~((d) Funds are to be used to provide support or services needed to implement a family's or child's case plan that are not otherwise adequately available through existing categorical services or community programs; [and]~~

~~((e) The consortium has provided written agreements that identify a lead agency that will assume fiscal and programmatic responsibility for the project, and identify participants in a consortium council with broad participation and that shall have responsibility for ensuring effective coordination of resources; and~~

~~((f))~~ (4) The ~~((consortium))~~ community network has designed into its comprehensive plan standards for accountability. Accountability standards include, but are not limited to, the public hearing process eliciting public comment about the appropriateness of the proposed comprehensive plan. The ~~((consortium))~~ community network must submit reports to the ~~((family policy))~~ council outlining the public response regarding the appropriateness and effectiveness of the comprehensive plan.

~~((2) The family policy council may submit a prioritized list of projects recommended for funding in the governor's budget document.~~

~~((3) The participating state agencies shall identify funds to implement the proposed projects from budget requests or existing appropriations for services to children and their families.))~~

Sec. 323. RCW 70.190.040 and 1993 c 336 s 901 are each amended to read as follows:

(1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the ~~((family policy))~~ council shall ~~((award))~~ include those funds in grants to ~~((community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn))~~ community networks.

Sec. 324. RCW 70.190.900 and 1992 c 198 s 11 are each amended to read as follows:

By June 30, 1995, the (~~family policy~~) council shall report to the appropriate committees of the legislature on the expenditures made, outcomes attained, and other pertinent aspects of its experience in the implementation of RCW 70.190.030.

NEW SECTION. Sec. 325. A new section is added to chapter 43.41 RCW to read as follows:

The office of financial management shall review the administration of funds as modified by sections 307 and 312 through 318 of this act and shall by January 1, 1995, propose legislation to complete interdepartmental transfers of funds or programs needed to place all programs and funds affected by sections 307 and 312 through 318 of this act into a single existing state agency. The proposal shall place these programs in a single state agency whose statutory purpose, mission, goals, and operating philosophy most closely supports the principles and purposes of section 101 of this act and RCW 74.14A.020. The office of financial management may not suggest the creation of a new state agency for the function unless, after thorough review and documentation, the office of financial management determines that no suitable state agency exists. The office of financial management shall review statutes that authorize the programs transferred by sections 312 through 318 of this act and suggest legislation to eliminate statutory requirements that may interfere with the administration of that policy.

NEW SECTION. Sec. 326. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office of financial management, in consultation with affected parties, shall establish a fund distribution formula for determining allocations to the community networks authorized under section 311 of this act. The formula shall reflect the local needs assessment for at-risk children and consider:

- (a) The number of arrests and convictions for juvenile violent offenses;
- (b) The number of arrests and convictions for crimes relating to juvenile drug offenses and alcohol related offenses;
- (c) The number of teen pregnancies and parents;
- (d) The number of child and teenage suicides and attempted suicides; and
- (e) The high school graduation rate.

(2) In developing the formula, the office of financial management shall reserve five percent of the funds for the purpose of rewarding community networks.

(3) The reserve fund shall be used by the council to reward community networks that show exceptional reductions in: State-funded out-of-home placements, violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or school dropout rates.

(4) The office of financial management shall submit the distribution formula to the community public health and safety council and to the appropriate committees of the legislature by December 20, 1994.

NEW SECTION. Sec. 327. A new section is added to chapter 70.190 RCW to read as follows:

If a community network is unable or unwilling to assume powers and duties authorized under this chapter by June 30, 1999, and the legislative budget committee recommends under section 701 of this act making grants with available funds, the office of financial management may transfer all funds and programs to a single state agency for the purpose of integrating the programs and services.

NEW SECTION. Sec. 328. The secretary of social and health services and the insurance commissioner shall conduct a study regarding liability issues and insurance rates for private nonprofit group homes that contract with the department for client placement. The secretary and commissioner shall report their findings and recommendations to the legislature by November 15, 1994.

NEW SECTION. Sec. 329. A new section is added to chapter 43.20A RCW to read as follows:

The secretary of social and health services shall make all of the department's evaluation and research materials and data on private nonprofit group homes available to group home contractors. The department may delete any information from the materials that identifies a specific client or contractor, other than the contractor requesting the materials.

NEW SECTION. Sec. 330. The governor shall appoint the initial members of the community public health and safety council by May 15, 1994.

NEW SECTION. Sec. 331. RCW 70.190.900 and 1994 c . . . s 324 (section 324 of this act) & 1992 c 198 s 11 are each repealed.

NEW SECTION. Sec. 332. Section 331 of this act shall take effect July 1, 1995.

PART IV. PUBLIC SAFETY

Sec. 401. RCW 43.06.260 and 1969 ex.s. c 186 s 7 are each amended to read as follows:

After the proclamation of a state of emergency as provided in RCW 43.06.010 any person (~~sixteen~~) fourteen years of age or over who violates any provision of RCW 43.06.010(~~and~~) or 43.06.200 through 43.06.270 shall be (~~prosecuted as an adult~~) subject to a decline hearing under RCW 13.40.110.

NEW SECTION. Sec. 402. A new section is added to chapter 35.21 RCW to read as follows:

(1) Any city or town has the authority to enact an ordinance, for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at such rates as to be beyond the capacity of the police to assure public safety, establishing times and conditions under which juveniles may be present on the public streets, in the public parks, or in any other public place during specified hours.

(2) The ordinance shall: (a) Contain clear specific prohibitions in terms of location, conduct, and ages; and (b) accommodate (i) juveniles acting in the course of their employment, (ii) juveniles engaged in organized school activities, (iii) the physical well-being of the juvenile, and (iv) juveniles who are in the presence of their parents.

NEW SECTION. Sec. 403. A new section is added to chapter 35A.11 RCW to read as follows:

(1) Any code city has the authority to enact an ordinance, for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at such rates as to be beyond the capacity of the police to assure public safety, establishing times and conditions under which juveniles may be present on the public streets, in the public parks, or in any other public place during specified hours.

(2) The ordinance shall: (a) Contain clear specific prohibitions in terms of location, conduct, and ages; and (b) accommodate (i) juveniles acting in the course of their employment, (ii) juveniles engaged in organized school activities, (iii) the physical well-being of the juvenile, and (iv) juveniles who are in the presence of their parents.

NEW SECTION. Sec. 404. A new section is added to chapter 36.32 RCW to read as follows:

(1) The legislative authority of any county has the authority to enact an ordinance, for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at such rates as to be beyond the capacity of the police to assure public safety, establishing times and conditions under which juveniles may be present on the public streets, in the public parks, or in any other public place during specified hours.

(2) The ordinance shall: (a) Contain clear specific prohibitions in terms of location, conduct, and ages; and (b) accommodate (i) juveniles acting in the course of their employment, (ii) juveniles engaged in organized school activities, (iii) the physical well-being of the juvenile, and (iv) juveniles who are in the presence of their parents.

Sec. 405. RCW 46.20.265 and 1991 c 260 s 1 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to section 407 or 408 of this act, RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection.

(b) If the diversion agreement was for the juvenile's first violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

Sec. 406. RCW 13.40.265 and 1989 c 271 s 116 are each amended to read as follows:

(1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) If the offense is the juvenile's first violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

NEW SECTION. Sec. 407. A new section is added to chapter 9.41 RCW to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

NEW SECTION. Sec. 408. A new section is added to chapter 9.94A RCW to read as follows:

Upon conviction of any person under age eighteen of an offense involving the use of a deadly weapon as defined in RCW 9A.04.110 or a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing of the conviction.

NEW SECTION. Sec. 409. A new section is added to chapter 9.41 RCW to read as follows:

Upon conviction of any person of any offense that disqualifies the offender from ownership of a pistol the court shall: (1) Immediately revoke the concealed pistol license of the offender, if any; (2) order the immediate surrender of the license to the court; (3) destroy the license, unless an appeal of the conviction is timely filed, in which case the court shall retain possession of the license until a final determination of the appeal; and (4) notify the department of licensing of the revocation.

If the license has not otherwise expired, the court shall restore, without cost, the license of a person whose conviction is reversed on appeal. The person shall also be eligible for relicensing without consideration of the original conviction. Upon restoration, the court shall immediately notify the department of licensing.

NEW SECTION. Sec. 410. A new section is added to chapter 9.41 RCW to read as follows:

Upon receipt of notice from the court under section 409 of this act, the department shall correct its records to reflect the revocation or restoration of the concealed pistol license.

Sec. 411. RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~("Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length)~~ "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(2) ~~"Crime of violence" (as used in this chapter)~~ means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, residential burglary, burglary in the second degree, ~~((and))~~ robbery in the second degree, and malicious harassment;

(b) Any conviction or adjudication for a felony offense in effect at any time prior to ~~((July 1, 1976))~~ the effective date of this section, which is comparable to a felony classified as a crime of violence in subsection (2)(a) of this section; and

(c) Any federal or out-of-state conviction or adjudication for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Deadly weapon" has the same definition as in RCW 9A.04.110.

(4) "Dealer" means:

(a) Any person engaged in the business of selling firearms at wholesale or retail;

(b) Any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or

(c) Any person who is a pawnbroker.

(5)(a) "Engaged in the business" means:

(i) As applied to a dealer as defined in subsection (4)(a) of this section, a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms;

(ii) As applied to a dealer as defined in subsection (4)(b) of this section, a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

(b) For the purpose of this subsection, "with the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.

(c) The possession of a federal firearms license under 18 U.S.C. Sec. 923 does not constitute conclusive proof that the holder is a person engaged in business as a dealer.

(6) "Firearm" ((as used in this chapter)) means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

((4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.))

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom.

(8) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Child molestation in the second degree;

(c) Controlled substance homicide;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Sexual exploitation;

(j) Vehicular assault;

(k) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(l) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(m) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or

(n) Any felony offense in effect at any time prior to the effective date of this section that is comparable to a most serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense.

(9) "Pistol" means any firearm with a barrel less than twelve inches in length.

Sec. 412. RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are each reenacted and amended to read as follows:

(1) A person is guilty of the crime of unlawful possession of a ~~((short firearm or))~~ pistol, if, having previously been convicted or, as a juvenile, adjudicated in this state or elsewhere of a crime of violence, a most serious offense, a domestic violence offense enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW 9A.46.060, or of a felony in which a firearm was used or displayed, the person owns or has in his or her possession any ~~((short firearm or))~~ pistol.

(2) Unlawful possession of a ~~((short firearm or))~~ pistol shall be punished as a class C felony under chapter 9A.20 RCW.

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

(4) Except as provided in subsection (5) of this section, a person is guilty of the crime of unlawful possession of a ~~((short firearm or))~~ pistol if, after having been convicted or adjudicated of any felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction, the person owns or has in his or her possession or under his or her control any ~~((short firearm or))~~ pistol.

(5) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from ownership, possession, or control of a firearm as a result of the conviction.

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

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

(c) The secretary of social and health services shall develop appropriate rules to create an approval process under this subsection. The rules must provide for the immediate restoration of the right to possess a firearm upon a showing in a court of competent jurisdiction that a person no

longer is required to participate in an inpatient or outpatient treatment program, and is no longer required to take medication to treat any condition related to the commitment. Unlawful possession of a firearm under this subsection shall be punished as a class C felony under chapter 9A.20 RCW.

Sec. 413. RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each amended to read as follows:

(1) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a concealed pistol license ~~((to carry a concealed weapon))~~.

(2) A person who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person shall not carry or place a loaded pistol in any vehicle unless the person has a concealed pistol license ~~((to carry a concealed weapon))~~ and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

Sec. 414. RCW 9.41.060 and 1961 c 124 s 5 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, ~~((policemen))~~ police officers or other law enforcement officers, or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of any organization duly authorized to purchase or receive such ~~((weapons))~~ pistols from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting or modern and antique firearm collecting or to individual hunters: PROVIDED, Such members are at, or are going to or from their places of target practice, or their collector's gun shows and exhibits, or are on a hunting, camping or fishing trip, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his or her possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business or in moving from one place of abode or business to another.

Sec. 415. RCW 9.41.070 and 1992 c 168 s 1 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within ~~((thirty))~~ forty-five days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his or her person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to ~~((sixty))~~ seventy-five days after the filing of the application to issue a license. Such applicant's constitutional right to bear arms shall not be denied, unless he or she:

(a) Is ineligible to ~~((own))~~ possess a pistol under the provisions of RCW 9.41.040; or

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his or her person; or

(g) Has been convicted of any of the following offenses: Assault in the third degree, indecent liberties, malicious mischief in the first degree, possession of stolen property in the first or second degree, or theft in the first or second degree. Any person who becomes ineligible for a concealed pistol ~~((permit))~~ license as a result of a conviction for a crime listed in this subsection (1)(g) and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition the district court for a declaration that the person is no longer ineligible for a concealed pistol ~~((permit))~~ license under this subsection (1)(g).

(2) In the event the issuing authority is unable to determine whether the applicant has been convicted of an offense that disqualifies the applicant from receiving a license, the issuing authority may extend the period in which a decision is to be made by not more than thirty days if the applicant is notified of the delay by certified mail and is provided an opportunity to present to the issuing authority evidence that he or she has not been convicted of any disqualifying offense. If, at the end of the extended period the issuing authority is unable to determine whether a disqualifying conviction has been entered, the application shall be approved.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored.

~~((3))~~ (4) The license shall be revoked by the issuing authority immediately upon conviction of a crime which makes such a person ineligible to ~~((own))~~ possess a pistol or upon the third conviction for a violation of this chapter within five calendar years.

~~((4))~~ (5) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the issuing authority shall:

(a) On the first forfeiture, revoke the license for one year;

- (b) On the second forfeiture, revoke the license for two years;
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period. The issuing authority shall notify, in writing, the department of licensing upon revocation of a license. The department of licensing shall record the revocation.

~~((5))~~ (6) The license application shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the full name, street address, ~~((and))~~ date and place of birth, race, gender, description, fingerprints, ~~((and))~~ signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The application shall also include a statement that the applicant is eligible to possess a pistol under RCW 9.41.040. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. ~~The ((application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen))~~ applicant shall also provide the following information: Citizenship, and if not a citizen of the United States whether the applicant has declared the intent to become a citizen of the United States and whether he or she has been required to register with the state or federal government and any identification or registration number, if applicable. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen. ~~((A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor.))~~ A person who is not a citizen of the United States, or has not declared his or her intention to become a citizen shall meet the additional requirements of RCW 9.41.170.

Upon approval of the application by the issuing authority, the original ((thereof)) application and license shall be delivered to the licensee((- the)); a duplicate of the license shall within seven days be sent ((by registered mail)) to the director of licensing; and ((the)) a triplicate of the license shall be preserved for six years, by the issuing authority ((issuing said license)). If the application is denied, notice of the denial shall be sent to the applicant and the director of licensing by the issuing authority within five days of denial.

The department of licensing shall enter the information on the application record and license into its data bank. The department shall make available in an on-line format all information received under this subsection and subsection (5) of this section. The form of the application and license shall be as determined by the director of licensing.

~~((6))~~ (7) The fee for the original issuance of a four-year license shall be ~~((twenty-three))~~ thirty dollars~~((: PROVIDED, That))~~. No other ((additional charges by any)) branch or unit of government ((shall be borne by)) may impose any additional charges on the applicant for the issuance of the license~~((: PROVIDED FURTHER, That))~~.

The fee shall be distributed as follows:

- (a) Four dollars shall be paid to the state general fund;
- (b) ~~((Four))~~ Five dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) ~~((Twelve))~~ Fifteen dollars and fifty cents shall be paid to the issuing authority solely for the purpose of enforcing this chapter; ~~((and))~~
- (d) Three dollars to the firearms range account in the general fund; and
- (e) Two dollars and fifty cents to the department of licensing solely for the purpose of enforcing this chapter.

~~((7))~~ (8) The fee for the renewal of such license shall be ~~((fifteen))~~ twenty dollars~~((: PROVIDED, That))~~. No other ((additional charges by any)) branch or unit of government ((shall be borne by)) may impose any additional charges on the applicant for the renewal of the license~~((: PROVIDED FURTHER, That))~~.

The renewal fee shall be distributed as follows:

- (a) Four dollars shall be paid to the state general fund;
- (b) ~~((Eight))~~ Ten dollars shall be paid to the issuing authority solely for the purpose of enforcing this chapter; ~~((and))~~
- (c) Three dollars to the firearms range account in the general fund; and
- (d) Three dollars to the department of licensing.

~~((8))~~ (9) Methods of payment shall be ((by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed)) determined at the option of the issuing authority.

~~((9))~~ (10) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection ~~((7))~~ (8) of this section. The fee shall be distributed as follows:

- (a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

~~((14))~~ (11) Notwithstanding the requirements of subsections (1) through ~~((9))~~ (10) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

~~((14))~~ (12) A political subdivision of the state shall not: (a) Modify the requirements of this ((section-er)) chapter((,-nor may a political subdivision)); (b) refuse to accept a completed application; or (c) ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to accept a completed application or to issue a license or a wrongful modification of the requirements of this ((section-er)) chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

(13) A person who knowingly makes a false statement regarding residency, identity, citizenship, or other required information on an application for a concealed pistol license is guilty of a misdemeanor. Each false statement is a separate offense.

(14) A person may apply for a license only in, and such license may be issued only in, the municipality or the county in which the applicant resides.

Sec. 416. RCW 9.41.080 and 1935 c 172 s 8 are each amended to read as follows:

(1) No person ~~((shall))~~ may deliver a pistol or ammunition usable only in a pistol to any person under the age of twenty-one or to one who he or she has reasonable cause to believe ~~((has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind))~~ is ineligible to possess a pistol under RCW 9.41.040. Violation of this subsection is a gross misdemeanor for the first offense and a class C felony punishable under chapter 9A.20 RCW for all subsequent offenses.

(2) Any person who makes an unlawful delivery under this section within one thousand feet of any public or private elementary or secondary school premises is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) The minimum sentence for a violation of this section is ninety days of confinement.

Sec. 417. RCW 9.41.090 and 1988 c 36 s 2 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no ~~((commercial seller shall))~~ dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the ~~((commercial seller))~~ dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (4) of this section; or

(b) The ~~((seller))~~ dealer is notified in writing by the chief of police of the municipality or the sheriff of the county that the purchaser ~~((meets the requirements of))~~ is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is ~~((granted))~~ approved by the chief of police or sheriff; or

(c) Five consecutive days ~~((including))~~ excluding Saturday, Sunday and holidays have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (4) of this section, and, when delivered, ~~((said))~~ the pistol shall be securely wrapped and shall not be ~~((unloaded))~~ loaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the ~~((seller))~~ dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the ~~((seller))~~ dealer so that the hold may be released if the warrant was for a crime other than a crime of violence.

(3) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for a crime of violence, or (e) an arrest for a crime of violence if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(4) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the ~~((seller))~~ dealer an application containing his or her full name, street address, date and place of birth, ~~((and))~~ race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; ~~((and))~~ a description of the ~~((weapon))~~ pistol, including ~~((:))~~ the make, model, caliber and manufacturer's number; and a statement that the purchaser is eligible to ~~((own))~~ possess a pistol under RCW 9.41.040. The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The ((seller)) dealer shall, by the end of the business day, sign and attach his or her address and deliver the original of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the ((seller)) dealer is a resident. The dealer shall send the duplicate to the director of licensing within seven days, and retain the triplicate for six years. The ((seller)) dealer shall deliver the pistol to the purchaser following the period of time specified in this section unless the ((seller)) dealer is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser ~~((fails to meet the requirements specified in))~~ is not eligible to possess a pistol under RCW 9.41.040. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

(5) Sales by wholesalers to dealers are exempt from the provisions of this section.

(6) A person who knowingly makes a false statement regarding residency, identity, citizenship, or other required information on the application to purchase a pistol is guilty of a misdemeanor. Each false statement is a separate offense.

Sec. 418. RCW 9.41.095 and 1969 ex.s. c 227 s 3 are each amended to read as follows:

Any person whose application to purchase a pistol as provided in RCW 9.41.090 ~~((as now or hereinafter amended))~~ is denied shall have a right to appeal to the legislative body of the municipality or of the county, whichever is applicable, for a review of the denial at a public hearing to be conducted within fifteen days after denial. It shall be the duty of the law enforcement officer recommending the denial to appear at such hearing and to present proof relating to the grounds for denial. In the event that the evidence so presented does not sustain one of the grounds for denial enumerated in RCW 9.41.090, the legislative authority shall authorize the sale.

Any person aggrieved by a determination of the appropriate legislative body not to permit the sale of such weapon is entitled to judicial review by the superior court in the appropriate county.

Sec. 419. RCW 9.41.098 and 1993 c 243 s 1 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the ~~((Uniformed Uniform))~~ Uniform Controlled Substances Act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993, and applies only if the law enforcement agency has complied with (b) of this subsection.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, ~~((short firearms))~~ pistols, or shall pay a fee of twenty-five dollars to the state treasurer for every ~~((short firearm))~~ pistol neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every ~~((short firearm))~~ pistol listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 77.12.720. All trades or auctions of firearms under this subsection shall be to ~~((commercial sellers))~~ dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 77.12.720.

(c) Antique firearms as defined by RCW 9.41.150 and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to ~~((commercial sellers))~~ dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to ~~((commercial sellers))~~ dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 420. RCW 9.41.110 and 1979 c 158 s 2 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell pistols or firearms other than pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160 (as recodified by this act).

~~((4))~~ (5)(a) A licensing authority shall, within forty-five days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to seventy-five days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to own, possess, or control a firearm, and eligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols that are applicable to dealers.

~~((6))~~ (a) The business shall be carried on only in the building designated in the license.

~~((2))~~ (b) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

~~((3))~~ (c) No pistol ~~((shall))~~ may be sold ~~((a))~~ in violation of any provisions of RCW 9.41.010 through 9.41.160 (as recodified by this act), nor ~~((b-shall))~~ may a pistol be sold under any circumstances unless the purchaser is personally known to the ~~((seller))~~ dealer or shall present clear evidence of his or her identity.

~~((4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.~~

~~(5) This section shall not apply to sales at wholesale. (d) The license fee for pistols shall be one hundred fifty dollars. The license fee for firearms other than pistols shall be one hundred fifty dollars. The license fee for ammunition shall be one hundred fifty dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 for the purpose of providing firearm safety training through the department of fish and wildlife in whatever manner the director deems appropriate.~~

~~((6)) (7) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses.~~

~~((7)) (8) Except as provided in RCW 9.41.090 ((as now or hereinafter amended)), every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.~~

~~((The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.))~~

Sec. 421. RCW 9.41.140 and 1961 c 124 s 10 are each amended to read as follows:

No person ~~((shall))~~ may change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any ~~((pistol))~~ firearm. Possession of any ~~((pistol))~~ firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old ~~((revolvers))~~ firearms, which barrels are produced by current manufacturers and ~~((therefor))~~ do not have the markings on the barrels of the original manufacturers who are no longer in business.

Sec. 422. RCW 9.41.170 and 1979 c 158 s 3 are each amended to read as follows:

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his or her intention to become a citizen of the United States, to carry or have in his or her possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of licensing, and such license is not to be issued by the director of licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he or she is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section ~~((shall be construed to))~~ allows aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 423. RCW 9.41.180 and 1992 c 7 s 8 are each amended to read as follows:

Except as provided in RCW 9.41.185, every person who ((shall)) sets a so-called trap, spring pistol, rifle, or other deadly weapon((, shall be punished as follows:

~~(1) If no injury result therefrom to any human being, by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both.~~

~~(2) If injuries not fatal result therefrom to any human being, by imprisonment in a state correctional facility for not more than twenty years.~~

~~(3) If the death of a human being results therefrom, by imprisonment in a state correctional facility for not more than twenty years)) is guilty of a gross misdemeanor.~~

Sec. 424. RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each amended to read as follows:

~~(1) It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in his or her possession ((or under control)), any machine gun, or any part thereof capable of use or assembling or repairing any machine gun((: PROVIDED, HOWEVER, That such limitation)).~~

~~(2) This section shall not apply to:~~

~~(a) Any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington((: PROVIDED FURTHER, That this section does not apply to)) in the discharge of official duty; or~~

~~(b) A person, including an employee of such person, who or which is exempt from or licensed under the National Firearms Act (26 U.S.C. section 5801 et seq.), and engaged in the production, manufacture, or testing of weapons or equipment to be used or purchased by the armed forces of the United States, and having a United States government industrial security clearance.~~

~~(3) Any person violating this section is guilty of a class C felony punishable under chapter 9A.20 RCW.~~

Sec. 425. RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as follows:

~~((No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under~~

the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes.) (1) Except as provided in this section, no person: (a) Under the age of twenty-one may handle, possess, or control any pistol or ammunition usable only in a pistol; or (b) under the age of fourteen may handle, possess, or control any firearm or ammunition.

(2) Subsection (1) of this section shall not apply to any person:

(a) While in the presence of the person's parent, guardian, or other adult approved for the purpose of this section by the parent or guardian;

(b) While engaged in hunting when in possession of a valid license issued under RCW 77.32.101; or

(c) While under the supervision of a certified safety instructor at an established gun range or at a firearm training class.

(3) This section shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty.

(4) Every person violating ((any of the foregoing provisions)) this section, or aiding or knowingly permitting any such ((minor)) person under the age of twenty-one to violate ((the same)) this section, shall be guilty of a gross misdemeanor for a first offense, and a class C felony punishable under chapter 9A.20 RCW for each subsequent offense.

(5) Nothing in this section shall interfere with the right to use a firearm in self-defense as set forth in chapter 9A.16 RCW.

Sec. 426. RCW 9.41.250 and 1959 c 143 s 1 are each amended to read as follows:

((Every)) It is unlawful for any person ((who shall)) to manufacture, own, buy, sell ((or dispose of)), loan, furnish, transport, or have in his or her possession any ((instrument or)) deadly weapon ((of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; who shall furtively carry with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a gross)) other than a firearm or motor vehicle. A violation of this section is a misdemeanor. This section does not apply to law enforcement or any person engaged in military activities sponsored by the federal or state governments.

Sec. 427. RCW 9.41.260 and 1909 c 249 s 283 are each amended to read as follows:

Every proprietor, lessee or occupant of any place of amusement, or any plat of ground or building, who shall allow it to be used for the exhibition of skill in throwing any sharp instrument or in shooting any bow ((gun, pistol)) or firearm of any description, at or toward any human being, shall be guilty of a misdemeanor.

Sec. 428. RCW 9.41.270 and 1969 c 8 s 1 are each amended to read as follows:

(1) It ((shall be unlawful)) is a class C felony punishable under chapter 9A.20 RCW for anyone to aim any firearm, whether loaded or not, at or towards any human being, or to carry, exhibit, display, or draw any ((firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm,)) deadly weapon in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) ((Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor)) It is a gross misdemeanor to willfully discharge any firearm, air gun, or other deadly weapon or throw any deadly weapon in a public place, or in any place where any reasonable person believes a person might be endangered thereby, although no injury results; or to use any contrivance or device for suppressing the noise of any firearm. A public place shall not include any location at which firearms are authorized to be lawfully discharged.

(3) It is a misdemeanor to carry a concealed deadly weapon, except for a pistol when the person carrying the pistol is licensed under RCW 9.41.070.

(4) For purposes of this section, "reasonable" means a conclusion that a person of ordinary intelligence, given the circumstances during which a belief is held or an event occurred, would be expected to reach, or an action that a person of ordinary intelligence would be expected to take.

(5) Subsection (1) of this section shall not apply to or affect the following:

(a) Any act committed by a person while in his or her place of abode or fixed place of business for the purpose of preventing any criminal act;

(b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments.

Sec. 429. RCW 9.41.280 and 1993 c 347 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any ((firearm; or

(b) Any dangerous)) deadly weapon ((as defined in RCW 9.41.250)); or

((c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or

~~(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or~~

(e)) (b) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, and the deadly weapon used in the violation was a firearm, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. However, any violation of subsection (1)(a) of this section by an elementary or secondary school student involving a firearm shall result in expulsion in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person who possesses nun-chu-ka sticks, throwing stars, or other (~~dangerous~~) deadly weapons to be used in martial arts classes authorized to be conducted on the school premises;

(e) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(f) Any person who has been issued a license under RCW 9.41.070, while picking up or dropping off a student;

(g) Any person legally in possession of a (~~firearm or dangerous~~) deadly weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(h) Any person who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school;

or

(i) Any law enforcement officer of the federal, state, or local government agency.

(4) Except as provided in subsection (3)(b), (c), (e), and (i) of this section, firearms are not permitted in a public or private school building.

(5) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. Sec. 430. A new section is added to chapter 9A.41 RCW to read as follows:

(1) A person who possesses a stolen firearm is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) A person who commits theft of a firearm with a value less than one thousand five hundred dollars is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) A person who commits theft of a firearm with a value of one thousand five hundred dollars or more is guilty of a class B felony punishable under chapter 9A.20 RCW.

(4) It shall be a defense to any prosecution under this section, which the defendant shall prove by a preponderance of the evidence, that he or she did not know, at any time while in possession of the firearm, that it was stolen.

Sec. 431. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

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

(c) An access device; or

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

~~e) A firearm, of a value less than one thousand five hundred dollars).~~

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

Sec. 432. RCW 9A.56.160 and 1987 c 140 s 4 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

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

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

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

~~e) He possesses a stolen firearm).~~

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

Sec. 433. RCW 4.24.190 and 1992 c 205 s 116 are each amended to read as follows:

(1) The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall willfully or maliciously destroy property, real or personal or mixed, or who shall willfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed ~~((five))~~ ten thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

(2)(a) A parent or guardian is liable for any damages arising from the illegal or unlawful use of a firearm by his or her minor child when the parent or guardian knowingly or negligently allows his or her minor child to possess a firearm with the awareness that this creates a substantial risk of harm.

(b) A parent or guardian is presumed to have "awareness of a substantial risk of harm" if: (i) His or her minor child has been convicted of a "crime of violence" or "most serious offense" as defined in RCW 9.41.010; or (ii) the parent had previous knowledge of the child's illegal possession of a firearm.

(3) The prevailing party shall be entitled to costs and attorneys' fees in such amount as the court shall deem reasonable.

Sec. 434. RCW 9.94A.125 and 1983 c 163 s 3 are each amended to read as follows:

In a criminal case wherein there has been a special allegation and evidence establishing that the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it ~~((find[s]))~~ finds the defendant guilty, also find a special verdict as to whether or not the defendant or an accomplice was armed with a deadly weapon at the time of the commission of the crime.

For purposes of this section, ~~((a))~~ "deadly weapon ((is an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death))" shall have the same definition as "deadly weapon" under RCW 9A.04.110. ~~((The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.))~~

Sec. 435. RCW 13.40.110 and 1990 c 3 s 303 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; ~~((or))~~

(b) The respondent is fourteen years of age or over and the information alleges a violation of RCW 43.06.010 or 43.06.200 through 43.06.270;

(c) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(d) The information alleges a crime of violence or most serious offense as defined in RCW 9.94A.030 in which a juvenile, age twelve or over, has used a deadly weapon.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 436. RCW 13.04.030 and 1988 c 14 s 1 are each amended to read as follows:

The juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170 ~~((as now or hereafter amended))~~;

(3) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210 ~~((as now or hereafter amended))~~;

(4) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170;

(5) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, ~~((as now or hereafter amended.))~~ unless:

(a) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110 ~~((as now or hereafter amended))~~; or

(b) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(c) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(d) The juvenile is sixteen or seventeen years old and the alleged offense is: (i) A serious violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this section; or (ii) a violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this section and the juvenile has a criminal history consisting of: (A) One or more prior serious violent offenses; (B) two or more prior violent offenses; or (C) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(6) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(7) Relating to termination of a diversion agreement under RCW 13.40.080 (~~as now or hereafter amended~~), including a proceeding in which the divertee has attained eighteen years of age; and

(8) Relating to court validation of a voluntary consent to foster care placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction.

Sec. 437. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the

department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

(8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(18) "Minor or first offender" means a person (~~sixteen years of age or younger~~) whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(22) "Secretary" means the secretary of the department of social and health services;

(23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 438. RCW 13.40.0354 and 1989 c 407 s 6 are each amended to read as follows:

The total current offense points for use in the standards range matrix of schedules D-1, D-2, and D-3 are computed as follows:

(1) The disposition offense category is determined by the offense of conviction. Offenses are divided into ten levels of seriousness, ranging from low (seriousness level E) to high (seriousness level A+), see schedule A, RCW 13.40.0357.

(2) The prior offense increase factor is summarized in schedule B, RCW 13.40.0357. The increase factor is determined for each prior offense by using the time span and the offense category in the prior offense increase factor grid. Time span is computed from the date of the prior offense to the date of the current offense. The total increase factor is determined by totalling the increase factors for each prior offense and adding a constant factor of 1.0.

(3) The current offense points are summarized in schedule C, RCW 13.40.0357. The current offense points are determined for each current offense by locating the juvenile's age on the horizontal axis and using the offense category on the vertical axis. The juvenile's age is determined as of the time of the current offense and is rounded down to the nearest whole number.

(4) The total current offense points are determined for each current offense by multiplying the total increase factor by the current offense points. The total current offense points are rounded down to the nearest whole number.

(5) All current offense points calculated in schedules D-1, D-2, and D-3 shall be increased by a factor of five percent if the offense is committed by a juvenile who is in a program of parole under this chapter.

Sec. 439. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read as follows:

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE

JUVENILE DISPOSITION
DISPOSITION CATEGORY FOR ATTEMPT,
OFFENSE BAILJUMP, CONSPIRACY,
CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION

Arson and Malicious Mischief

A Arson 1 (9A.48.020) B+
B Arson 2 (9A.48.030) C
C Reckless Burning 1 (9A.48.040) D
D Reckless Burning 2 (9A.48.050) E
B Malicious Mischief 1 (9A.48.070) C
C Malicious Mischief 2 (9A.48.080) D
D Malicious Mischief 3 (<\$50 is
E class) (9A.48.090) E
E Tampering with Fire Alarm
Apparatus (9.40.100) E
A Possession of Incendiary Device
(9.40.120) B+

Assault and Other Crimes
Involving Physical Harm

A Assault 1 (9A.36.011) B+
B+ Assault 2 (9A.36.021) C+
C+ Assault 3 (9A.36.031) D+
D+ Assault 4 (9A.36.041) E
D+ Reckless Endangerment
(9A.36.050) E
C+ Promoting Suicide Attempt
(9A.36.060) D+
D+ Coercion (9A.36.070) E
C+ Custodial Assault (9A.36.100) D+

Burglary and Trespass

- B+ Burglary 1 (9A.52.020) C+
- B Burglary 2 (9A.52.030) C
- D Burglary Tools (Possession of)
(9A.52.060) E
- D Criminal Trespass 1 (9A.52.070) E
- E Criminal Trespass 2 (9A.52.080) E
- D Vehicle Prowling (9A.52.100) E

Drugs

- E Possession/Consumption of Alcohol
(66.44.270) E
- C Illegally Obtaining Legend Drug
(69.41.020) D
- C+ Sale, Delivery, Possession of Legend
Drug with Intent to Sell
(69.41.030) D+
- E Possession of Legend Drug
(69.41.030) E
- B+ Violation of Uniform Controlled
Substances Act - Narcotic Sale
(69.50.401(a)(1)(i)) B+
- C Violation of Uniform Controlled
Substances Act - Nonnarcotic Sale
(69.50.401(a)(1)(ii)) C
- E Possession of Marihuana <40 grams
(69.50.401(e)) E
- C Fraudulently Obtaining Controlled
Substance (69.50.403) C
- C+ Sale of Controlled Substance
for Profit (69.50.410) C+
- E (~~Glue Sniffing (9.47A.050)~~) E
Unlawful Inhalation (9.47A.020)
- B Violation of Uniform Controlled
Substances Act - Narcotic
Counterfeit Substances
(69.50.401(b)(1)(i)) B
- C Violation of Uniform Controlled
Substances Act - Nonnarcotic
Counterfeit Substances
(69.50.401(b)(1) (ii), (iii), (iv)) C
- C Violation of Uniform Controlled
Substances Act - Possession of a

Controlled Substance
(69.50.401(d)) C
- C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(c)) C

Firearms and Weapons

- ~~(C+ Committing Crime when Armed~~

~~(9.41.025) —D+))~~

- E Carrying Loaded Pistol Without Permit (9.41.050) E
- E Use of Firearms by Minor (<14) (9.41.240) E
- D+ Possession of ~~((Dangerous))~~ Deadly Weapon (9.41.250) E
- D Intimidating Another Person by use of Deadly Weapon (9.41.270) E

Homicide

- A+ Murder 1 (9A.32.030) A
- A+ Murder 2 (9A.32.050) B+
- B+ Manslaughter 1 (9A.32.060) C+
- C+ Manslaughter 2 (9A.32.070) D+
- B+ Vehicular Homicide (46.61.520) C+

Kidnapping

- A Kidnap 1 (9A.40.020) B+
- B+ Kidnap 2 (9A.40.030) C+
- C+ Unlawful Imprisonment (9A.40.040) D+
- ~~((D—Custodial Interference (9A.40.050) —E))~~

Obstructing Governmental Operation

- E Obstructing a Public Servant (9A.76.020) E
- E Resisting Arrest (9A.76.040) E
- B Introducing Contraband 1 (9A.76.140) C
- C Introducing Contraband 2 (9A.76.150) D
- E Introducing Contraband 3 (9A.76.160) E
- B+ Intimidating a Public Servant (9A.76.180) C+
- B+ Intimidating a Witness (9A.72.110) C+
- ~~((E—Criminal Contempt (9.23.010) —E))~~

Public Disturbance

- C+ Riot with Weapon (9A.84.010) D+
- D+ Riot Without Weapon (9A.84.010) E
- E Failure to Disperse (9A.84.020) E
- E Disorderly Conduct (9A.84.030) E

Sex Crimes

- A Rape 1 (9A.44.040) B+
- A- Rape 2 (9A.44.050) B+
- C+ Rape 3 (9A.44.060) D+
- A- Rape of a Child 1 (9A.44.073) B+

B Rape of a Child 2 (9A.44.076) C+

B Incest 1 (9A.64.020(1)) C
C Incest 2 (9A.64.020(2)) D
D+ ((Public Indecency)) Indecent Exposure
(Victim <14) (9A.88.010) E
E ((Public Indecency)) Indecent Exposure
(Victim 14 or over) (9A.88.010) E

B+ Promoting Prostitution 1
(9A.88.070) C+

C+ Promoting Prostitution 2
(9A.88.080) D+

E O & A (Prostitution) (9A.88.030) E

B+ Indecent Liberties (9A.44.100) C+

B+ Child Molestation 1 (9A.44.083) C+

C+ Child Molestation 2 (9A.44.086) C

Theft, Robbery, Extortion, and Forgery

B Theft 1 (9A.56.030) C
C Theft 2 (9A.56.040) D
D Theft 3 (9A.56.050) E
B Theft of Livestock (9A.56.080) C
C Forgery ((9A.56.020)) (9A.60.020) D
A Robbery 1 (9A.56.200) B+
B+ Robbery 2 (9A.56.210) C+
B+ Extortion 1 (9A.56.120) C+
C+ Extortion 2 (9A.56.130) D+
B Possession of Stolen Property 1
(9A.56.150) C
C Possession of Stolen Property 2
(9A.56.160) D
D Possession of Stolen Property 3
(9A.56.170) E
C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

E Driving Without a License
(46.20.021) E
C Hit and Run - Injury
(46.52.020(4)) D
D Hit and Run-Attended
(46.52.020(5)) E
E Hit and Run-Unattended
(46.52.010) E
C Vehicular Assault (46.61.522) D
C Attempting to Elude Pursuing
Police Vehicle (46.61.024) D
E Reckless Driving (46.61.500) E
D Driving While Under the Influence
(46.61.515) E
(~~B+~~ ~~Negligent Homicide by Motor~~
~~Vehicle (46.61.520) — C+~~)

D Vehicle Prowling (9A.52.100) E
 C Taking Motor Vehicle Without
 Owner's Permission (9A.56.070) D

Other

B Bomb Threat (9.61.160) C
 C Escape 1¹ (9A.76.110) C
 C Escape 2¹ (9A.76.120) C
 D Escape 3 (9A.76.130) E
 C Failure to Appear in Court
 (10.19.130) D
 (~~E Tampering with Fire Alarm
 Apparatus (9.40.100) E~~)
 E Obscene, Harassing, Etc.,
 Phone Calls (9.61.230) E
 A Other Offense Equivalent to an
 Adult Class A Felony B+
 B Other Offense Equivalent to an
 Adult Class B Felony C
 C Other Offense Equivalent to an
 Adult Class C Felony D
 D Other Offense Equivalent to an
 Adult Gross Misdemeanor E
 E Other Offense Equivalent to an
 Adult Misdemeanor E
 V Violation of Order of Restitution,
 Community Supervision, or
 Confinement (13.40.200)² V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement
 2nd escape or attempted escape during 12-month period - 8 weeks confinement
 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

SCHEDULE B
 PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE 0-12 13-24 25 Months
 CATEGORY Months Months or More

| Category | 0-12 Months | 13-24 Months | 25 Months or More |
|----------|-------------|--------------|-------------------|
| A+ | .9 | .9 | .9 |
| A | .9 | .8 | .6 |
| A- | .9 | .8 | .5 |
| B+ | .9 | .7 | .4 |

| | | | |
|----|----|----|----|
| B | .9 | .6 | .3 |
| C+ | .6 | .3 | .2 |
| C | .5 | .2 | .2 |
| D+ | .3 | .2 | .1 |
| D | .2 | .1 | .1 |
| E | .1 | .1 | .1 |

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

OFFENSE 12 &
CATEGORY Under 13 14 15 16 17

| | | | |
|----|----------------|---------|-----------------|
| A+ | STANDARD RANGE | 180-224 | WEEKS |
| A | 150 | 300 | 350 375 375 375 |
| A- | 150 | 150 | 150 200 200 200 |
| B+ | 110 | 110 | 120 130 140 150 |
| B | 45 | 45 | 50 50 57 57 |
| C+ | 44 | 44 | 49 49 55 55 |
| C | 40 | 40 | 45 45 50 50 |
| D+ | 16 | 18 | 20 22 24 26 |
| D | 14 | 16 | 18 20 22 24 |
| E | 4 | 4 | 4 6 8 10 |

JUVENILE SENTENCING STANDARDS
SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

MINOR/FIRST OFFENDER

OPTION A
STANDARD RANGE

Community

Community Service

Points Supervision Hours Fine

| | | | |
|-------|------------|--------------|---------------|
| 1-9 | 0-3 months | and/or 0-8 | and/or 0-\$10 |
| 10-19 | 0-3 months | and/or 0-8 | and/or 0-\$10 |
| 20-29 | 0-3 months | and/or 0-16 | and/or 0-\$10 |
| 30-39 | 0-3 months | and/or 8-24 | and/or 0-\$25 |
| 40-49 | 3-6 months | and/or 16-32 | and/or 0-\$25 |

50-59 3-6 months and/or 24-40 and/or 0-\$25
 60-69 6-9 months and/or 32-48 and/or 0-\$50
 70-79 6-9 months and/or 40-56 and/or 0-\$50
 80-89 9-12 months and/or 48-64 and/or 10-\$100
 90-109 9-12 months and/or 56-72 and/or 10-\$100

OR

OPTION B
 STATUTORY OPTION

0-12 Months Community Supervision
 0-150 Hours Community Service
 0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

OPTION C
 MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5), as now or hereafter amended,)) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
 SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
 STANDARD RANGE

| Points | Supervision | Hours | Fine | Days | Weeks | Community | |
|---------|--------------------------|-------|----------------------|------|-------|-----------|-------------|
| | | | | | | Service | Confinement |
| 1-9 | 0-3 months and/or 0-8 | | 0-\$10 and/or 0 | | | | |
| 10-19 | 0-3 months and/or 0-8 | | 0-\$10 and/or 0 | | | | |
| 20-29 | 0-3 months and/or 0-16 | | 0-\$10 and/or 0 | | | | |
| 30-39 | 0-3 months and/or 8-24 | | 0-\$25 and/or 2-4 | | | | |
| 40-49 | 3-6 months and/or 16-32 | | 0-\$25 and/or 2-4 | | | | |
| 50-59 | 3-6 months and/or 24-40 | | 0-\$25 and/or 5-10 | | | | |
| 60-69 | 6-9 months and/or 32-48 | | 0-\$50 and/or 5-10 | | | | |
| 70-79 | 6-9 months and/or 40-56 | | 0-\$50 and/or 10-20 | | | | |
| 80-89 | 9-12 months and/or 48-64 | | 0-\$100 and/or 10-20 | | | | |
| 90-109 | 9-12 months and/or 56-72 | | 0-\$100 and/or 15-30 | | | | |
| 110-129 | | 8-12 | | | | | |

130-149 13-16
150-199 21-28
200-249 30-40
250-299 52-65
300-374 80-100
375+ 103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.
All A+ offenses 180-224 weeks

OR

0

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150(~~(, as now or hereafter amended)~~).

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5), as now or hereafter amended,)~~) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER
OPTION A
STANDARD RANGE

| Points | Institution Time |
|----------|------------------|
| 0-129 | 8-12 weeks |
| 130-149 | 13-16 weeks |
| 150-199 | 21-28 weeks |
| 200-249 | 30-40 weeks |
| 250-299 | 52-65 weeks |
| 300-374 | 80-100 weeks |
| 375+ | 103-129 weeks |
| All A+ | |
| Offenses | 180-224 weeks |

OR

OPTION B

MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW ((13.40.030(5), as now or hereafter amended,)) 13.40.030(2) shall be used to determine the range.

Sec. 440. RCW 13.40.080 and 1992 c 205 s 108 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. The juvenile's custodial parent or parents or guardian shall be parties to the diversion agreement. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency: PROVIDED, That the state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions; and

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diveree. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Diverees and potential diverees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No diveree may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the diveree;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diveree has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the diveree was diverted:

(i) In juvenile court if the diveree is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the diveree is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a diveree of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of

the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9) ~~((as now or hereafter amended))~~. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9) ~~((as now or hereafter amended))~~. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diveree's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diveree and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diveree and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 441. RCW 13.40.160 and 1992 c 45 s 6 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) ~~((as now or hereafter amended,))~~ shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 ~~((as now or hereafter amended,))~~ by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 ~~((as now or hereafter amended))~~.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the

juvenile to a maximum term, and the provisions of RCW 13.40.030(2)(~~as now or hereafter amended~~) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230(~~as now or hereafter amended~~) by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230 (~~as now or hereafter amended~~).

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) (~~as now or hereafter amended~~).

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a disposition under (a) of this subsection, which shall be suspended, and shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 (~~as now or hereafter amended~~). If the offender violates any condition of the disposition, the court may revoke the suspension and order execution of the sentence. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4)(a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2)(~~as now or hereafter amended~~) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230(~~as now or hereafter amended~~) by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 (~~as now or hereafter amended~~).

(5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition pursuant to option C of schedule D-1, option C of schedule D-2, or option B of schedule D-3 as appropriate, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying

the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; or

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (5), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (5) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the sentence. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6)(a) The minimum sentence for any juvenile age sixteen or seventeen who illegally possesses a pistol is ten confinement days. The court may extend community supervision up to twelve months for such offense.

(b) The following additional times shall be added to the term of confinement for any juvenile found to have been armed with a firearm during the commission of a felony:

(i) Twenty-six weeks for A-, A, and A+ category offenses;

(ii) Sixteen weeks for B and B+ category offenses; and

(iii) Twelve weeks for C and C+ category offenses.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((7))~~ (8) Except as provided in subsection (5) of this section, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((8))~~ (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 442. RCW 13.40.210 and 1990 c 3 s 304 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, ~~((as now or hereafter amended,))~~ set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. ~~((Such))~~ The dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter ~~((: PROVIDED, That))~~. However, days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that

there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the end of each calendar year if any ~~((such))~~ early releases have occurred during that year as a result of excessive in-residence population. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release ~~((pursuant to))~~ under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months. A parole program is mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; and (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address~~((; and (e) refrain from committing new offenses))~~. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: ~~((a))~~ (i) Continued supervision under the same conditions previously imposed; ~~((b))~~ (ii) intensified supervision with increased reporting requirements; ~~((c))~~ (iii) additional conditions of supervision authorized by this chapter; ~~((d))~~ (iv) except as provided in ~~((e))~~ (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and ~~((e))~~ (v) the secretary may order any of the conditions or may return the offender to confinement in an institution for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest ~~((such))~~ the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 443. RCW 13.40.190 and 1987 c 281 s 5 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived.

(2) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(3) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

Sec. 444. RCW 13.40.300 and 1986 c 288 s 6 are each amended to read as follows:

(1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition; or

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition. If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday.

(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday except for the purpose of enforcing an order of restitution.

(4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 445. RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are each reenacted and amended to read as follows:

Every person who(~~:~~

~~(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him or her where intoxicating liquors are sold, given away or disposed of—except a restaurant or dining room, any person under the age of eighteen years; or,~~

~~(2) Shall admit to, or allow to remain in any public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him or her, any person under the age of eighteen years; or,~~

~~(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any narcotic drug is used, any persons under the age of eighteen years; or,~~

~~(4) Shall) sell~~s~~ or give~~s~~, or permit~~s~~ to be sold or given to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form(~~;~~ or~~

~~(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;~~

~~Shall be) is guilty of a gross misdemeanor.~~

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

NEW SECTION. Sec. 446. A new section is added to chapter 9.94A RCW to read as follows:

The department shall adopt rules and procedures to administer this section. In addition, the department is authorized to determine whether any person subject to the confines of a correctional facility would substantially benefit from successful participation in: (1) Literacy training, (2) employment skills training, or (3) educational efforts to identify and control sources of anger and, upon a determination that the person would, may require such successful participation as a condition for eligibility to obtain early release from the confines of a correctional facility.

Sec. 447. RCW 82.04.250 and 1993 sp.s. c 25 s 103 are each amended to read as follows:

(1) Upon every person except persons taxable under RCW 82.04.260(8) or subsection (2) of this section engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) In addition to the tax imposed under subsection (1) of this section, upon every person engaging within this state in the business of making sales at retail of ammunition or firearms, as defined in RCW 9.41.010, as to such persons, an additional tax is imposed with respect to such business equal to the gross proceeds of sales of ammunition and firearms, as defined in RCW 9.41.010, multiplied by the rate of 0.5 percent. Proceeds of the tax imposed under this subsection shall be deposited into the violence reduction and drug enforcement account under RCW 69.50.520.

NEW SECTION. Sec. 448. A new section is added to chapter 9.41 RCW to read as follows:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a deadly weapon in a crime of violence or previously committed any offense which makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

(a) Require the party to surrender any deadly weapon;

(b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a deadly weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) The court may order temporary surrender of a deadly weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(3) In addition to the provisions of subsections (1) and (2) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(4) The requirements of subsections (1) and (3) of this section may be for a period of time less than the duration of the order.

(5) The court may require the party to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court.

Sec. 449. RCW 9A.46.050 and 1985 c 288 s 5 are each amended to read as follows:

A defendant who is charged by citation, complaint, or information with an offense involving harassment and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information. At that appearance, the court shall determine the necessity of imposing a no-contact or no-harassment order, and consider the provisions of section 448 of this act, or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

Sec. 450. RCW 10.14.080 and 1992 c 143 s 11 are each amended to read as follows:

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted.

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 10.14.085. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted. Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(3) At the hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

(4) An order issued under this chapter shall be effective for not more than one year unless the court finds that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. If the petitioner seeks relief for a period longer than one year on behalf of the respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 or 26.10 RCW.

(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.

(6) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

- (a) Restraining the respondent from making any attempts to contact the petitioner;
- (b) Restraining the respondent from making any attempts to keep the petitioner under surveillance; ~~((and))~~
- (c) Requiring the respondent to stay a stated distance from the petitioner's residence and workplace; and
- (d) Considering the provisions of section 448 of this act.

(7) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

(8) The court order shall specify the date an order issued pursuant to subsections (4) and (5) of this section expires if any. The court order shall also state whether the court issued the protection order following personal service or service by publication and whether the court has approved service by publication of an order issued under this section.

Sec. 451. RCW 10.99.040 and 1992 c 86 s 2 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

- (a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
- (b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
- (c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of section 448 of this act. The no-contact order shall also be issued in writing as soon as possible. ~~((If the court has probable cause to believe that the person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require that person to surrender any deadly weapon in that person's immediate possession or control, or subject to that person's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which that person resides or to the defendant's counsel for safekeeping.))~~

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is a misdemeanor. Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.

(c) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 452. RCW 10.99.045 and 1984 c 263 s 23 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020(2) shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020(2) and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. ~~((If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, as one of the conditions of pretrial release, the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county~~

~~or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.)~~ The court may include in the order any conditions authorized under section 448 of this act.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (4).

Sec. 453. RCW 26.09.050 and 1989 c 375 s 29 are each amended to read as follows:

In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in section 448 of this act, and make provision for the change of name of any party.

Sec. 454. RCW 26.09.060 and 1992 c 229 s 9 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child ~~((and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed));~~

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) In issuing the order, the court shall consider the provisions of section 448 of this act.

(4) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((4))~~ (5) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

~~((5))~~ (6) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

~~((6))~~ (7) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

~~((7))~~ (8) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection ~~((8))~~ (9) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

~~((4))~~ (9) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

- (a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or
- (b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 455. RCW 26.10.040 and 1989 c 375 s 31 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

- (1) Child custody, visitation, and the support of any child entitled to support;
- (2) The allocation of the children as a federal tax exemption; and
- (3) Any necessary continuing restraining orders, including the provisions contained in section 448 of this act.

Sec. 456. RCW 26.10.115 and 1989 c 375 s 32 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child ~~((and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed));~~

(b) Entering the family home or the home of the other party upon a showing of the necessity thereof;

(c) Removing a child from the jurisdiction of the court.

(3) In issuing the order, the court shall consider the provisions of section 448 of this act.

(4) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((4))~~ (5) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

~~((5))~~ (6) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

~~((6))~~ (7) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

~~((7))~~ (8) A temporary order, temporary restraining order, or preliminary injunction:

- (a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
- (b) May be revoked or modified;
- (c) Terminates when the final order is entered or when the motion is dismissed;
- (d) May be entered in a proceeding for the modification of an existing order.

~~((8))~~ (9) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 457. RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18 are each reenacted and amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of section 448 of this act.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards (~~adopted under RCW 26.19.040~~) contained in chapter 26.19 RCW.

(6) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 458. RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

- (a) Molesting or disturbing the peace of another party;
- (b) Entering the home of another party; or
- (c) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of section 448 of this act.

(5) A temporary order, temporary restraining order, or preliminary injunction:

- (a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
- (b) May be revoked or modified;
- (c) Terminates when the final order is entered or when the petition is dismissed; and
- (d) May be entered in a proceeding for the modification of an existing order.

(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 459. RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and 1992 c 86 s 4 are each reenacted and amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

- (a) Restrain the respondent from committing acts of domestic violence;
- (b) Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;
- (c) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;
- (d) Order the respondent to participate in batterers' treatment;
- (e) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(f) Require the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee. If the petitioner has been granted leave to proceed in forma pauperis, the court may require the respondent to pay the filing fee and costs, including services fees, to the county or municipality incurring the expense;

(g) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; ~~(and)~~

(h) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring; and

(i) Consider the provisions of section 448 of this act.

(2) Any relief granted by the order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year if the restraining order restrains the respondent from contacting the respondent's minor children. If the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children that are not also the respondent's minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either (a) grant relief for a fixed period not to exceed one year; (b) grant relief for a fixed period in excess of one year; or (c) enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service or service by publication and whether the court has approved service by publication of an order issued under this section.

Sec. 460. RCW 26.50.070 and 1992 c 143 s 3 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Excluding any party from the dwelling shared or from the residence of the other until further order of the court;

(c) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court; ~~(and)~~

(d) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(e) Considering the provisions of section 448 of this act.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall

be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted. Except as provided in RCW 26.50.050 and 26.50.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

Sec. 461. RCW 77.12.720 and 1990 c 195 s 2 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. ~~((Any funds remaining in the firearm range account established by RCW 77.12.195, at the time of its repeal by section 7, chapter 195, Laws of 1990, shall be transferred to the firearms range account established in this section.))~~ Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All ~~((ranges))~~ entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed ~~((carry permits))~~ pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state and the United States internal revenue service. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

~~((Facilities))~~ Entities receiving grants must ~~((be))~~ make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education ~~((training))~~ classes and firearm safety classes.

The interagency committee for outdoor recreation shall adopt rules to implement ~~((this act))~~ chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 462. A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310(3);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. An offender sentenced under this section shall serve his or her entire term of community placement under RCW 9.94A.120 in community custody that must include crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The department may require the offender to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Participate in outpatient substance abuse treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iv) Report as directed to a community corrections officer;

(v) Pay all court-ordered legal financial obligations;

(vi) Perform community service work;

- (vii) Pay a day fine;
- (viii) Stay out of areas designated by the sentencing judge;
- (ix) Undergo day reporting.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community custody shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(2) For sentences imposed pursuant to subsection (1) of this section that have a sentence range of over one year, notwithstanding any other provision of RCW 9.94A.190 all such sentences regardless of length shall be served in a facility or institution operated, or utilized under contract, by the state.

(3) For the purposes of this section:

(a) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(b) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

NEW SECTION. Sec. 463. The commission shall evaluate the impact of implementing the drug offender options provided for in section 462 of this act. The commission shall submit preliminary findings to the legislature by December 1, 1995, and shall submit the final report to the legislature by December 1, 1996. The report shall describe the changes in sentencing practices related to the use of punishment options for drug offenders and include the impact of sentencing alternatives on state prison populations, the savings in state resources, and the impact on recidivism rates.

Sec. 464. RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

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

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

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

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

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing ~~((him))~~ himself or herself in the community, except for offenders sentenced under section 462 of this act who have a standard range midpoint of twenty-four months or less in which case no more than the final three months of the sentence may be served in such partial confinement;

(6) The governor may pardon any offender;

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

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

Sec. 465. RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

- (a) RCW 46.52.010, relating to duty on striking an unattended car or other property;
- (b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;
- (d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;
- (e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;
- (f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ~~((88.12.100))~~ 88.12.025 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a ~~((firearm or other dangerous))~~ deadly weapon as defined in RCW 9A.04.110 on private or public elementary or secondary school premises shall have the authority to arrest the person.

~~((For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).))~~

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 466. RCW 10.99.030 and 1993 c 350 s 3 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(3)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(4) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a state-wide twenty-four-hour toll-free hotline at 1-800-562-6025. The battered women's shelter and other resources in your area are (include local information)"

(5) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(6) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

(7) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(8) Records kept pursuant to subsections (3) and (7) of this section shall be made identifiable by means of a departmental code for domestic violence.

(9) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of state-wide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other ~~((dangerous))~~ deadly weapon as defined in RCW 9A.04.110, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other ~~((dangerous))~~ deadly weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; and (viii) arson;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 467. A new section is added to chapter 13.06 RCW to read as follows:

(1) The director of the division of juvenile rehabilitation and the several school districts within which there is located a residential school shall develop and implement a job skills training program as part of the division's and the districts' overall treatment and educational responsibilities to juvenile offenders in all residential schools. The program shall provide youth with skills necessary to locate, compete for, and maintain employment in demand occupations. In operating the program the director and the several school districts shall:

(a) Assure that educational programs offered are occupationally based and provide a wide range of prevocational skills necessary to career development;

(b) Assure that vocational skills obtained in the classroom and in school are transferable to the emerging labor market;

(c) Assure that basic skill offerings include remedial and advanced skills in workplace communication, negotiation, teamwork, and problem solving;

(d) Develop a system-wide process for evaluating all youth on the basis of self-management skills, employability skills, and life skills;

(e) Work with the office of the superintendent of public instruction to assure that credit is awarded toward high school completion for documented performance gains and vocational skill acquisition in addition to traditional or standard academic credit awarded for completion hours;

(f) Work with local business organizations to provide information and career awareness to youth in all facilities; and

(g) Provide institutional work experience opportunities and programs that are coordinated with educational programs to reinforce learning and application of skills.

(2) The director and the several school districts shall consult with the employment security department, the office of the superintendent of public instruction, and the work force training and education coordinating board on the design, implementation, coordination, and management of the program.

(3) The director shall ensure that all facility counselors are trained in the area of youth employment skills assessment and development.

NEW SECTION. Sec. 468. The legislature is making the change of "dangerous weapon" to "deadly weapon" solely to make consistent use of terminology. No substantive change in sentencing or the element of any criminal offense is intended.

NEW SECTION. Sec. 469. RCW 9.41.160 shall be recodified within chapter 9.41 RCW to follow RCW 9.41.310.

NEW SECTION. Sec. 470. The following acts or parts of acts are each repealed:

(1) RCW 9.41.030 and 1935 c 172 s 3;

(2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;

(3) RCW 9.41.100 and 1935 c 172 s 10;

(4) RCW 9.41.130 and 1935 c 172 s 13;

(5) RCW 9.41.200 and 1989 c 231 s 2 & 1933 c 64 s 2;

(6) RCW 9.41.210 and 1933 c 64 s 3; and

(7) RCW 9.41.230 and 1909 c 249 s 307 & 1888 p 100 ss 2, 3.

PART V. EDUCATION

Sec. 501. RCW 28A.300.130 and 1993 c 336 s 501 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the commission on student learning, educational service districts, and institutions of higher education.

(2) The center shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on student learning;

(b) Serve as a clearinghouse for information regarding successful educational restructuring and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational restructuring initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: School improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs to meet the diverse needs of students based on gender, racial,

ethnic, economic, and special needs status; in-service or curriculum programs regarding violence prevention; and other programs that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on student learning, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Take other actions to increase public awareness of the importance of parental and community involvement in education;

(g) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015;

(h) Provide training and consultation services, including in-service training on violence prevention, and promote interagency sharing of information on violence prevention programs and model violence prevention curricula;

(i) Address methods for improving the success rates of certain ethnic and racial student groups; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on student learning, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2) (d) and (e) of this section. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The superintendent shall report annually to the commission on student learning on the activities of the center.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.310 RCW to read as follows:

The educational service districts, in meeting the core service requirement of in-service training and workshops under RCW 28A.310.350(5), shall provide to school districts, on a request basis, in-service training on violence prevention.

Sec. 503. RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories.

(2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of the restructuring plan for the school; violence data based on department of health violence data collection standards; and an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section.

NEW SECTION. Sec. 504. A new section is added to chapter 28A.405 RCW to read as follows:

To receive initial certification as a teacher in this state after August 31, 1995, an applicant shall have successfully completed a course or course work on violence prevention awareness and training. Such course or course work may be incorporated into the requirements of RCW 28A.405.025 regarding completion of a course on issues of abuse.

Sec. 505. RCW 28A.610.030 and 1990 c 33 s 507 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the department of community, trade, and economic development, the department of social and health services, the state board for community and technical colleges ~~((education))~~, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under RCW 28A.610.020. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program shall include violence prevention awareness and training and may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of RCW 28A.610.020 through 28A.610.060.

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, or parent literacy programs under RCW 28A.610.020 through 28A.610.060, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of RCW 28A.610.020 through 28A.610.060.

Sec. 506. RCW 28A.610.060 and 1987 c 518 s 109 are each amended to read as follows:

The superintendent of public instruction, through the ((state clearinghouse for education information)) center for the improvement of student learning, shall collect and disseminate to all school districts and other interested parties information about effective parent literacy programs under project even start.

Sec. 507. RCW 28A.620.020 and 1985 c 344 s 2 are each amended to read as follows:

Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized and encouraged to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: PROVIDED, That school districts are encouraged to provide programs for prospective parents, prospective foster parents, and prospective adoptive parents on parenting skills, violence prevention, and on the problems of child abuse and methods to avoid child abuse situations: PROVIDED FURTHER, That community education programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community and technical colleges ~~((education))~~ and shall be programs receiving the approval of said superintendent.

Sec. 508. RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1 are each reenacted and amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) By December 1, 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.

The recommended awards, assistance, and intervention programs shall include violence indicators or standards as part of the criteria for determining the status of a school to receive an award or assistance, or be subject to intervention.

It is the intent of the legislature to begin implementation of programs in this subsection (3)(h) on September 1, 2000;

(i) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 509. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety networks, based on rules adopted by the department of health, may include in its comprehensive community plans procedures for providing matching grants to school districts to support expanded use of school facilities for after-hours recreational opportunities and day care as authorized under chapter 28A.215 RCW and RCW 28A.620.010.

Sec. 510. RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or herself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle that is owned or operated by the transit company and that is occupied by one or more passengers; or

(c) Assaults a school bus driver employed by a school district or a private company under contract for transportation services with a school district while the driver is operating or is in control of a school bus that is occupied by one or more passengers; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a certificated staff member, classified staff member not included under (c) of this subsection, or a volunteer, of a preschool through twelfth grade school, who was performing his or her assigned duties at the time of the assault; or

(i) Assaults a referee, umpire, judge, manager, coach, or volunteer of an organized physical activity or sporting event, either during or immediately following the activity or event.

(2) Assault in the third degree is a class C felony.

Sec. 511. 1993 sp.s. c 24 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation \$ 34,414,000

General Fund--Federal Appropriation \$ 33,106,000

Public Safety and Education Account

Appropriation \$ 338,000

Violence Reduction and Drug Enforcement

~~((and Education))~~ Account Appropriation \$ 3,197,000

TOTAL APPROPRIATION \$ 71,055,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.

(b) \$423,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(c) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

~~((e))~~ (d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

~~((f))~~ (e) \$10,000 of the general fund--state appropriation is provided solely for a contract through the Washington State Institute for Public Policy at The Evergreen State College for a bilingual education conference to disseminate information on best practices in bilingual instruction, including model programs from other states, and to develop strategies for incorporating the most effective instructional methods into the state's bilingual curriculum.

(2) STATE-WIDE PROGRAMS

(a) \$100,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) \$62,000 of the general fund--state appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine school district.

(c) \$2,415,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific science center.

(d) \$70,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$2,949,000 of the general fund--state appropriation is provided for educational clinics, including state support activities.

(f) \$3,437,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(g) \$4,855,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30B as developed on May 4, 1993, at 11:00 a.m.

(h) \$3,050,000 of the violence reduction and drug enforcement ~~((and education))~~ account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors, metal detectors, or other security in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) Districts receiving allocations from subsection (2) (f) and (g) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building.

Sec. 512. RCW 28A.600.475 and 1992 c 205 s 120 are each amended to read as follows:

(1) School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to ~~((any))~~ a lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Parents and students shall be notified by the school district of all ~~((such))~~ orders or subpoenas in advance of compliance with them.

(2) The social file, diversion record, police contact record, and arrest record of a student may be made available to a school district if the records are requested by the principal or school counselor. Use of the records is restricted to the principal, the school counselor, or a teacher or teachers identified by the principal as necessary for the provision of additional services to the student. The records may only be used to identify and facilitate those services offered through the school district that would be of benefit to the student. The student's records shall be made available to the school district under the provisions of this chapter, section 519 of this act, and chapter 13.50 RCW unless a parent or guardian provides, prior to the release of the records, a written statement indicating which records shall remain confidential until such further written release. School districts shall provide written notice of this section to parents or guardians at the time of enrollment of a student.

Sec. 513. RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550 or 28A.600.475, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (24) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall, subject to subsection (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subsection (24) of this section and subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(25) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

Sec. 514. RCW 13.50.010 and 1993 c 374 s 1 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to ~~((insure))~~ assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

NEW SECTION. Sec. 515. The state board of education shall conduct a study to identify possible incentives to encourage schools to increase the space that is available for after-hours community use. The board shall examine incentives for both existing school facilities and for new construction. The board shall report its findings and recommendations to the legislature by November 15, 1994.

NEW SECTION. Sec. 516. A new section is added to chapter 28A.600 RCW to read as follows:

When a school transfers a student's transcript to a new school, it may also transfer the student's attendance records, records of unpaid fines or property damage, and any disciplinary records, including records relating to the facts resulting in any expulsions. The student's parent shall be given the opportunity to review all such records before the transfer.

Sec. 517. RCW 28A.190.030 and 1990 c 33 s 172 are each amended to read as follows:

Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter 39.34 RCW, conduct a program of education, including the job skills training program created in section 467 of this act and related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.190.050, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to RCW 28A.155.010 through 28A.155.100, and vocational education including the job skills training program created in section 467 of this act, as necessary to address the unique needs and limitations of residents. Vocational education opportunities shall be made available to each residential school student between the ages of fourteen and twenty-one. The vocational programs offered shall be occupationally based and provide skills that are transferrable to the emerging labor market; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for handicapped residential school students;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

Sec. 518. RCW 28A.190.040 and 1990 c 33 s 173 are each amended to read as follows:

The duties and authority of the department of social and health services and of each superintendent or chief administrator of a residential school to support each program of education conducted by a school district pursuant to RCW 28A.190.030, shall include the following:

(1) The provision of transportation for residential school students to and from the sites of the program of education through the purchase, lease or rental of school buses and other vehicles as necessary;

(2) The provision of safe and healthy building and playground space for the conduct of the program of education through the construction, purchase, lease or rental of such space as necessary;

(3) The provision of furniture, vocational instruction machines and tools, building and playground fixtures, and other equipment and fixtures for the conduct of the program of education through construction, purchase, lease or rental as necessary;

(4) The provision of heat, lights, telephones, janitorial services, repair services, and other support services for the vehicles, building and playground spaces, equipment and fixtures provided for in this section;

(5) The employment, supervision and control of persons to transport students and to maintain the vehicles, building and playground spaces, equipment and fixtures, provided for in this section;

(6) Clinical and medical evaluation services necessary to a determination by the school district of the educational needs of residential school students; and

(7) Such other support services and facilities as are reasonably necessary for the conduct of the program of education and the job skills training program created in section 467 of this act.

NEW SECTION. Sec. 519. (1) The department of social and health services and the superintendent of public instruction shall review all statutes and rules relative to the sharing or exchange of information about children who are the subject of reports of abuse and neglect or who are charged with criminal behavior. The department and the superintendent shall revise or adopt rules, consistent with federal guidelines, that allow educational professionals in elementary and secondary schools access to information contained in department records solely for purposes of improving the child's educational performance or attendance.

(2) The department and superintendent shall also revise or adopt rules, consistent with federal guidelines, that allows the department access to information contained in the records of a school or school district on a child who is the subject of a report of abuse or neglect solely for the purpose of improving the department's ability to respond to the report of abuse or neglect.

The department and superintendent shall report their findings and actions, including the need for statutory changes, to the legislature by December 31, 1994.

This section shall expire January 1, 1995.

PART VI. MEDIA

NEW SECTION. Sec. 601. The purpose of this chapter is to regulate media and media-related activities that directly or indirectly promote violence in electronic media. Decades of substantial research has now established a connection between the viewing of violent acts on television or in films and an increased acting out of violent behavior, especially in children. The social costs of increased violence are paid by all Washingtonians. The state of Washington has a compelling interest in reducing the incidence of media-induced violence as a matter of public health and safety.

The legislature finds that, to the extent that electronic media, including television, motion pictures, video games, and entertainment uses of virtual reality are conducive to increased violent behaviors, especially in children, the state has a duty to protect the public health and safety by reasonably related regulation of electronic media.

Many parents, educators, and others are concerned about protecting children and youth from the negative influences of the media, and want more information about media content and more control over media contact with their children.

The legislature finds that requiring companies that produce television, motion pictures, video games, and entertainment uses of virtual reality to provide age-rating guidelines for the public is reasonably related to the prevention of the spread of violent behavior, especially among children and youth.

NEW SECTION. Sec. 602. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Prime time" means those hours as defined by rule by the federal communication commission.

(2) "Sweeps week" means any week during the year in which national rating services measure the size of the television audience to determine the market share for purposes of setting advertising rates.

(3) "Time/channel lock" is electronic circuitry designed to enable television owners to block display of selected times and channels from viewing.

(4) "Video" means any motion picture, television or other electronically delivered programming, or other presentation on film, video tape, or other medium designed to produce, reproduce, or project images on a screen.

(5) "Violence" means any deliberate and hostile use of overt force, or the immediate threat thereof, by an individual against another individual.

(6) "Virtual reality" means any computer or other electronic artificial-intelligence-based technology that creates an enhanced simulation or illusion of three-dimensional, real-time or near-real-time interactive reality through the use of software, specialized hardware, holograms, gloves, masks, glasses, pods, goggles, helmets, computer guns, or other items capable of producing visual, audio, tactile, or sensory effects of verisimilitude beyond those available with a personal computer.

NEW SECTION. Sec. 603. All new televisions sold in this state after January 1, 1995, shall be equipped with a time/channel lock or shall be sold with an offer to the customer to purchase a channel blocking device, or other device that enables a person to regulate a child's access to unwanted television programming. All cable television companies shall make available to all customers at the company's cost the opportunity to purchase a channel blocking device, or other device that enables a person to regulate a child's access to unwanted television programming. The commercial television sellers and cable television companies shall offer time/channel locks to their customers, when these devices are available. Notice of this availability shall be clearly made to all existing customers and to all new customers at the time of their signing up for service.

NEW SECTION. Sec. 604. All videos, video games, and virtual reality games sold or rented in this state shall clearly and prominently display a realistic age rating for appropriateness of use by end-users of the video or game. The age rating shall be researched, developed, and provided to the purchaser or renter of the video, video game, or virtual reality game, by the originator of the video or game. The originator, as used in this section, includes the manufacturer or software developer or copyright holder of the video or game.

The originator may develop the age rating in any reasonable manner, as determined by the originator, who may consult child psychologists, educators, child development specialists, pediatricians, or others as appropriate in the determination of realistic age rating. The age-rating determination shall include an objective evaluation and estimate of the number of violent incidents represented in the media material being rated.

The age-rating information may be presented to the consumer in any readily understandable format, whether by label, code, or information sheet.

NEW SECTION. Sec. 605. (1) Owners of video or video game businesses shall not sell or rent videos or video games to a person under the age of eighteen unless: (a) The renter or seller has on file a written declaration from at least one parent or guardian of the juvenile authorizing the juvenile to rent or purchase videos or video games; or (b) the juvenile is accompanied by his or her parent or guardian. The declaration may contain such restrictions as the parent deems appropriate.

(2) A violation of this section is a class 3 civil infraction under chapter 7.80 RCW. Compliance by retail outlets selling or renting materials with age-rating information provided under section 604 of this act, and reliance on the information, is a defense to civil or criminal penalties.

NEW SECTION. Sec. 606. Television and radio broadcast stations including cable stations, video rental companies, and print media are encouraged, as a matter of public health and safety, to broadcast public health-based, antiviolence public service messages. The content, style, and format of the messages shall be developed by the community public health and safety council created under RCW 70.190.010, in coordination with its violence-reduction efforts and may include the television violence report card, as set forth in section 608 of this act. The messages may be produced with grant funds from the council or may be produced voluntarily by the media working with the council.

NEW SECTION. Sec. 607. The legislature finds that, as a matter of public health and safety, access by minors to violent videos, video games, and computer software should be limited.

Public libraries, with the exception of university, college, and community college libraries, shall establish standards and policies on the protection of minors from access to violent video and other electronic materials. Libraries shall make their standards and policies known to the public in their communities.

Each library system shall formulate its own standards and policies, and may, in its discretion, include public hearings, consultation with community networks as defined under chapter 70.190 RCW, or consultation with the Washington library association in the development of its standards and policies.

NEW SECTION. Sec. 608. (1) The department of health shall establish, by rule, a program for evaluating and ranking television programs, including cable television programs, on the basis of the violence contained in the programs.

Under the program, the department shall select, within each calendar quarter, at least one week for the department to evaluate the extent of the violence contained in each of the programs carried on any of the national broadcast television networks, or on cable television systems with regard to programs available to a substantial percentage of the households that subscribe to cable television service nationally, during that week's prime-time and Saturday morning time slots. The department shall ensure that at least one of the weeks selected in any calendar year is a sweeps week.

(2) After evaluating the television programs described in this section, and in accordance with criteria established by the rules adopted under this section, the department shall:

(a) List in ranked order those programs in terms of the extent of the violence they contain; and

(b) List in ranked order program sponsors in terms of the extent to which they sponsor television programs that contain a high degree of violence.

(3) In the quarter following any quarter for which the department has made evaluations under this section, the department shall publish and make available to the public and the news media a television violence report card that reports the violence rankings performed by the department, including identification of the programs so evaluated and the sponsors of those programs.

(4) The news media shall be immune from legal liability for the accurate publication of the television violence report card.

For the purpose of facilitating the rule making required by sections 613 and 614 of this act, the department of health shall also communicate to the department of general administration and the state investment board the results of its evaluations.

NEW SECTION. Sec. 609. A new section is added to chapter 13.16 RCW to read as follows:

Motion pictures unrated or rated X or NC-17 by the motion picture association of America shall not be shown in juvenile detention facilities or facilities operated by the division of juvenile rehabilitation in the department of social and health services.

NEW SECTION. Sec. 610. A new section is added to chapter 72.02 RCW to read as follows:

Motion pictures unrated or rated X or NC-17 by the motion picture association of America shall not be shown in adult correctional facilities.

NEW SECTION. Sec. 611. A new section is added to chapter 28A.650 RCW to read as follows:

(1) Software, computer games, and videos with fictional violent content shall not be used in schools, except to depict actual historical events or for educational purposes in a formal classroom setting.

(2) Each educational service district shall monitor the software and videos used in its district for fictional violent content, using the guidelines developed by the office of the superintendent of public instruction.

Sec. 612. RCW 28A.650.015 and 1993 c 336 s 703 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan, which shall be completed by December 15, 1993, and updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; ~~((and))~~

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state; and

(d) After the effective date of this section, guidelines for monitoring fictional violent content in computer software and videos used in schools.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

NEW SECTION. Sec. 613. A new section is added to chapter 43.19 RCW to read as follows:

Notwithstanding any other provision of law, the department of general administration shall adopt a policy of refusing to purchase goods and services for the state from businesses or corporations, including parent corporations, profiting from violence-related products or services. Nothing in this section requires the department to adopt a policy that results in a refusal to purchase goods and services from a corporation that is primarily engaged in the business of producing materials intended to be used in formal educational settings as set forth in section 611 of this act. A business or corporation whose violence-related products or services are for the main purpose of national defense are exempt from this policy. Definitions and guidelines shall be developed by the department of general administration in consultation with the department of health.

NEW SECTION. Sec. 614. A new section is added to chapter 43.33A RCW to read as follows:

Notwithstanding any other provision of law, the state investment board shall adopt a policy of disinvestment in businesses or corporations, including parent corporations, profiting from violence-related products or services. Nothing in this section requires the board to adopt a policy that results in a refusal to purchase goods and services from a corporation that is primarily engaged in the business of producing materials intended to be used in formal educational settings as set forth in section 611 of this act. A business or corporation whose violence-related products or services are for the main purpose of national defense are exempt from this policy. Definitions and guidelines for disinvestment shall be established by the state investment board in consultation with the department of health.

NEW SECTION. Sec. 615. Sections 601 through 608 of this act shall constitute a new chapter in Title 19 RCW.

PART VII. MISCELLANEOUS

NEW SECTION. Sec. 701. A new section is added to chapter 44.28 RCW to read as follows:

(1) The legislative budget committee shall contract to monitor and track the implementation of chapter . . . , Laws of 1994 (this act) to determine whether these efforts result in a measurable reduction of violence. The legislative budget committee shall also contract for and coordinate an evaluation of the effectiveness of the community networks in reducing the rate of at-risk youth through reducing risk factors and increasing protective factors. The evaluation plan shall result in statistically valid evaluation at both state-wide and community levels. The evaluation plan shall be submitted to the governor and appropriate legislative committees by July 1, 1995.

(2) Starting five years after the initial grant to a community network, if the community network fails to meet the outcome standards and goals in any two consecutive years, the legislative budget committee shall make recommendations to the legislature concerning whether the funds received by that community network should revert back to the originating agency. In making this determination, the legislative budget committee shall consider the adequacy of the level of intervention relative to the risk factors in the community and any external events having a significant impact on risk factors or outcomes.

(3) The outcomes required under chapter 70.190 RCW and social development standards and measures established by the department of health under section 204 of this act shall be used in conducting the outcome evaluation of the community networks.

Sec. 702. RCW 66.24.210 and 1993 c 160 s 2 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same

has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 2001. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) ~~((Until July 1, 1995,))~~ An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010(34) when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement ~~((and education))~~ account under RCW 69.50.520 by the twenty-fifth day of the following month.

Sec. 703. RCW 66.24.290 and 1993 c 492 s 311 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps provided under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) ~~((Until July 1, 1995,))~~ An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement ~~((and education))~~ account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under RCW 43.72.900.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 704. RCW 82.08.150 and 1993 c 492 s 310 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) ~~((Until July 1, 1995,))~~ An additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement ~~((and education))~~ account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to class H licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to class H licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020 shall not apply to sales of spirits or strong beer in the original package.

(8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 705. RCW 82.24.020 and 1993 c 492 s 307 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) ~~((Until July 1, 1995,))~~ An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ~~((one and one-half))~~ five mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement ~~((and education))~~ account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 706. RCW 82.64.020 and 1991 c 80 s 2 are each amended to read as follows:

(1) A tax is imposed on each sale at wholesale of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to ~~((eighty-four one-thousandths))~~ three hundred seventeen ten-thousandths of a cent per ounce for carbonated beverages and ~~((seventy-five))~~ twenty-six and three-tenths cents per gallon for syrups. Fractional amounts shall be taxed proportionally.

(2) A tax is imposed on each sale at retail of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to the rate imposed under subsection (1) of this section.

(3) Moneys collected under this chapter shall be deposited in the violence reduction and drug enforcement ~~((and education))~~ account under RCW 69.50.520.

(4) Chapter 82.32 RCW applies to the taxes imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the taxes imposed in this chapter.

NEW SECTION. Sec. 707. RCW 82.64.900 and 1989 c 271 s 509 are each repealed.

Sec. 708. RCW 69.50.520 and 1989 c 271 s 401 are each amended to read as follows:

The violence reduction and drug enforcement ~~((and education))~~ account is created in the state treasury. All designated receipts from RCW 9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505 ~~((2)(C))~~ (1), 82.04.250(3), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter

271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under ((this act) chapter 271, Laws of 1989 and chapter . . . Laws of 1994 (this act), including state incarceration costs. At least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the community public health and safety council.

NEW SECTION. Sec. 709. Sections 447 and 702 through 707 of this act shall be submitted as a single ballot measure to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof unless section 13, chapter 2, Laws of 1994, has been declared invalid or otherwise enjoined or stayed by a court of competent jurisdiction.

NEW SECTION. Sec. 710. (1) Until July 1, 1994, any reference in this act to the director or department of community, trade, and economic development means the director or department of community development.

(2) Until July 1, 1994, any reference in this act to the director or department of fish and wildlife means the director or department of wildlife.

NEW SECTION. Sec. 711. Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 712. (1) Sections 201 through 204, 302, 330, 462, and 463 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Notwithstanding other provisions of this section, if sections 447 and 702 through 707 of this act are required to be referred to the voters, sections 416, 428, 435 through 442, 470, 517, and 518 of this act shall take effect January 1, 1995, and section 705 of this act shall take effect July 1, 1995, if sections 447 and 702 through 707 of this act are approved and ratified by the voters at the next succeeding general election as provided in section 709 of this act. If sections 447 and 702 through 707 of this act are rejected by the voters, sections 416, 428, 435 through 442, 470, 517, and 518 of this act shall be null and void. If sections 447 and 702 through 707 of this act are not required to be referred to the voters, sections 416, 428, 435 through 442, 470, 517, and 518 of this act shall take effect as provided in Article II, section 41 of the state Constitution, and section 705 of this act shall take effect July 1, 1995."

MOTION

At 5:15 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:55 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6221,

SUBSTITUTE SENATE BILL NO. 6538,

ENGROSSED SENATE BILL NO. 6564,

SUBSTITUTE SENATE BILL NO. 6593, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 3, 1994

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5800, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 3, 1994

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6096,

SECOND SUBSTITUTE SENATE BILL NO. 6237,

SENATE BILL NO. 6604,

SENATE BILL NO. 6605, and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6096,
SECOND SUBSTITUTE SENATE BILL NO. 6237,
SENATE BILL NO. 6604,
SENATE BILL NO. 6605.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 5800,
SENATE BILL NO. 6221,
SUBSTITUTE SENATE BILL NO. 6538,
ENGROSSED SENATE BILL NO. 6564,
SUBSTITUTE SENATE BILL NO. 6593.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 2319 and the pending striking amendment by Senators Talmadge and Gaspard, under consideration before the Senate went at ease.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Owen to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 7, beginning on line 25 of the amendment, strike all of sections 301 through 332 and insert the following:

"Sec. 301. RCW 70.190.005 and 1992 c 198 s 1 are each amended to read as follows:

The legislature finds that a primary goal of public involvement in the lives of children has been to strengthen the family unit.

However, the legislature recognizes that traditional two-parent families with one parent routinely at home are now in the minority. In addition, extended family and natural community supports have eroded drastically. The legislature recognizes that public policy assumptions must be altered to account for this new social reality. Public effort must be redirected to expand, support, strengthen, and help ~~((refashion))~~ reconstruct family and community ~~((associations))~~ networks to ~~((care-for))~~ assist in meeting the needs of children.

The legislature finds that a broad variety of services for children and families has been independently designed over the years and that the coordination and cost-effectiveness of these services will be enhanced through the adoption of ~~((a-common))~~ an approach ~~((to-their-delivery))~~ that allows communities to prioritize and coordinate services to meet their local needs. The legislature further finds that the most successful programs for reaching and working with at-risk families and children treat individuals' problems in the context of the family, offer a broad spectrum of services, are flexible in the use of program resources, and use staff who are trained in crossing traditional program categories in order to broker services necessary to fully meet a family's needs.

The legislature further finds that eligibility criteria, expenditure restrictions, and reporting requirements of state and federal categorical programs often create barriers toward the effective use of resources for addressing the multiple problems of at-risk families and children.

The purposes of this chapter are (1) to modify public policy and programs to empower communities to support and respond to the needs of individual families and children and (2) to improve the responsiveness of services for children and families at risk by facilitating greater coordination and flexibility in the use of funds by state and local service agencies.

Sec. 302. RCW 70.190.010 and 1992 c 198 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Assessment" has the same meaning as provided in RCW 43.70.010.

(2) "At-risk" children and youth are those who risk the significant loss of social, educational, or economic opportunities.

(3) "At-risk behaviors" means violent delinquent acts, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school. At-risk children and youth also include those who are victims of violence, abuse, neglect, and those who have been removed from the custody of their parents.

~~(4) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported.~~

~~((2)) (5) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community, trade, and economic development, and such other departments as may be specifically designated by the governor.~~

~~((3) "Family policy)) (6) "Community public health and safety council" or "council" means: The superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community, trade, and economic development or their designees(-); one legislator from each caucus of the senate and house of representatives(-and); one representative of the governor; one representative each appointed by the governor for cities, towns, counties, federally recognized Indian tribes, school districts, the children's commission, law enforcement agencies, superior courts, public parks and recreation programs, and private agency service providers; citizen representatives of community organizations not associated with delivery of services affected by chapter ... Laws of 1994 (this act); and two chief executive officers of major Washington corporations appointed by the governor.~~

~~((4)) (7) "Outcome" or "outcome based" means defined and measurable outcomes ((and indicators that make it possible for communities)) used to evaluate progress in ((meeting their goals and whether systems are fulfilling their responsibilities)) reducing the rate of at-risk children and youth through reducing risk factors and increasing protective factors.~~

~~((5)) (8) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a ((consortium's project)) community network's plan. Up to half of the ((consortium's)) community network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match.~~

~~((6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortiums shall represent a county, multicounty, or municipal service area. In addition, consortiums may represent Indian tribes applying either individually or collectively.))~~

~~(9) "Community public health and safety networks" or "community networks" means authorities authorized under section 303 of this act.~~

~~(10) "Policy development" has the same meaning as provided in RCW 43.70.010.~~

~~(11) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, and alcohol and substance abuse, educational opportunities, employment opportunities, and absence of crime.~~

~~(12) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence. Risk factors include availability of drugs or alcohol, economic, educational, and social deprivation, rejection of identification with the community, academic failure, a family history of high substance abuse, crime, a lack of acceptance of societal norms, and substance, child, and sexual abuse.~~

NEW SECTION. Sec. 303. A new section is added to chapter 70.190 RCW to read as follows:

(1) The legislature intends to create community public health and safety networks to reconnect parents and other citizens with children, youth, families, and community institutions which support health and safety. The networks should empower parents and other citizens by being a means of expressing their attitudes, spirit, and perspectives regarding safe and healthy family and community life. The legislature intends that parent and other citizen perspectives exercise a controlling influence over policy and program operations of professional organizations concerned with children and family issues within networks in a manner consistent with the Constitution and state law. It is not the intent of the legislature that health, social service, or educational professionals dominate community public health and safety network processes or programs, but rather that these professionals use their skills to lend support to parents and other citizens in expressing their values as parents and other citizens identify community needs and establish community priorities. To this end, the legislature intends full participation of parents and other citizens in community public health and safety networks. The intent is that local community values are reflected in the operations of the network.

(2) A group of persons described in subsection (3) of this section may apply by December 1, 1994, to be a community public health and safety network.

(3) Each community public health and safety network shall be composed of twenty-three people, thirteen of whom shall be citizens with no direct fiduciary interest in health, education, social service, or justice system organizations operating within the network area. In selecting these members, first priority shall be given to citizen members of community mobilization advisory boards, city or county children's services commissions, human services advisory boards, or other such organizations which may exist within the network. These thirteen persons shall be selected as follows: Three by the chambers of commerce located in the network, three by school board members of the school districts within the network boundary, three by the county legislative authorities of the counties within the network boundary, three by the city legislative authorities of the cities within the network boundary, and one high school student, selected by student organizations within the network boundary. The remaining ten members shall include local representation from the following groups and entities: Cities, counties, federally recognized Indian tribes, parks and recreation programs, law

enforcement agencies, superior court judges, state children's service workers from within the network area, employment assistance workers from within the network area, private social, educational, or health service providers from within the network area, and broad-based nonsecular organizations.

(4) A list of the network members shall be submitted to the governor by December 1, 1994, by the network chair who shall be selected by network members at their first meeting. The list shall become final unless the governor chooses other members within twenty days after the list is submitted. The governor shall accept the list unless he or she believes the proposed list does not adequately represent all parties identified in subsection (3) of this section or a member has a conflict of interest between his or her membership and his or her livelihood. Members of the community network shall serve terms of three years.

The terms of the initial members of each network shall be as follows: (a) One-third shall serve for one year; (b) one-third shall serve for two years; and (c) one-third shall serve for three years. Initial members may agree which shall serve fewer than three years or the decision may be made by lot. The same process shall be used in the selection of the chair and members for subsequent terms. Any vacancy occurring during the term may be filled by the chair for the balance of the unexpired term.

(5) The network shall select a public entity as the lead administrative and fiscal agency for the network. In making the selection, the network shall consider: (a) Experience in administering prevention and intervention programs; (b) the relative geographical size of the network and its members; (c) budgeting and fiscal capacity; and (d) how diverse a population each entity represents.

NEW SECTION. Sec. 304. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety networks shall:

- (1) Review state and local public health data and analysis relating to risk factors, protective factors, and at-risk children and youth;
- (2) Prioritize the risk factors and protective factors to reduce the likelihood of their children and youth being at risk. The priorities shall be based upon public health data and assessment and policy development standards provided by the department of health under section 204 of this act;
- (3) Develop long-term community plans to reduce the rate of at-risk children and youth; set definitive, measurable goals, based upon the department of health standards; and project their desired outcomes;
- (4) Distribute funds to local programs that reflect the locally established priorities and as provided in section 325 of this act;
- (5) Comply with outcome-based standards;
- (6) Cooperate with the department of health and local boards of health to provide data and determine outcomes; and
- (7) Coordinate its efforts with anti-drug use efforts and organizations and maintain a high priority for combatting drug use by at-risk youth.

NEW SECTION. Sec. 305. A new section is added to chapter 70.190 RCW to read as follows:

(1) The community network's plan may include a program to provide postsecondary scholarships to at-risk students who: (a) Are community role models under criteria established by the community network; (b) successfully complete high school; and (c) maintain at least a 2.5 grade point average throughout high school. Funding for the scholarships may include public and private sources.

(2) The community network's plan may also include funding of community-based home visitor programs which are designed to reduce the incidence of child abuse and neglect with the network. The program may provide parents with education and support either in parents' homes or in other locations comfortable for parents, beginning with the birth of their first baby. The program may make the following services available to the families:

- (a) Visits for all expectant or new parents, either at the parent's home or another location with which the parent is comfortable;
- (b) Screening before or soon after the birth of a child to assess the family's strengths and goals and define areas of concern in consultation with the family;
- (c) Parenting education and skills development;
- (d) Parenting and family support information and referral;
- (e) Parent support groups; and
- (f) Service coordination for individual families, and assistance with accessing services, provided in a manner that ensures that individual families have only one individual or agency to which they look for service coordination. Where appropriate for a family, service coordination may be conducted through interdisciplinary or interagency teams.

These programs are intended to be voluntary for the parents involved.

(3) The community network may include funding of:

- (a) At-risk youth job placement and training programs. The programs shall:
 - (i) Identify and recruit at-risk youth for local job opportunities;
 - (ii) Provide skills and needs assessments for each youth recruited;
 - (iii) Provide career and occupational counseling to each youth recruited;
 - (iv) Identify businesses willing to provide employment and training opportunities for at-risk youth;
 - (v) Match each youth recruited with a business that meets his or her skills and training needs;
 - (vi) Provide employment and training opportunities that prepare the individual for demand occupations; and
 - (vii) Include, to the extent possible, collaboration of business, labor, education and training, community organizations, and local government;

(b) Employment assistance, including job development, school-to-work placement, employment readiness training, basic skills, apprenticeships, job mentoring, and private sector and community service employment;

(c) Education assistance, including tutoring, mentoring, interactions with role models, entrepreneurial education and projects, and employment reentry assistance services;

(d) Peer-to-peer, group, and individual counseling, including crisis intervention, for at-risk youth and their parents;

(e) Youth coalitions that provide opportunities to develop leadership skills and gain appropriate respect, recognition, and rewards for their positive contribution to their community;

(f) Technical assistance to applicants to increase their organizational capacity and to improve the likelihood of a successful application; and

(g) Technical assistance and training resources to successful applicants.

NEW SECTION. Sec. 306. A new section is added to chapter 70.190 RCW to read as follows:

(1) A community network that has its membership finalized under section 303(4) of this act shall, upon application to the council, be eligible to receive planning grants and technical assistance from the council. Planning grants may be funded through available federal funds for family preservation services. After receiving the planning grant the region will be given up to one year to submit the long-term community plan. Upon application the community networks are eligible to receive funds appropriated under section 325 of this act.

(2) The council shall enter into biennial contracts with community networks as part of the grant process. The contracts shall be consistent with available resources, and shall be distributed in accordance with the distribution formula developed pursuant to section 320 of this act.

(3) No later than February 1 of each odd-numbered year following the initial contract between the council and a network, the council shall request from the network its plan for the upcoming biennial contract period.

(4) The council shall notify the community networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

NEW SECTION. Sec. 307. A new section is added to chapter 70.190 RCW to read as follows:

The community public health and safety council shall:

(1) Establish network boundaries no later than July 1, 1994. There is a presumption that no county may be divided between two or more community networks and no network shall have fewer than forty thousand population. When approving multicounty networks, considering dividing a county between networks, or creating a network with a population of less than forty thousand, the council must consider: (a) Common economic, geographic, and social interests; (b) historical and existing shared governance; and (c) the size and location of population centers. Individuals and groups within any area shall be given ample opportunity to propose network boundaries in a manner designed to assure full consideration of their expressed wishes;

(2) Develop a technical assistance and training program to assist communities in creating and developing community networks and plans;

(3) Approve the structure, purpose, goals, plan, and performance measurements of each community network;

(4) Identify all prevention and early intervention programs and funds, including all programs funded under RCW 69.50.520, in addition to the programs set forth in section 308 of this act, which could be transferred, in all or part, to the community networks, and report their findings and recommendations to the governor and the legislature regarding any appropriate program transfers by January 1 of each year;

(5) Reward community networks that show exceptional success as provided in section 320 of this act;

(6) Seek every opportunity to maximize federal and other funding that is consistent with the plans approved by the council for the purpose and goals of this chapter;

(7) Review the state-funded out-of-home placement rate before the end of each contract to determine whether the region has sufficiently reduced the rate. If the council determines that there has not been a sufficient reduction in the rate, it may reduce the immediately succeeding grant to the network;

(8)(a) The council shall monitor the implementation of programs contracted by participating state agencies by reviewing periodic reports on the extent to which services were delivered to intended populations, the quality of services, and the extent to which service outcomes were achieved at the conclusion of service interventions. This monitoring shall include provision for periodic feedback to community networks;

(b) The legislature intends that this monitoring be used by the legislative budget committee, together with public health data on at-risk behaviors and risk and protective factors to produce an external evaluation of the effectiveness of the networks and their programs. For this reason, and to conserve public funds, the council shall not conduct or contract for the conduct of control group studies, quasi-experimental design studies, or other analysis efforts to attempt to determine the impact of network programs on at-risk behaviors or risk and protective factors; and

(9) Review the implementation of chapter . . . , Laws of 1994 (this act) and report its recommendations to the legislature annually. The report shall use measurable performance standards to evaluate the implementation.

NEW SECTION. Sec. 308. A new section is added to chapter 70.190 RCW to read as follows:

(1) The council, and each network, shall annually review all state and federal funded programs serving individuals, families, or communities to determine whether a network may be better able to integrate and coordinate these services within the community.

(2) The council, and each network, shall specifically review and report, to the governor and the legislature, on the feasibility and desirability of decategorizing and granting, all or part of, the following program funds to the networks:

(a) Consolidated juvenile services;

- (b) Family preservation and support services;
 - (c) Readiness to learn;
 - (d) Community mobilization;
 - (e) Violence prevention;
 - (f) Community-police partnership;
 - (g) Child care;
 - (h) Early intervention and educational services, including but not limited to, birth to three, birth to six, early childhood education and assistance, and headstart;
 - (i) Crisis residential care;
 - (j) Victims' assistance;
 - (k) Foster care;
 - (l) Adoption support;
 - (m) Continuum of care; and
 - (n) Drug and alcohol abuse prevention and early intervention in schools.
- (3) In determining the desirability of decategorizing these programs the report shall analyze whether:
- (a) The program is an integral part of the community plan without decategorization;
 - (b) The program is already adequately integrated and coordinated with other programs that are, or will be, funded by the network;
 - (c) The network could develop the capacity to provide the program's services;
 - (d) The program goals might receive greater community support and reinforcement through the network;
 - (e) The program presently ensures that adequate follow-up efforts are utilized, and whether the network could improve on those efforts through decategorization of the funds;
 - (f) The decategorization would benefit the community; and
 - (g) The decategorization would assist the network in achieving its goals.
- (4) If the council or a network determines that a program should not be decategorized, the council or network shall make recommendations regarding programmatic changes that are necessary to improve the coordination and integration of services and programs, regardless of the funding source for those programs.
- (5) Upon the request of the council or a network, the governor may order the decategorization of all or part of any program specified in the request.

NEW SECTION. Sec. 309. A new section is added to chapter 70.190 RCW to read as follows:

(1) The participating state agencies shall execute an interagency agreement to ensure the coordination of their local program efforts regarding children. This agreement shall recognize and give specific planning, coordination, and program administration responsibilities to community networks, after the approval under section 310 of this act of their comprehensive community plans. The community networks shall encourage the development of integrated, regionally based children, youth, and family activities and services with adequate local flexibility to accomplish the purposes stated in section 101 of this act and RCW 74.14A.020.

(2) The community networks shall exercise the planning, coordinating, and program administration functions specified by the state interagency agreement in addition to other activities required by law, and shall participate in the planning process required by chapter 71.36 RCW.

(3) Any state or federal funds identified for contracts with community networks shall be transferred with no reductions.

NEW SECTION. Sec. 310. A new section is added to chapter 70.190 RCW to read as follows:

The council shall only disburse funds to a community network after a comprehensive community plan has been prepared by the network and approved by the council or as provided in section 325 of this act. In approving the plan the council shall consider whether the network:

- (1) Promoted input from the widest practical range of agencies and affected parties;
- (2) Reviewed the indicators of violence data compiled by the local public health departments and incorporated a response to those indicators in the plan;
- (3) Obtained a declaration by the largest health department in the region, ensuring that the plan met minimum standards for assessment and policy development relating to social development according to section 204 of this act;
- (4) Included a specific mechanism of data collection and transmission based on the rules established under section 204 of this act;
- (5) Considered all relevant causes of violence in its community and did not isolate only one or a few of the elements to the exclusion of others and demonstrated evidence of building community capacity through effective neighborhood and community development; and
- (6) Committed to make measurable reductions in the rate of at-risk children and youth by reducing the rate of state-funded out-of-home placements and make reductions in at least three of the following rates of youth: Violent criminal acts, substance abuse, pregnancy and male parentage, suicide attempts, or dropping out of school.

Sec. 311. RCW 43.101.240 and 1989 c 271 s 423 are each amended to read as follows:

(1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region X) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop

training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing. ~~((The commission shall report its findings and progress to the legislature by January 1990.))~~

(2) Local law enforcement agencies are encouraged to form community-police partnerships in ~~((areas of substantial drug crimes))~~ all neighborhoods and particularly areas with high rates of criminal activity. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

~~((3) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission for the purposes of subsection (1) of this section.))~~

NEW SECTION. Sec. 312. A new section is added to chapter 70.190 RCW to read as follows:

If there exist any federal restrictions against the transfer of funds, for the programs enumerated in section 308 of this act, to the community networks, the council shall assist the governor in immediately applying to the federal government for waivers of the federal restrictions. The council shall also assist the governor in coordinating efforts to make any changes in federal law necessary to meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

NEW SECTION. Sec. 313. A new section is added to chapter 70.190 RCW to read as follows:

For grant funds awarded under this chapter, no state agency may require any other program requirements, except those necessary to meet federal funding standards or requirements. None of the grant funds awarded to the community networks shall be considered as new entitlements.

NEW SECTION. Sec. 314. A new section is added to chapter 70.190 RCW to read as follows:

The implementation of community networks shall be included in all federal and state plans affecting the state's children, youth, and families. The plans shall be consistent with the intent and requirements of this chapter.

Sec. 315. RCW 70.190.020 and 1992 c 198 s 4 are each amended to read as follows:

To the extent that any power or duty of the council ~~((created according to chapter 198, Laws of 1992))~~ may duplicate efforts of existing councils, commissions, advisory committees, or other entities, the governor is authorized to take necessary actions to eliminate such duplication. This shall include authority to consolidate similar councils or activities in a manner consistent with the goals of this chapter ~~((198, Laws of 1992))~~.

Sec. 316. RCW 70.190.030 and 1992 c 198 s 5 are each amended to read as follows:

~~((1))~~ The ~~((family policy))~~ council shall annually solicit from ~~((consortiums))~~ community networks proposals to facilitate greater flexibility, coordination, and responsiveness of services at the community level. The council shall consider such proposals only if:

~~((a))~~ (1) A comprehensive plan has been prepared by the ~~((consortium; and~~
~~((b))~~ community networks;

(2) The ~~((consortium))~~ community network has identified and agreed to contribute matching funds as specified in RCW 70.190.010; ~~((and~~

~~((e))~~ (3) An interagency agreement has been prepared by the ~~((family policy))~~ council and the participating local service and support agencies that governs the use of funds, specifies the relationship of the project to the principles listed in RCW 74.14A.025, and identifies specific outcomes and indicators; and

~~((d) Funds are to be used to provide support or services needed to implement a family's or child's case plan that are not otherwise adequately available through existing categorical services or community programs; [and]~~

~~((e) The consortium has provided written agreements that identify a lead agency that will assume fiscal and programmatic responsibility for the project, and identify participants in a consortium council with broad participation and that shall have responsibility for ensuring effective coordination of resources; and~~

~~((f))~~ (4) The ~~((consortium))~~ community network has designed into its comprehensive plan standards for accountability. Accountability standards include, but are not limited to, the public hearing process eliciting public comment about the appropriateness of the proposed comprehensive plan. The ~~((consortium))~~ community network must submit reports to the ~~((family policy))~~ council outlining the public response regarding the appropriateness and effectiveness of the comprehensive plan.

~~((2) The family policy council may submit a prioritized list of projects recommended for funding in the governor's budget document.~~

~~((3) The participating state agencies shall identify funds to implement the proposed projects from budget requests or existing appropriations for services to children and their families.))~~

Sec. 317. RCW 70.190.040 and 1993 c 336 s 901 are each amended to read as follows:

(1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the ~~((family policy))~~ council shall ~~((award))~~ include those funds in grants to ~~((community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn))~~ community networks.

Sec. 318. RCW 70.190.900 and 1992 c 198 s 11 are each amended to read as follows:

By June 30, 1995, the ~~((family policy))~~ council shall report to the appropriate committees of the legislature on the expenditures made, outcomes attained, and other pertinent aspects of its experience in the implementation of RCW 70.190.030.

NEW SECTION. Sec. 319. A new section is added to chapter 43.41 RCW to read as follows:

The office of financial management shall review the administration of funds for programs identified under section 308 of this act and propose legislation to complete interdepartmental transfers of funds or programs as necessary. The office of financial management shall review statutes that authorize the programs identified under section 308 of this act and suggest legislation to eliminate statutory requirements that may interfere with the administration of that policy.

NEW SECTION. Sec. 320. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office of financial management, in consultation with affected parties, shall establish a fund distribution formula for determining allocations to the community networks authorized under section 310 of this act. The formula shall reflect the local needs assessment for at-risk children and consider:

- (a) The number of arrests and convictions for juvenile violent offenses;
- (b) The number of arrests and convictions for crimes relating to juvenile drug offenses and alcohol related offenses;
- (c) The number of teen pregnancies and parents;
- (d) The number of child and teenage suicides and attempted suicides; and
- (e) The high school graduation rate.

(2) In developing the formula, the office of financial management shall reserve five percent of the funds for the purpose of rewarding community networks.

(3) The reserve fund shall be used by the council to reward community networks that show exceptional reductions in: State-funded out-of-home placements, violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or school dropout rates.

(4) The office of financial management shall submit the distribution formula to the community public health and safety council and to the appropriate committees of the legislature by December 20, 1994.

NEW SECTION. Sec. 321. A new section is added to chapter 70.190 RCW to read as follows:

If a community network is unable or unwilling to assume powers and duties authorized under this chapter by June 30, 1998, or the legislative budget committee makes a recommendation under section 701 of this act, the governor may transfer all funds and programs available to a community network to a single state agency whose statutory purpose, mission, goals, and operating philosophy most closely supports the principles and purposes of section 101 of this act and RCW 74.14A.020, for the purpose of integrating the programs and services.

NEW SECTION. Sec. 322. The secretary of social and health services and the insurance commissioner shall conduct a study regarding liability issues and insurance rates for private nonprofit group homes that contract with the department for client placement. The secretary and commissioner shall report their findings and recommendations to the legislature by November 15, 1994.

NEW SECTION. Sec. 323. A new section is added to chapter 43.20A RCW to read as follows:

The secretary of social and health services shall make all of the department's evaluation and research materials and data on private nonprofit group homes available to group home contractors. The department may delete any information from the materials that identifies a specific client or contractor, other than the contractor requesting the materials.

NEW SECTION. Sec. 324. The governor shall appoint the initial members of the community public health and safety council by May 1, 1994.

NEW SECTION. Sec. 325. Any funds appropriated to the violence reduction and drug enforcement account in the 1993-95 supplemental budget for purposes of community networks shall only be available upon application of a network to the council. The application shall identify the programs and a plan for expenditure of the funds. The application and plan shall demonstrate the effectiveness of the program in terms of reaching its goals and provide clear and substantial evidence that additional funds will substantially improve the ability of the program to increase its effectiveness.

This section shall expire June 30, 1995.

NEW SECTION. Sec. 326. RCW 70.190.900 and 1994 c . . . s 318 (section 318 of this act) & 1992 c 198 s 11 are each repealed.

NEW SECTION. Sec. 327. Section 326 of this act shall take effect July 1, 1995."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Owen on page 7, beginning on line 25, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Talmadge carried and the amendment to the striking amendment was adopted.

MOTION

Senator Franklin moved that the following amendments to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 29, line 34 of the amendment, after "of" strike "twenty-one" and insert "eighteen"

On page 41, line 7 of the amendment, after "age of" strike "twenty-one" and insert "~~((twenty-one))~~ eighteen"

On page 41, line 10 of the amendment, after "9.41.040." insert "No dealer may deliver a pistol or ammunition usable only in a pistol to any person under the age of twenty-one or to one who he or she has reasonable cause to believe is ineligible to possess a pistol under RCW 9.41.040."

On page 51, beginning on line 22 of the amendment, after "age of" strike "twenty-one" and insert "eighteen"

On page 52, line 3 of the amendment, after "age of" strike "twenty-one" and insert "eighteen"

MOTION

Senator Roach moved that the question be divided.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe that Senator Franklin moved the adoption of all the amendments together and the body has already taken action. Senator Roach's request is not timely."

REPLY BY THE PRESIDENT

President Pritchard: "Well, the body would have to vote itself back into that position. We've already established that we are going to take them all together and if she wants to move that the body wants to split them up, she can, but it would take action by the body."

MOTION

On motion of Senator Roach, and there being no objection, the motion to divide the question was withdrawn.

POINT OF INQUIRY

Senator Prince: "Would Senator Franklin yield to a question?"

Senator Franklin: "Senator Prince, you are such a gentlemen, but it is so late, I would rather not yield to a question."

Senator Prince: "Well, the question I had, you don't have to yield to it, but you've got age twenty-one to buy the ammunition and age eighteen to possess, and I'm confused. Do I read this wrong?"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "I believe, in response to Senator Prince's question, existing law now in this area of firearms, delivery is one of those areas of some grey area to say the least. My understanding is that age twenty-one is the age at which someone may deliver a firearm to someone at present. I believe that the way this amendment is drawn, it takes it back to that standard that already exists with respect to the delivery of a firearm. Not that I agree with this, but I'm merely providing that information."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Nelson: "Mr. President, I have a point of parliamentary inquiry. In the amendments that you have before you, where we are taking them all at one time, we have amendments that are striking new language as proposed in the amendment that is the striker and in part, we have in this amendment, language that is deleting existing statutory language that we have had in our statutes for a number of years--predominately the debated arguments thus far--that in this state, we have never allowed a dealer to sell a hand gun to anyone under the age of twenty-one and we now have, in this amendment, the dropping of that to eighteen. Would we as a body be able to come back and have a separate amendment for one or two of the parts that you have now accepted in this entire amendment that has been offered by Senator Franklin?"

REPLY BY THE PRESIDENT

President Pritchard: "I'm told that if you come back with an amendment that has similar results, but offered in different words, you can do that."

Further debate ensued.

Senator Pelz demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendments by Senator Franklin on page 29, line 34; page 41, lines 7 and 10; page 51, beginning on line 22; and page 52, line 3; to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Franklin carried and the amendments to the striking amendment were adopted on a rising vote.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Roach, Amondson, Moyer, Linda Smith, Hochstatter and Anderson to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 11, line 31 of the amendment, after "agencies," insert "prosecutor's office, juvenile court administration,"

POINT OF ORDER

Senator Vognild: "It is going to be a long night, I'm afraid, but I need to raise the question here that this amendment is not in order. We have adopted an amendment which struck the language which this intends to amend. We have several other amendments in here that are going to be in the same situation. Effectively, if this amendment is allowed, it becomes an amendment to an amendment to an amendment, which is not allowed under the rules of order."

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Vognild, Senator Vognild is right and the amendment is out of order.

"Senator Nelson if you come up, I think they can help you redo it in a different way, but you can't do it this way."

The amendment by Senators Nelson, Roach, Amondson, Moyer, Linda Smith, Hochstatter and Anderson on page 11, line 31, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319 was ruled out of order.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Linda Smith, Anderson, McDonald and Schow to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 26, after line 14 of the amendment, insert the following:

"NEW SECTION. Sec. 401. A new section is added to chapter 10.19 RCW to read as follows:

Notwithstanding superior court criminal rule CrR 3.2, a criminal defendant shall not be bailable if the court determines by a preponderance of the evidence that the defendant is likely to pose a danger to the safety of any other person or the community at large if the defendant is released.

NEW SECTION. Sec. 402. Section 401 of this act shall take effect if the proposed amendment to Article I, section 20 of the state Constitution authorizing the courts to refuse bail when the accused is likely upon release to pose a danger is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not so approved and ratified, section 401 of this act is void in its entirety."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson, Linda Smith, Anderson, McDonald and Schow on page 26, after line 14, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Nelson failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Roach, Schow, Linda Smith and McDonald to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 26, after line 14 of the amendment, insert the following:

"NEW SECTION. Sec. 401. The legislature finds that treatment of the emotional problems of victims and families of victims of sex offenses and victims of violent offenses may be impaired by lengthy delay in trial of the accused and the resulting delay in testimony of the victim or the victim's representative. The trauma of the abusive or violent incident is likely to be exacerbated by requiring testimony from a victim who has substantially completed therapy and is forced to relive the incident. The legislature finds that it is necessary to prevent, to the extent reasonably possible, lengthy and unnecessary delays in trial of a person charged with a sex offense or of a violent offense.

NEW SECTION. Sec. 402. A new section is added to chapter 10.46 RCW to read as follows:

When a defendant is charged with a violent offense as defined in RCW 9.94A.030 which constitutes a violation of RCW 9A.64.020 or chapter 9.68, 9.68A, 9A.32, 9A.36, 9A.40, 9A.42, 9A.44, or 9A.46 RCW, neither the defendant nor the prosecuting attorney may agree to extend the originally scheduled trial date unless, after a hearing, the court finds that there are substantial and compelling reasons for a continuance of the trial date and that the benefit of the postponement outweighs the detriment to the victim or, if the victim is deceased, to the victim's family. At the hearing the court shall consider the testimony of lay witnesses and of expert witnesses, if available, regarding the impact of the continuance on the victim. Whenever the court grants the request for a continuance, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law.

Sec. 403. RCW 9.94A.390 and 1990 c 3 s 603 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

- (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
- (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- (e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).
- (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- (h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
 - (i) The current offense involved multiple victims or multiple incidents per victim;
 - (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
 - (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;
 - (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.
- (d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:
 - (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or
 - (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or
 - (iii) The current offense involved the manufacture of controlled substances for use by other parties; or
 - (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or
 - (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127;

(f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time; ((e†))

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010; or

(h) The current offense is a sexually violent offense as defined by RCW 9.94A.030 and either:

(i) The offender committed the current offense within twenty-four months of a conviction or convictions for a sexually violent offense or offenses, whether the offender was an adult or juvenile, when the offender committed the prior sexually violent offense or offenses. The twenty-four month period shall be tolled during any time period the offender is confined in jail, prison, a mental institution, or a juvenile detention or correctional facility, and is not in the community; or

(ii) The offender's criminal history includes two prior convictions for sexually violent offenses, whether the offender was an adult or a juvenile when the offender committed the prior sexually violent offenses.

When the court imposes an exceptional sentence under subsection (2)(h)(i) or (ii) of this section, the court may sentence the offender to a prison term up to life imprisonment as provided in RCW 9.94A.120. This subsection (2)(h) shall be effective only if the supreme court of Washington in a final decision holds that chapter 71.09 RCW is invalid.

Sec. 404. RCW 13.40.030 and 1989 c 407 s 3 are each amended to read as follows:

(1)(a) The juvenile disposition standards commission shall recommend to the legislature no later than November 1st of each year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the parole period shall be twenty-four months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing recommended disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.

(b) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) In developing recommendations for the permissible ranges of confinement under this section the commission shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson, Roach, Schow, Linda Smith and McDonald on page 26, after line 14, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Nelson failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Roach moved that the following amendments by Senators Roach, Nelson, Hochstatter and Linda Smith to the striking amendment by Senators Talmage and Gaspard be considered simultaneously and be adopted:

On page 30, after line 20 of the amendment, insert the following:

"**Sec. 409.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
 - Homicide by abuse (RCW 9A.32.055)
- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
 - Child Molestation 1 (RCW 9A.44.083)
 - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
 - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Robbery 1 (RCW 9A.56.200)
 - Manslaughter 1 (RCW 9A.32.060)
 - Explosive devices prohibited (RCW 70.74.180)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Sexual Exploitation (RCW 9.68A.040)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Introducing Contraband 1 (RCW 9A.76.140)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and

(c))

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Involving a minor in drug dealing (RCW 69.50.401(f))

VI Bribery (RCW 9A.68.010)

Manslaughter 2 (RCW 9A.32.070)

Rape of a Child 3 (RCW 9A.44.079)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))

Endangering life and property by explosives with no threat to human being (RCW 70.74.270)

Incest 1 (RCW 9A.64.020(1))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))

Intimidating a Judge (RCW 9A.72.160)

Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

V Criminal Mistreatment 1 (RCW 9A.42.020)

Reckless Endangerment 1 (RCW 9A.36.045)

Rape 3 (RCW 9A.44.060)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Child Molestation 3 (RCW 9A.44.089)

Kidnapping 2 (RCW 9A.40.030)

Extortion 1 (RCW 9A.56.120)

Incest 2 (RCW 9A.64.020(2))

Perjury 1 (RCW 9A.72.020)

Extortionate Extension of Credit (RCW 9A.82.020)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)

Robbery 2 (RCW 9A.56.210)

Assault 2 (RCW 9A.36.021)

Escape 1 (RCW 9A.76.110)

Arson 2 (RCW 9A.48.030)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Malicious Harassment (RCW 9A.36.080)
Threats to Bomb (RCW 9.61.160)
Willful Failure to Return from Furlough (RCW 72.66.060)
Hit and Run — Injury Accident (RCW 46.52.020(4))
Vehicular Assault (RCW 46.61.522)
Manufacture, deliver, or possess with intent to deliver narcotics from
Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or
methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Possession of Stolen Firearm 1 (RCW 9A.56.-- (section 416 of this act))
Reckless Endangerment 2 (RCW 9A.36.-- (section 411 of this act))
Theft of Firearm 1 (RCW 9A.56.-- (section 413 of this act))
Unlawful Possession of Firearm by Felon (RCW 9.41.040)

III Criminal mistreatment 2 (RCW 9A.42.030)

Extortion 2 (RCW 9A.56.130)
Unlawful Imprisonment (RCW 9A.40.040)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Custodial Assault (RCW 9A.36.100)
~~((Unlawful possession of firearm or pistol by felon (RCW 9.41.040)))~~
Harassment (RCW 9A.46.020)
Promoting Prostitution 2 (RCW 9A.88.080)
Willful Failure to Return from Work Release (RCW 72.65.070)
Burglary 2 (RCW 9A.52.030)
Introducing Contraband 2 (RCW 9A.76.150)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Escape 2 (RCW 9A.76.120)
Perjury 2 (RCW 9A.72.030)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Intimidating a Public Servant (RCW 9A.76.180)
Tampering with a Witness (RCW 9A.72.120)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW
69.50.401(a)(1)(ii))
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Manufacture, distribute, or possess with intent to distribute an imitation
controlled substance (RCW 69.52.030(1))
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Theft of livestock 2 (RCW 9A.56.080)
Securities Act violation (RCW 21.20.400)
Possession of Stolen Firearm 2 (RCW 9A.56.-- (section 417 of this act))
Theft of Firearm 2 (RCW 9A.56.-- (section 414 of this act))

II Malicious Mischief 1 (RCW 9A.48.070)

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

Computer Trespass 1 (RCW 9A.52.110)
~~((Reckless Endangerment 1 (RCW 9A.36.045)))~~
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

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

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

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

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

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

NEW SECTION. Sec. 411. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of reckless endangerment in the second degree when he or she recklessly discharges a firearm or uses any other deadly weapon as defined in RCW 9.94A.125 in conduct not amounting to reckless endangerment in the first degree but which creates a substantial risk of death or serious physical injury to another person.

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

Sec. 412. RCW 9A.36.050 and 1989 c 271 s 110 are each amended to read as follows:

(1) A person is guilty of reckless endangerment in the ~~((second))~~ third degree when he or she recklessly engages in conduct not amounting to reckless endangerment in the first or second degree but which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment in the ~~((second))~~ third degree is a gross misdemeanor.

NEW SECTION. Sec. 413. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of a firearm in the first degree if he or she commits theft of:

(a) A firearm or firearms in excess of one thousand dollars in value; or

(b) A total of three or more firearms; or

(c) A firearm or firearms of any value taken from the person of another.

(2) The definition of theft and the defense allowed against the prosecution of theft under RCW 9A.56.020 shall apply to the theft of a firearm in the first degree.

(3) Theft of a firearm in the first degree is a class B felony.

NEW SECTION. Sec. 414. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of a firearm in the second degree if he or she commits theft of any firearm or firearms which does not amount to theft of a firearm in the first degree.

(2) The definition of theft and the defense allowed against the prosecution of theft under RCW 9A.56.020 shall apply to the theft of a firearm in the second degree.

(3) Theft of a firearm in the second degree is a class C felony.

Sec. 415. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

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

(c) An access device; or

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

~~(e) A firearm, of a value less than one thousand five hundred dollars)).~~

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

NEW SECTION. Sec. 416. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of possessing a stolen firearm in the first degree if he or she possesses a stolen firearm or firearms which:

(a) Exceed one thousand dollars in value; or

(b) Total three or more firearms.

(2) The definition of possessing stolen property and the defense allowed against the prosecution of possessing stolen property under RCW 9A.56.020 shall apply to possessing a stolen firearm in the first degree.

(3) Possessing a stolen firearm in the first degree is a class B felony.

NEW SECTION. Sec. 417. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of possessing a stolen firearm in the second degree if he or she possesses a stolen firearm or firearms not amounting to possessing a stolen firearm in the first degree.

(2) The definition of possessing stolen property and the defense allowed against the prosecution of possessing stolen property under RCW 9A.56.020 shall apply to possessing a stolen firearm in the second degree.

(3) Possessing a stolen firearm in the second degree is a class C felony.

Sec. 418. RCW 9A.56.160 and 1987 c 140 s 4 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

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

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

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

~~(e) He possesses a stolen firearm)).~~

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

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 56, beginning on line 3 of the amendment, strike all of sections 431 and 432

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Roach demanded a roll call and the demand was sustained.

Debate ensued.

POINT OF INQUIRY

Senator Niemi: "Senator Roach, it is very common for the state to charge both for assault in the second degree and reckless endangerment and coming out of the same act. Can you tell me how you intend--the fact that you have raised reckless endangerment and assault to the same kind of penalty as assault in the second degree--do you have any advice to a prosecutor as to how they are going to decide that?"

Senator Roach: "Well, that is what--they will be making those decisions. All I can tell you is that reckless endangerment when you are driving around shooting outside of a vehicle, possibly killing people, is a very serious crime and I think it should be elevated."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Roach, Nelson, Hochstatter and Linda Smith on page 30, after line 20, and page 56, beginning on line 3, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were adopted by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Oke, Owen, Quigley, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Ludwig, Moyer, Niemi, Pelz, Prentice, Prince, Rinehart and Sheldon - 8.

MOTION

Senator Roach moved that the following amendment by Senators Roach, Linda Smith and Hochstatter to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 30, after line 20 of the amendment, insert the following:

"Sec. 409. RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE OFFENDER SCORE

0 1 2 3 4 5 6 7 8 more

9 or

XV Life Sentence without Parole/Death Penalty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Five years for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), Kidnapping 1 (RCW 9A.40.020), Burglary 1 (RCW 9A.52.020), or any other felony defined under any law as a class A felony and not covered under (e) of this subsection.

(b) Three years for Assault 2 (RCW 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), any felony drug offense or any class B felony under RCW 9A.20.021(1)(b) not specifically listed in this subsection and not covered under (e) of this subsection.

(c) Eighteen months for any other class C felony under RCW 9A.20.021(1)(c) and not covered under (b) or (e) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection and the offender has already been previously sentenced after the effective date of this section under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, the presumptive sentences under this subsection are automatically doubled.

(e) Any and all crimes which by definition required the possession, theft, display, use, or discharge of a firearm are excluded from this subsection.

(4) The following additional times shall be added to the presumptive sentence range for felony crimes committed after the effective date of this section if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to

commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence range determined under subsection (2) of this section:

(a) ~~((24 months))~~ Two years for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), ~~((e))~~ Kidnapping 1 (RCW 9A.40.020), Burglary 1 (RCW 9A.52.020), or any other felony defined under any law as a class A felony and not covered under (e) of this subsection;

(b) ~~((18 months for Burglary 1 (RCW 9A.52.020)))~~ One year for Assault 2 (RCW 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), any felony drug offense, or any class B felony as defined in RCW 9A.20.021(1)(b) not specifically listed in this subsection and not covered under (e) of this subsection;

(c) ~~((12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense))~~ Six months for any other class C felony as defined in RCW 9A.20.021(1)(c) and not covered under (b) or (e) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection and the offender has already been previously sentenced after the effective date of this section under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section the presumptive sentences under this subsection are automatically doubled.

(e) Any and all crimes which by definition require the possession, theft, display, or use of any deadly weapon other than a firearm as defined in RCW 9A.10.010 are excluded from this subsection.

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

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

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

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

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

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

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued

POINT OF INQUIRY

Senator Pelz: "Senator Roach, when you drafted and proposed this amendment, did you have any idea what it would cost?"

Senator Roach: "Senator Pelz, that is definitely a consideration that we have considered and do quite strongly believe that if this legislative body would prioritize what the public desires that we can, in fact, have this piece of legislation."

Senator Pelz: "I'm sorry--"

Senator Roach: "The answer, sir, was 'yes.'"

Senator Pelz: "I'll restate my question. What would this cost?"

Senator Roach: "The exact numbers are not quite available to me at this point, because I don't have them with me. Would you like me to find that?"

Further debate ensued.

Senator Roach demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Roach, Linda Smith and Hochstatter on page 30, after line 20, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Absent: Senator Bluechel - 1.

MOTION

Senator Schow moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 31, line 23 of the amendment, after "burglary." insert "reckless endangerment in the first degree."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schow on page 31, line 23, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Schow carried and the amendment to the striking amendment was adopted.

MOTION

Senator Skratek moved that the following amendment by Senator Hargrove to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 32, line 35 of the amendment, after "therefrom" insert "at the rate of five or more shots per second"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 32, line 35, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Skratek carried and the amendment by Senator Hargrove to the striking amendment was adopted.

STATEMENT FOR THE JOURNAL

I was absent for the vote on the amendments proposed by Senators Wojahn, Prentice, Moore, Niemi and Pelz concerning the ban on assault weapons, which I do support. I was off the floor addressing additional amendments for the youth violence bill and regretfully was not present when the vote occurred.

SENATOR KATHLEEN DREW, 5th District

MOTION

Senator Wojahn moved that the following amendments by Senators Wojahn, Prentice, Moore, Niemi and Pelz to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 33, after line 24 of the amendment, insert the following:

"(10) "Assault weapon" means any of the following semiautomatic firearms or replicas or duplicates of semiautomatic firearms known as:

(a) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

(b) Action Arms Israeli Military Industries UZI and Galil;

(c) Beretta AR-70 (SC-70);

(d) Colt AR 15 and Spotar;

(e) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

(f) MAC 10, M-10, MAC 11, and M-11;

(g) Steyr AUG;

(h) INTRATEC TEC-9, TEC-DC-9, and TEC-22; and

(i) Revolving cylinder shotguns such as, or similar to, the Street Sweeper and Striker 12."

On page 50, line 34 of the amendment, after "machine gun" insert "or assault weapon"

On page 50, line 36 of the amendment, after "~~limitation~~)" insert "or assault weapon"

On page 51, after line 12 of the amendment, insert the following:

"**Sec. 425.** RCW 9.41.220 and 1933 c 64 s 4 are each amended to read as follows:

All machine guns and assault weapons, or parts thereof, illegally held or illegally possessed are hereby declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun or assault weapon, or parts thereof, wherever and whenever found."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 56, after line 2 of the amendment, insert the following:

"**NEW SECTION. Sec. 431.** Any person voluntarily surrendering an assault weapon to the chief of police or county sheriff in the city or county of the person's residence within ninety days of the effective date of this section shall be immune from prosecution for the possession of that assault weapon. The police chief or sheriff shall make a determination of the fair market value of any assault weapon surrendered within ninety days of the effective date of this section and shall pay the owner of any assault weapon so surrendered the fair market value of the assault weapon or two hundred dollars, whichever is less."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 158, after line 13 of the amendment, insert the following:

"**NEW SECTION. Sec. 709.** The sum of three hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the public safety and education account to the criminal justice training commission solely for implementation of section 431 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

MOTION

On motion of Senator McCaslin, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Wojahn, Prentice, Moore, Niemi and Pelz on page 33, after line 24; page 50, lines 34 and 36; page 51, after line 12; page 56, after line 2; and page 158, after line 13; to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 1; Excused, 1.

Voting yea: Senators Bluechel, Franklin, Fraser, Gaspard, Haugen, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Quigley, Rinehart, Sheldon, Snyder, Spanel, Talmadge, Williams, Winsley and Wojahn - 20.

Voting nay: Senators Anderson, Bauer, Cantu, Deccio, Erwin, Hargrove, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke, Owen, Prince, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Sutherland, Vognild and West - 27.

Absent: Senator Drew - 1.

Excused: Senator Amondson - 1.

MOTION

Senator Roach moved that the following amendments by Senators Roach, McDonald, Hochstatter, Morton, Moyer, Amondson, Linda Smith, Anderson, Nelson, Schow, McCaslin and Oke to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 33, beginning on line 25 of the amendment, strike all of section 412

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 56, beginning on line 3 of the amendment, strike all of sections 431 and 432

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 113, beginning on line 15 of the amendment, strike all of section 464

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 121, after line 18 of the amendment, insert the following:

"**Sec. 471.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE OFFENDER SCORE

0 1 2 3 4 5 6 7 8 more

9 or

XV Life Sentence without Parole/Death Penalty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Five years for a felony defined under law as a class A felony and not covered under (f) of this subsection.

(b) Three years for a class B felony as defined in RCW 9A.20.021(1)(b) and not covered under (f) of this subsection.

(c) Eighteen months for a class C felony as defined in RCW 9A.20.021(1)(c) and not covered under (f) of this subsection.

(d) If the offender is being sentenced for firearm enhancements under (a), (b), or (c) of this subsection and the offender has already been previously sentenced for deadly weapon enhancements after the effective date of this section under (a) through (c) of this subsection or subsection (4) (a) through (c) of this section, all firearm enhancements under this subsection are automatically doubled.

(e) Notwithstanding any other provision of law, the firearm enhancements under this section shall not run concurrently with any other term or terms of imprisonment.

(f) All felony crimes which by definition require as the essential and only element of the crime the possession, theft, display, or use of a deadly weapon as defined in either RCW 9.41.010 or 9.94A.125, or both, are excluded from this subsection. These crimes include: Possessing a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, setting a spring gun, theft of a firearm, unlawful possession of a firearm, and use of a machine gun in a felony. All other felony crimes including, but not limited to, rape in the first degree and robbery in the first degree shall not be considered under this subsection because the deadly weapon is an alternative element of the crime.

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

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

(b) ((18 months for Burglary 1 (RCW 9A.52.020))) One year for any class B felony as defined in RCW 9A.20.021(1)(b) and not covered under (f) of this subsection.

(c) ((12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense)) Six months for any class C felony as defined in RCW 9A.20.021(1)(c) and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a) through (c) of this subsection for deadly weapon enhancements and the offender has already been previously sentenced for deadly weapon enhancements after the effective date of this section under (a) through (c) of this subsection or subsection (3) (a) through (c) of this section, all deadly weapon enhancements under this subsection are automatically doubled.

(e) Notwithstanding any other provision of law, the deadly weapon enhancements under this section shall not run concurrently with any other term or terms of imprisonment.

(f) All felony crimes which by definition require as the essential and only element of the crime the possession, theft, display, or use of any deadly weapon as defined in either RCW 9.41.010 or 9.94A.125 or both, are excluded from this subsection. These crimes include: Possessing a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, setting a spring gun, theft of a firearm, unlawful possession of a firearm, and use of a machine gun in a felony. All other felony crimes including, but not limited to, rape in the first degree and robbery in the first degree shall not be considered under this subsection because the deadly weapon is an alternative element of the crime.

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

- (a) Eighteen months for offenses committed under RCW 69.50.401(a)(1)(i) or 69.50.410;
- (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)(ii), (iii), and (iv);
- (c) Twelve months for offenses committed under RCW 69.50.401(d).

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

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

Sec. 472. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
 - Homicide by abuse (RCW 9A.32.055)
- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
 - Child Molestation 1 (RCW 9A.44.083)
 - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
 - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Robbery 1 (RCW 9A.56.200)
 - Manslaughter 1 (RCW 9A.32.060)
 - Explosive devices prohibited (RCW 70.74.180)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Endangering life and property by explosives with threat to human being (RCW 70.74.270)
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Controlled Substance Homicide (RCW 69.50.415)
Sexual Exploitation (RCW 9.68A.040)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

VIII Arson 1 (RCW 9A.48.020)

Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
Introducing Contraband 1 (RCW 9A.76.140)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Involving a minor in drug dealing (RCW 69.50.401(f))
Reckless Endangerment 1 (RCW 9A.36.045)
Unlawful Possession of a Firearm by a Felon (RCW 9.41.040)

VI Bribery (RCW 9A.68.010)

Manslaughter 2 (RCW 9A.32.070)
Rape of a Child 3 (RCW 9A.44.079)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
Incest 1 (RCW 9A.64.020(1))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Theft of a Firearm (section 479 of this act)

V Criminal Mistreatment 1 (RCW 9A.42.020)

Rape 3 (RCW 9A.44.060)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Child Molestation 3 (RCW 9A.44.089)
Kidnapping 2 (RCW 9A.40.030)
Extortion 1 (RCW 9A.56.120)
Incest 2 (RCW 9A.64.020(2))
Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Delivery of imitation controlled substance by person eighteen or over to person under
eighteen (RCW 69.52.030(2))
Possession of a Stolen Firearm (section 481 of this act)

IV Residential Burglary (RCW 9A.52.025)

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

III Criminal mistreatment 2 (RCW 9A.42.030)

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

II Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Possession of controlled substance that is either heroin or narcotics from Schedule I or

II (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Computer Trespass 1 (RCW 9A.52.110)

~~((Reckless Endangerment 1 (RCW 9A.36.045)))~~

Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

Possession of Stolen Property 2 (RCW 9A.56.160)

Forgery (RCW 9A.60.020)

Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Vehicle Prowl 1 (RCW 9A.52.095)

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

Malicious Mischief 2 (RCW 9A.48.080)

Reckless Burning 1 (RCW 9A.48.040)

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

NEW SECTION. Sec. 473. Notwithstanding the current placement or listing of crimes in categories or classifications of prosecuting standards for deciding to prosecute under RCW 9.94A.440(2), all felony crimes involving a deadly weapon special verdict under RCW 9.94A.125, any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), and all felony crimes as defined in either RCW 9.94A.310 (3)(f) or (4)(f), or both, which are excluded from the deadly weapon enhancements but by definition require as the essential and only element of the crime the possession, theft, display, or use of any deadly weapon as defined in either RCW 9.41.010 or 9.94A.125, or both, shall all be treated as crimes against a person and subject to the prosecuting standards for deciding to prosecute under RCW 9.94A.440(2) as crimes against persons.

NEW SECTION. Sec. 474. All recommended sentencing agreements or plea agreements and sentences for all felony crimes shall be made and retained as public records if the felony crime involves:

- (1) A violent offense as defined in this chapter;
- (2) A most serious offense as defined in this chapter;
- (3) A felony with a deadly weapon special verdict under RCW 9.94A.125;
- (4) A felony with deadly weapon enhancements under RCW 9.94A.310 (3) or (4); or
- (5) Any felony crimes as defined in either RCW 9.94A.310 (3)(f) or (4)(f), or both, which are excluded from the deadly weapon enhancements but by definition require as the essential and only element of the crime the possession, theft, display, or use of any deadly weapon as defined in either RCW 9.41.010 or 9.94A.125, or both.

NEW SECTION. Sec. 475. (1) A current, newly created, or reworked judgment and sentence document for each felony sentencing shall record all recommended sentencing agreements or plea agreements and sentences for all felony crimes kept as public records under section 474 of this act shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the sentence range for all felony crimes covered as public records under section 474 of this act. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

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

- (a) A violent offense as defined in this chapter;
- (b) A most serious offense as defined in this chapter;
- (c) A felony with any deadly weapon special verdict under RCW 9.94A.125;

(d) A felony with deadly weapon enhancements under RCW 9.94A.310 (3) or (4); or
(e) A felony crime as defined in either RCW 9.94A.310 (3)(f) or (4)(f), or both, which are excluded from the deadly weapon enhancements but by definition require as the essential and only element of the crime the possession, theft, display, or use of any deadly weapon as defined in either RCW 9.41.010 or 9.94A.125, or both.

(3) Each individual judge's sentencing practices shall be compared to the standard or presumptive sentencing range for all felony crimes listed in subsection (2) of this section for the appropriate offender score as defined in RCW 9.94A.360. These comparative records shall be retained and made available to the public for review in a current, newly created, or reworked officially published document by the sentencing guidelines commission.

(4) All felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive range.

(5) All felony sentences with a portion of any applicable deadly weapon enhancements under RCW 9.94A.310 (3) or (4) deferred or suspended under RCW 9.94A.130 shall also have a recommended sentencing agreement or plea agreement under section 474 of this act between the prosecuting attorney and the defendant in exchange for a plea of guilty in order to be a valid sentence.

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

Sec. 476. RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

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

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

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

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

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

(6) The governor may pardon any offender;

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

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

Sec. 477. RCW 9A.36.045 and 1989 c 271 s 109 are each amended to read as follows:

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

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

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

Sec. 478. RCW 9A.52.020 and 1975 1st ex.s. c 260 s 9A.52.020 are each amended to read as follows:

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

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

NEW SECTION. Sec. 479. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of a firearm if he or she commits theft of any firearm as defined in RCW 9.41.010.

(2) Each firearm, as defined in RCW 9.41.010, taken in the theft is a separate offense.

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

(4) Theft of a firearm is a class B felony.

Sec. 480. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

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

(c) An access device; or

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

~~e) A firearm, of a value less than one thousand five hundred dollars)).~~

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

NEW SECTION. Sec. 481. A new section is added to chapter 9A.56 RCW to read as follows:

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

(2) Each stolen firearm is a separate offense.

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

Sec. 482. RCW 9A.56.160 and 1987 c 140 s 4 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

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

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

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

~~e) He possesses a stolen firearm)).~~

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

Sec. 483. RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are each reenacted and amended to read as follows:

(1) A person is guilty of the crime of unlawful possession of a ~~((short))~~ firearm ~~((or pistol))~~, if, having previously been convicted or, as a juvenile, adjudicated in this state or elsewhere of a crime of violence or of a felony in which a firearm was used or displayed, the person owns or has in his or her possession any ~~((short))~~ firearm ~~((or pistol))~~.

(2) Unlawful possession of a ~~((short))~~ firearm ~~((or pistol))~~ shall be punished as a class ~~((C))~~ B felony under chapter 9A.20 RCW.

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

(4) Except as provided in subsection (5) of this section, a person is guilty of the crime of unlawful possession of a ~~((short))~~ firearm ~~((or pistol))~~ if, after having been convicted or adjudicated of any felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction, the person owns or has in his or her possession or under his or her control any ~~((short))~~ firearm ~~((or pistol))~~.

(5) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and

69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from ownership, possession, or control of a firearm as a result of the conviction.

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

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

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

(7) For the purposes of this section, firearm means any firearm or firearms as defined in RCW 9.41.010.

Sec. 484. RCW 10.95.020 and 1981 c 138 s 2 are each amended to read as follows:

A person is guilty of aggravated first degree murder if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

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

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

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

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

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

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

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

~~(8)~~ The victim was:

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

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

~~((7))~~ (9) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime, including the attempt to avoid a mandatory life without parole sentence as a persistent offender;

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

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

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

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

(d) Kidnapping in the first degree; or

(e) Arson in the first degree;

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

NEW SECTION. Sec. 485. All law enforcement agencies or personnel, criminal justice attorneys, sentencing judges, or state or local correctional facilities or personnel may, but are not required to, give any and all offenders either written or oral notice, or both, of the sanctions imposed and criminal justice changes regarding armed offenders including but not limited to the subjects of:

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

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

(3) All felony crimes requiring the possession, display, or use of any deadly weapon as defined in either RCW 9.41.010 or 9.94A.125, or both, as well as the many increased penalties for these crimes;

(4) New prosecuting standards established for filing charges for crimes involving any deadly weapons and new limitations placed on plea agreements;

(5) New and strict judicial conduct and court sentencing records regarding armed offenders; and

(6) Removal of good time for all deadly weapon enhancements.

NEW SECTION. Sec. 486. Sections 473 through 475 of this act are each added to chapter 9.94A RCW.

NEW SECTION. Sec. 487. This act shall be known and cited as the hard time for armed crime act.

NEW SECTION. Sec. 488. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Senator Roach, could you tell us how much this would cost?"

Senator Roach: "It is going to cost just about the amount that we are allocating for Wash-Pan."

Senator Pelz: "Six million dollars?"

Senator Roach: "About that."

Further debate ensued.

Senator Roach demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Spanel, Senator Drew was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Roach, McDonald, Hochstatter, Morton, Moyer, Amondson, Linda Smith, Anderson, Nelson, Schow, McCaslin and Oke on page 33, beginning on line 25; page 56, beginning on line 3; page 113, beginning on line 15; and page 121, after line 18; to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senator Newhouse - 1.

Excused: Senator Drew - 1.

MOTIONS

On motion of Senator Skratek, the following amendments by Senators Skratek and Hargrove to the striking amendment by Senators Talmadge and Gaspard were considered simultaneously and were adopted:

On page 36, beginning on line 9 of the amendment, after "within" strike "~~((thirty))~~ forty-five" and insert "thirty"

On page 36, beginning on line 17 of the amendment, after "up to" strike "~~((sixty))~~ seventy-five" and insert "sixty"

Senator Ludwig moved that the following amendments to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 38, beginning on line 18 of the amendment, after "state law." strike all material through "9.41.170." on line 33, and insert "The ~~((application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen, and if not a citizen whether the applicant has declared the intent to become a citizen))~~ applicant shall also provide the following information: Citizenship and whether he or she has been required to register with the state or federal government and ~~((any))~~ has an identification or registration number~~((, if applicable))~~. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. ~~((An applicant who is not a citizen shall provide documentation~~

showing resident alien status and the applicant's intent to become a citizen. A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor.) A person who is not a citizen of the United States (~~(or has not declared his or her intention to become a citizen))~~) shall meet the additional requirements of RCW 9.41.170."

On page 49, beginning on line 30 of the amendment, strike all of section 422 and insert the following:

"**Sec. 422.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read as follows:

~~((It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of licensing, and such license is not to be issued by the director of licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That)) (1) It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, without first having obtained an alien firearm license from the director of licensing. Except as provided in subsection (2) of this section, the director of licensing may issue an alien firearm license only upon receiving from the consul domiciled in this state representing the country of the alien, a certified copy of the alien's criminal history in the alien's country indicating the alien is not ineligible under RCW 9.41.040 to own, possess, or control a firearm, and the consul's attestation that the alien is a responsible person.~~

~~(2)(a) Subject to the additional requirements of (b) of this subsection, the director of licensing may issue an alien firearm license without a certified copy of the alien's criminal history or the consul's attestation required by subsection (1) of this section, if the alien has been a resident of this state for at least two years and: (i) The alien is from a country without a consul domiciled within this state, or (ii) the consul has failed to provide, within ninety days after a request by the alien, the criminal history or attestation required by subsection (1) of this section.~~

~~(b) Before issuing an alien firearm license under this subsection (2), the director of licensing shall ask the local law enforcement agency of the jurisdiction in which the alien resides to complete a background check to determine the alien's eligibility under RCW 9.41.040 to own, possess, or control a firearm. The law enforcement agency shall complete a background check within thirty days after the request, unless the alien does not have a valid Washington driver's license or Washington state identification card. In the latter case, the law enforcement agency shall complete the background check within sixty days after the request.~~

~~A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring law enforcement agency.~~

~~(3) The fee for an alien firearm license shall be twenty-five dollars, and the license shall be valid for four years from the date of issue.~~

~~(4) This section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used ((as to weapons used in such contest)). Nothing in this section ((shall be construed to)) allows aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. ((Any person violating the provisions of this section shall be guilty of a misdemeanor.))"~~

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Ludwig on page 38, beginning on line 18, and page 49, beginning on line 30, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Ludwig carried and the amendments to the striking amendment were adopted.

MOTION

Senator Wojahn moved that the following amendments by Senators Wojahn, Prentice, Moore, Niemi and Pelz to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 56, after line 2 of the amendment, insert the following:

"**NEW SECTION. Sec. 431.** A new section is added to chapter 9.41 RCW to read as follows:

(1) The advisory panel on assault weapons is established.

(2) The panel shall advise the legislature on current technology, information, and data related to assault weapons or firearms that the panel believes should be considered assault weapons for the purposes of this chapter and shall make recommendations to the legislature regarding any proposed changes to the current roster of assault weapons contained in this chapter.

(3) The panel shall consist of nine members appointed by the governor.

(4) The members of the panel shall include:

(a) A representative of the Washington association of sheriffs and police chiefs, who shall serve as chair;

(b) A representative of the national rifle association or its affiliated state organization, or of a similar citizens' group, who resides in Washington state;

- (c) A representative of Washington cease fire or of a similar citizens' group, who resides in Washington state;
 - (d) A representative of pistol dealers, manufacturers, or gunsmiths;
 - (e) One state representative;
 - (f) One state senator; and
 - (g) Three citizens.
- (5) The panel shall meet at least twice annually at the request of the chair or by request of a majority of the members.
- (6) The panel shall consider the following characteristics of a semiautomatic firearm, with no undue weight given to any one characteristic,

in determining whether to recommend listing it as an assault weapon:

- (a) Concealability;
- (b) Detectability by standard security equipment;
- (c) Weight;
- (d) Quality;
- (e) Safety;
- (f) Caliber;
- (g) Utility for legitimate sporting activities or self-protection.

(7) Nothing in this section may be construed as requiring the panel to test any firearm or have any firearm tested at the panel's expense."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 158, after line 13 of the amendment, insert the following:

"NEW SECTION. Sec. 709. The sum of fifteen thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the public safety and education account to the criminal justice training commission solely to support the activities of the advisory panel on assault weapons pursuant to section 431 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Wojahn, Prentice, Moore, Niemi and Pelz on page 56, after line 2, and page 158, after line 13, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Wojahn failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTION

Senator Ludwig moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 56, after line 2 of the amendment, insert the following:

"Sec. 431. RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE OFFENDER SCORE

0 1 2 3 4 5 6 7 8 more

9 or

XV Life Sentence without Parole/Death Penalty

XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y

240- 250- 261- 271- 281- 291- 312- 338- 370- 411-

320 333 347 361 374 388 416 450 493 548

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y

123- 134- 144- 154- 165- 175- 195- 216- 257- 298-

164 178 192 205 219 233 260 288 342 397

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020), but if the offense was committed with a firearm, the 24-month time period may be increased up to 36 months;

(b) 18 months for Burglary 1 (RCW 9A.52.020) but if the offense was committed with a firearm, the 18-month time period may be increased up to 30 months;

(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense, but if the offense was committed with a firearm, the 12-month time period may be increased up to 18 months.

(4) If the offender committed an offense listed in subsection (3)(a) through (c) of this section while the offender or an accomplice was armed with a firearm, and the offender had a prior conviction for an offense committed with a firearm, then the following times may be added to the presumptive range determined under subsection (2) of this section:

(a) For a second conviction for an offense committed while armed with a firearm, up to 60 months;

(b) For a third or subsequent conviction for an offense committed while armed with a firearm, up to 84 months.

(5) If an offender or an accomplice was armed with a firearm and fired upon a law enforcement officer while resisting arrest under RCW 9A.76.040, up to 60 months may be added to the presumptive sentence.

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

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

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

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

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

~~((5))~~ (7) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

Sec. 432. RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings or for ~~((these offenses))~~ other circumstances enumerated in RCW 9.94A.310~~((4) that were committed in a state correctional facility or county jail))~~ (3) through (7) shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c), (d), and (e)."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Schow: "Senator Ludwig, do you have the figures on what this is going to cost?"

Senator Ludwig: "I was hoping you would ask, Senator Schow. No, I don't, but I think it would not cost any more than Senator Roach's proposal because of the discretionary--you know it has the potential to cost less because of the discretionary factor included."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ludwig on page 56, after line 3, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Ludwig carried and the amendment to the striking amendment was adopted on a rising vote.

MOTIONS

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Hargrove, Oke and Talmadge to the striking amendment by Senators Talmadge and Gaspard was adopted:

On page 57, after line 21 of the amendment, insert the following:

"NEW SECTION. Sec. 434. A new section is added to chapter 4.24 RCW to read as follows:

No person who owns, operates, is employed by, or volunteers at a program approved under RCW 77.32.155 shall be liable for any injury that occurs while the person who suffered the injury is participating in the course, unless the injury is the result of willful or intentional misconduct."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Nelson, the following amendment by Senators Nelson, Amondson, McDonald, Roach, Anderson and Linda Smith to the striking amendment by Senators Talmadge and Gaspard was adopted:

On page 57, after line 21 of the amendment, insert the following:

"Sec. 434. RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No. 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020((6)(a)) (9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies ((or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed)) the offense would be included under RCW 9.94A.360(2).

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;
(l) Manslaughter in the second degree;
(m) Promoting prostitution in the first degree;
(n) Rape in the third degree;
(o) Robbery in the second degree;
(p) Sexual exploitation;
(q) Vehicular assault;
(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(22) "Nonviolent offense" means an offense which is not a violent offense.

(23) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110 or has been tried in a criminal court pursuant to RCW 13.04.030(5)(d). Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(24) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(25) "Persistent offender" is an offender who:

(a) Has been convicted in this state of any felony considered a most serious offense; and
(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted.

(26) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(27) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(28) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or
(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(29) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies;
or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(30) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(31) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;
(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or
(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(32) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(33) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(34) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(35) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(36) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(37) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (31) of this section are not eligible for the work crew program.

(38) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(39) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(40) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

Senator Sheldon moved that the following amendment be adopted:

On page 60, line 9 of the amendment, after "jurisdiction" insert ", unless the court, after a hearing at the request of either party, waives jurisdiction and returns the case to juvenile court"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 60, line 9, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Sheldon failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Ludwig moved that the following amendments by Senators Ludwig and Franklin to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 60, beginning on line 27 of the amendment, strike all of sections 437 through 443

Renumber the sections consecutively and correct any internal references accordingly.

On page 139, beginning on line 21 of the amendment, strike all of section 514

Renumber the sections consecutively and correct any internal references accordingly.

On page 151, after line 6 of the amendment, insert the following:

"PART VII. JUVENILE JUSTICE PROVISIONS, EFFECTIVE JULY 1, 1994

NEW SECTION. Sec. 701. The legislature finds that the incidence of juvenile crime has escalated at an alarming rate, and that the state's juvenile rehabilitation system needs major adjustments in order to respond.

The current system lacks adequate bed space, adequate population forecasting, an effective sentencing scheme, an appropriate inmate classification system, and sufficient judicial discretion in sentencing young offenders.

These defects have often resulted in sentences that are driven by fiscal policy, and not by rehabilitative or punitive principles; and

Washington must develop a juvenile offender rehabilitation system that truly emphasizes public safety, offender responsibility, and offender rehabilitation.

Sec. 702. RCW 13.50.010 and 1993 c 374 s 1 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools, juvenile justice advisory committees of county law and justice councils; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the ((prebation)) community supervision counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to ((insure)) assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes, including juvenile justice advisory committees of county law and justice councils. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

Sec. 703. RCW 72.09.300 and 1993 sp.s. c 21 s 8 are each amended to read as follows:

(1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources including personnel and facilities, reduce duplication of services, and share resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness. The plan shall also include a section on jail management. This section may include the following elements:

- (a) A description of current jail conditions, including whether the jail is overcrowded;
- (b) A description of potential alternatives to incarceration;
- (c) A description of current jail resources;
- (d) A description of the jail population as it presently exists and how it is projected to change in the future;
- (e) A description of projected future resource requirements;
- (f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;
- (g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;
- (h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;
- (i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(6) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

(7) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

(8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.

(9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:

(a) Monitoring and reporting to the juvenile disposition standards commission on the proportionality, effectiveness, and cultural relevance
of:

(i) The rehabilitative goals required by juvenile offender dispositions;

(ii) The rehabilitative services offered by county and state institutions to juvenile offenders; and

(iii) The rehabilitative services offered in conjunction with diversions, deferred sentences, community supervision, and parole;

(b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;

(c) By September 1 of each year, beginning with 1995, submit to the juvenile disposition standards commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.

NEW SECTION. Sec. 704. (1) The office of the administrator for the courts shall convene a work group to recommend to the legislature standards to guide the court's discretion at significant stages of the juvenile justice process. The work group shall consist of two juvenile court judges, two juvenile court administrators, two prosecuting attorneys or deputy prosecuting attorneys actively practicing in juvenile court, and two defense attorneys actively practicing in juvenile court. The work group shall, by September 1, 1994, recommend to the appropriate committees of the legislature standards to guide:

(a) The decision to defer adjudication;

(b) The decision to suspend a sentence;

(c) The setting of rehabilitative goals in a disposition order that includes commitment to the department of social and health services;

(d) The determination that a juvenile has or has not met the rehabilitative goals during the term of commitment to the department of social and health services; and

(e) The decision to set a date for a juvenile's release from the department of social and health services' custody.

(2) The office of the administrator for the courts shall convene a work group of at least five juvenile court administrators to establish a state-wide uniform process for conducting the predisposition evaluation required by section 803, chapter . . . , Laws of 1994 (section 803 of this act).

The work group shall, by January 1, 1995, provide to the office of the administrator for the courts a recommendation for a state-wide uniform evaluation process.

Sec. 705. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person (~~(fifteen years of age or older)~~) who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon (~~(or firearm as defined in RCW 9A.04.110)~~);

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department and an order granting a deferred adjudication pursuant to section 712 of this act. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report

to the ~~((probation))~~ community supervision officer as directed and to remain under the ~~((probation))~~ community supervision officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

(8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. Successfully completed deferred adjudications shall not be considered part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

(12) "Diversion unit" means any ~~((probation))~~ community supervision counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile, would fail to promote the juvenile's best rehabilitative interest, or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(17) "Middle offender" means a person who has committed an offense and who is neither a minor ~~((or first))~~ offender nor a serious offender;

(18) "Minor ~~((or first))~~ offender" means a person ~~((sixteen years of age or younger))~~ whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors; or

(d) Three gross misdemeanors(;

~~(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;~~

~~(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree).~~

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Placement out of the home" means placement for twenty-four hour residential care in foster or group care or with a court-approved custodian. Placement out of the home in county or state-funded placements is subject to available funds and beds;

~~(21)~~ "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((24)))~~ ~~(22)~~ "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for

damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((22))~~ (23) "Secretary" means the secretary of the department of social and health services;

~~((23))~~ (24) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((24))~~ (25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((25))~~ (26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((26))~~ (27) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((27))~~ (28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 706. RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following ~~((nine))~~ members appointed by the governor, subject to confirmation by the senate: (a) ~~((A))~~ Two superior court judges; (b) ~~((a))~~ two prosecuting ~~((attorney))~~ or deputy prosecuting attorneys; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) ~~((a))~~ two public defenders actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. Additionally, the speaker of the house of representatives and the president of the senate shall each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the members who ~~((is-a))~~ are superior court judges; of Washington prosecutors in respect to the prosecuting ~~((attorney))~~ or deputy prosecuting attorney members; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The ~~((secretary or the secretary's designee))~~ governor shall ~~((serve as chairman))~~ designate the chair of the commission, who shall be neither the secretary nor the secretary's designee.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve ~~((a two-year))~~ one-year terms; ~~((and))~~ (b) four members shall serve ~~((a three-year))~~ two-year term; and (c) six members shall serve three-year terms. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall meet at least once every three months.

Sec. 707. RCW 13.40.027 and 1993 c 415 s 9 are each amended to read as follows:

(1) It is the responsibility of the commission to:

(a)(i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally~~((:));~~

(ii) ~~((specifically))~~ Review ((the guidelines relating to the confinement of minor and first offenders as well as)) the use of diversion, ((and)) deferred adjudications, suspended confinement or commitment, and out of home placements;

(iii) Review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth; and

(iv) Evaluate the effectiveness of existing disposition standards in light of juvenile offenders' rehabilitative needs;

(b) Solicit the comments and suggestions of the juvenile justice community, including juvenile justice advisory committees of local law and justice councils, concerning disposition standards, effectiveness, and proportionality; ~~((and))~~

(c) Make recommendations to the legislature regarding revisions or modifications of the disposition standards ((in accordance with RCW 13.40.030));

(d) Implement a comprehensive tracking program to analyze recidivism among juvenile offenders, particularly among offenders who receive alternatives such as diversion, deferred adjudication, and suspended confinement or commitment. The commission shall include information and statistics about juvenile recidivism in the commission's annual report;

(e) If the commission identifies racial or other disproportionalities at any stage of administration of juvenile justice, identify the disproportionalities in the annual report and make recommendations for corrective measures; and

(f) Review the instances in which the court enters a finding pursuant to RCW 13.40.160(9) that the court has declined to exercise a disposition option due to lack of funds, services, or bed space. The commission shall document the number and circumstances of these findings in its annual report.

The evaluations shall be submitted to the legislature on December 1 of each ((even-numbered)) year ((thereafter)).

(2)(a) If sufficient funds are not provided for (b) of this subsection, it is the responsibility of the department to: ((a)) (i) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; ((b)) (ii) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and ((c)) (iii) provide the commission and legislature with recommendations for modification of the disposition standards.

(b) If sufficient funds are provided for this subsection (2)(b), the commission may use the staff, resources, and executive officer of the sentencing guidelines commission. The office of financial management may determine the number of additional staff needed to supplement the staff of the sentencing guidelines commission in order to provide the juvenile disposition standards commission with a research staff of sufficient size and with sufficient resources to accomplish its duties.

(3) The commission may request from the office of financial management, the administrator for the courts, local law and justice councils, and the department such data, information, and data processing assistance as it may need to accomplish its duties, and the services shall be provided without cost to the commission. The department and other organizations or individuals shall provide the commission and the legislature with recommendations for modification of the disposition standards. The commission shall have rule-making authority to develop a system for fulfilling its identified data needs.

(4) The commission shall conduct a study to determine the capacity of rehabilitative facilities and programs that are or will be available. While the commission need not consider the capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding the capacity.

(5) The commission shall adopt its own bylaws.

NEW SECTION. Sec. 708. The office of the administrator for the courts, in conjunction with the juvenile disposition standards commission and the juvenile justice advisory committees of local law and justice councils, shall prepare and provide to the legislature a report on the use of disposition options such as diversion, deferred adjudication, suspended confinement, and out-of-home placements, as provided in chapter . . . , Laws of 1994 (this act). This report shall be provided prior to the 1995 regular legislative session, and it shall contain statistical information and analysis of the use of these disposition options as of the date of the report.

Sec. 709. RCW 13.40.030 and 1989 c 407 s 3 are each amended to read as follows:

~~((1)(a) The juvenile disposition standards commission shall recommend to the legislature no later than November 1st of each year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing recommended disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.~~

~~((b)) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the appropriate committees of the legislature for its review no later than November 1st of each year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.~~

~~((2) In developing recommendations for the permissible ranges of confinement under this section the commission shall be subject to the following limitations:~~

~~(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;~~

~~(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and~~

~~(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.))~~

Sec. 710. RCW 13.40.070 and 1992 c 205 s 107 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

- (a) The alleged facts bring the case within the jurisdiction of the court; and
- (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1) (a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of ~~((at least one class A or class B felony, or two class C felonies))~~ any felony, or at least two gross misdemeanors, or at least two misdemeanors ~~((and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor));~~ or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has ~~((three))~~ two or more diversion ~~((s))~~ contracts on the alleged offender's criminal history.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged ~~((offense(s) in combination with the alleged offender's criminal history do not exceed two offenses or violations and do not include any felonies: PROVIDED, That))~~ offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversionary unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court ~~((probation))~~ community supervision counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court ~~((probation))~~ community supervision counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

Sec. 711. RCW 13.40.080 and 1992 c 205 s 108 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. The juvenile's custodial parent or parents or guardian shall be parties to the diversion agreement. Such agreements may be entered into only after the prosecutor, or ~~((probation))~~ community supervision counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency(~~(- PROVIDED, That)~~), The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions; ((and))

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diveree. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Diverees and potential diverees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No diveree may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the diveree;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diveree has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the diveree was diverted:

(i) In juvenile court if the diveree is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the diveree is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a diveree of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9) ((as now or hereafter amended)). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9) ((as now or hereafter amended)). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diveree's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diveree and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diveree and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

NEW SECTION. Sec. 712. A new section is added to chapter 13.40 RCW to read as follows:

(1) At any time before adjudication, the juvenile court has the power, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, to continue the case for a period not to exceed one year from the date of entry of the plea or finding of guilt. The court may continue the case for an additional one-year period for good cause.

(2) Any juvenile granted a deferral of adjudication under this section shall be placed under community supervision for up to one year. The court may impose any conditions of supervision that it deems appropriate. Payment of restitution, as provided in RCW 13.40.190 shall also be a condition of community supervision under this section.

(3) Upon full compliance with such conditions of supervision, the court shall dismiss the case with prejudice.

(4) If the juvenile fails to comply with the terms of supervision, the court shall enter an order of adjudication and proceed to disposition. The juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. The state shall bear the burden to prove by a preponderance of the evidence that the juvenile has failed to comply with the terms of community supervision. (5) If the juvenile agrees to a deferral of adjudication, the juvenile shall waive all rights:

(a) To a speedy trial and disposition;

(b) To call and confront witnesses; and

(c) To a hearing on the record. The adjudicatory hearing shall be limited to a reading of the court's record.

(6)(a) In addition to imposing conditions of community supervision, the court may order that the juvenile be placed in a placement out of the home if the court finds that the child is in need of supervision and that placement of the child out of the home is in the child's best interests. The court shall consider the following factors, among others, when determining whether to place the child out of the home:

(i) The age of the youth;

(ii) Whether the child has a history of running away from home, school absences, drug or alcohol abuse, assaultive behavior, curfew violations, or is beyond the control of his or her parent to the extent that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person;

(iii) The community supervision officer's report concerning the family environment;

(iv) Assessment of the child's chances of successfully complying with the terms of community supervision if the child remains in the home;

and

(v) The wishes of the parents, the parent's willingness and ability to assist the child in complying with the terms of community supervision, and the parent's willingness and ability to voluntarily attend counseling or parenting seminars, or to seek treatment if the parent, in the court's determination, has drug or alcohol problems, mental health problems, or anger management problems.

(b) If the court finds that placement out of the home is necessary and is in the best interests of the juvenile and community and that reasonable efforts have been made to prevent out-of-home placement, the court shall order an out-of-home placement, subject to available funds and

beds. The order shall be directed to the receiving agency or person. In determining the location of the out-of-home placement the court shall consider the needs of the juvenile, the juvenile's family, and the community. The court shall first consider placement with a relative and shall accord great weight to the juvenile's community supervision officer's placement recommendation.

(c) A placement out of the home shall not exceed one year. The court shall review the placement every ninety days. The juvenile's community supervision officer shall request from the receiving agency or person information on the placement, and the community supervision officer shall include this information and other relevant information in a report to be presented to the court at the placement review. The review shall be conducted administratively.

(d) The court shall enter findings articulating the basis for the placement and the basis for selecting the particular placement.

(e) If the receiving agency or person determines that the juvenile is inappropriately placed, the agency or person may file with the court a petition for reconsideration.

(f) Nothing in this section authorizes a juvenile court judge to place a juvenile in a state-funded out of home placement unless the department agrees to the placement.

(7) This section shall not apply if the juvenile is charged with a violent or sex offense or if the juvenile has had a prior deferred adjudication.

NEW SECTION. Sec. 713. State funds appropriated for the purposes of section 712 of this act in the 1994 supplemental operating budget do not constitute an on-going funding commitment of the state.

Sec. 714. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read as follows:

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE

JUVENILE DISPOSITION
DISPOSITION CATEGORY FOR ATTEMPT,
OFFENSE BAILJUMP, CONSPIRACY,
CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION

.....

Arson and Malicious Mischief

- A Arson 1 (9A.48.020) B+
- B Arson 2 (9A.48.030) C
- C Reckless Burning 1 (9A.48.040) D
- D Reckless Burning 2 (9A.48.050) E
- B Malicious Mischief 1 (9A.48.070) C
- C Malicious Mischief 2 (9A.48.080) D
- D Malicious Mischief 3 (<\$50 is
E class) (9A.48.090) E
- E Tampering with Fire Alarm
Apparatus (9.40.100) E
- A Possession of Incendiary Device
(9.40.120) B+

Assault and Other Crimes
Involving Physical Harm

- A Assault 1 (9A.36.011) B+
- B+ Assault 2 (9A.36.021) C+
- C+ Assault 3 (9A.36.031) D+
- D+ Assault 4 (9A.36.041) E
- D+ Reckless Endangerment
(9A.36.050) E
- C+ Promoting Suicide Attempt
(9A.36.060) D+
- D+ Coercion (9A.36.070) E
- C+ Custodial Assault (9A.36.100) D+

Burglary and Trespass

- B+ Burglary 1 (9A.52.020) C+
- B Burglary 2 (9A.52.030) C
- D Burglary Tools (Possession of)
(9A.52.060) E
- D Criminal Trespass 1 (9A.52.070) E
- E Criminal Trespass 2 (9A.52.080) E
- D Vehicle Prowling (9A.52.100) E

Drugs

- E Possession/Consumption of Alcohol
(66.44.270) E
- C Illegally Obtaining Legend Drug
(69.41.020) D
- C+ Sale, Delivery, Possession of Legend
Drug with Intent to Sell
(69.41.030) D+
- E Possession of Legend Drug
(69.41.030) E
- B+ Violation of Uniform Controlled
Substances Act - Narcotic Sale
(69.50.401(a)(1)(i)) B+
- C Violation of Uniform Controlled
Substances Act - Nonnarcotic Sale
(69.50.401(a)(1)(ii)) C
- E Possession of Marihuana <40 grams
(69.50.401(e)) E
- C Fraudulently Obtaining Controlled
Substance (69.50.403) C
- C+ Sale of Controlled Substance
for Profit (69.50.410) C+
- E (~~Glue Sniffing (9.47A.050)~~) E
Unlawful Inhalation (9.47A.020)
- B Violation of Uniform Controlled
Substances Act - Narcotic
Counterfeit Substances
(69.50.401(b)(1)(i)) B
- C Violation of Uniform Controlled
Substances Act - Nonnarcotic
Counterfeit Substances
(69.50.401(b)(1) (ii), (iii), (iv)) C
- C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(d)) C
- C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(c)) C

Firearms and Weapons

- ~~(C+ Committing Crime when Armed
(9.41.025) D+~~
- ~~E Carrying Loaded Pistol Without~~

~~Permit (9.41.050) —E))~~

E Use of Firearms

by Minor (<14)

(9.41.240) E

D+ Possession of Dangerous Weapon

(9.41.250) E

D Intimidating Another Person by use

of Weapon (9.41.270) E

Homicide

A+ Murder 1 (9A.32.030) A

A+ Murder 2 (9A.32.050) B+

B+ Manslaughter 1 (9A.32.060) C+

C+ Manslaughter 2 (9A.32.070) D+

B+ Vehicular Homicide (46.61.520) C+

Kidnapping

A Kidnap 1 (9A.40.020) B+

B+ Kidnap 2 (9A.40.030) C+

C+ Unlawful Imprisonment

(9A.40.040) D+

~~((D—Custodial Interference~~

~~(9A.40.050) —E))~~

Obstructing Governmental Operation

E Obstructing a Public Servant

(9A.76.020) E

E Resisting Arrest (9A.76.040) E

B Introducing Contraband 1

(9A.76.140) C

C Introducing Contraband 2

(9A.76.150) D

E Introducing Contraband 3

(9A.76.160) E

B+ Intimidating a Public Servant

(9A.76.180) C+

B+ Intimidating a Witness

(9A.72.110) C+

~~((E—Criminal Contempt~~

~~(9.23.010) —E))~~

Public Disturbance

C+ Riot with Weapon (9A.84.010) D+

D+ Riot Without Weapon

(9A.84.010) E

E Failure to Disperse (9A.84.020) E

E Disorderly Conduct (9A.84.030) E

Sex Crimes

A Rape 1 (9A.44.040) B+

A- Rape 2 (9A.44.050) B+

C+ Rape 3 (9A.44.060) D+

A- Rape of a Child 1 (9A.44.073) B+

B Rape of a Child 2 (9A.44.076) C+

B Incest 1 (9A.64.020(1)) C
C Incest 2 (9A.64.020(2)) D
D+ (~~Public Indecency~~) Indecent Exposure
(Victim <14) (9A.88.010) E
E (~~Public Indecency~~) Indecent Exposure
(Victim 14 or over) (9A.88.010) E
B+ Promoting Prostitution 1
(9A.88.070) C+
C+ Promoting Prostitution 2
(9A.88.080) D+
E O & A (Prostitution) (9A.88.030) E
B+ Indecent Liberties (9A.44.100) C+
B+ Child Molestation 1 (9A.44.083) C+
C+ Child Molestation 2 (9A.44.086) C

Theft, Robbery, Extortion, and Forgery

B Theft 1 (9A.56.030) C
C Theft 2 (9A.56.040) D
D Theft 3 (9A.56.050) E
B Theft of Livestock (9A.56.080) C
C Forgery (~~(9A.56.020))~~ (9A.60.020) D
A Robbery 1 (9A.56.200) B+
B+ Robbery 2 (9A.56.210) C+
B+ Extortion 1 (9A.56.120) C+
C+ Extortion 2 (9A.56.130) D+
B Possession of Stolen Property 1
(9A.56.150) C
C Possession of Stolen Property 2
(9A.56.160) D
D Possession of Stolen Property 3
(9A.56.170) E
C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

E Driving Without a License
(46.20.021) E
C Hit and Run - Injury
(46.52.020(4)) D
D Hit and Run-Attended
(46.52.020(5)) E
E Hit and Run-Unattended
(46.52.010) E
C Vehicular Assault (46.61.522) D
C Attempting to Elude Pursuing
Police Vehicle (46.61.024) D
E Reckless Driving (46.61.500) E
D Driving While Under the Influence
(46.61.515) E
(~~B+ Negligent Homicide by Motor~~
Vehicle (46.61.520) C+))
D Vehicle Prowling (9A.52.100) E
C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

- Other
- B Bomb Threat (9.61.160) C
- C Escape 1¹ (9A.76.110) C
- C Escape 2¹ (9A.76.120) C
- D Escape 3 (9A.76.130) E
- C Failure to Appear in Court
(10.19.130) D
- ~~(E Tampering with Fire Alarm
Apparatus (9.40.100) E)~~
- E Obscene, Harassing, Etc.,
Phone Calls (9.61.230) E
- A Other Offense Equivalent to an
Adult Class A Felony B+
- B Other Offense Equivalent to an
Adult Class B Felony C
- C Other Offense Equivalent to an
Adult Class C Felony D
- D Other Offense Equivalent to an
Adult Gross Misdemeanor E
- E Other Offense Equivalent to an
Adult Misdemeanor E
- V Violation of Order of Restitution,
Community Supervision, or
Confinement (13.40.200)² V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE 0-12 13-24 25 Months
CATEGORY Months Months or More

| | | | |
|----|----|----|----|
| A+ | .9 | .9 | .9 |
| A | .9 | .8 | .6 |
| A- | .9 | .8 | .5 |
| B+ | .9 | .7 | .4 |
| B | .9 | .6 | .3 |
| C+ | .6 | .3 | .2 |
| C | .5 | .2 | .2 |
| D+ | .3 | .2 | .1 |
| D | .2 | .1 | .1 |
| E | .1 | .1 | .1 |

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

OFFENSE 12 &
CATEGORY Under 13 14 15 16 17

.....
A+ STANDARD RANGE 180-224 WEEKS
A 250 300 350 375 375 375
A- 150 150 150 200 200 200
B+ 110 110 120 130 140 150
B 45 45 50 50 57 57
C+ 44 44 49 49 55 55
C 40 40 45 45 50 50
D+ 16 18 20 22 24 26
D 14 16 18 20 22 24
E 4 4 4 6 8 10

JUVENILE SENTENCING STANDARDS
SCHEDULE D-1

This schedule may only be used for ((~~minor/first~~) minor) offenders. After the determination is made that a youth is a ((~~minor/first~~) minor) offender, the court has the discretion to select sentencing option A, B, or C.

((~~MINOR/FIRST~~) MINOR) OFFENDER

OPTION A
STANDARD RANGE

Community
Community Service
Points Supervision Hours Fine

1-9 0-3 months and/or 0-8 and/or 0-\$10
10-19 0-3 months and/or 0-8 and/or 0-\$10
20-29 0-3 months and/or 0-16 and/or 0-\$10
30-39 0-3 months and/or 8-24 and/or 0-\$25
40-49 3-6 months and/or 16-32 and/or 0-\$25
50-59 3-6 months and/or 24-40 and/or 0-\$25
60-69 6-9 months and/or 32-48 and/or 0-\$50
70-79 6-9 months and/or 40-56 and/or 0-\$50
80-89 9-12 months and/or 48-64 and/or 10-\$100
90-109 9-12 months and/or 56-72 and/or 10-\$100

OR

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

OPTION C
MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5), as now or hereafter amended,)) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

| | Community Supervision | Community Service | Confinement |
|---------|--------------------------|-------------------|-----------------------------|
| 1-9 | 0-3 months | and/or 0-8 | and/or 0-\$10 and/or 0 |
| 10-19 | 0-3 months | and/or 0-8 | and/or 0-\$10 and/or 0 |
| 20-29 | 0-3 months | and/or 0-16 | and/or 0-\$10 and/or 0 |
| 30-39 | 0-3 months | and/or 8-24 | and/or 0-\$25 and/or 2-4 |
| 40-49 | 3-6 months | and/or 16-32 | and/or 0-\$25 and/or 2-4 |
| 50-59 | 3-6 months | and/or 24-40 | and/or 0-\$25 and/or 5-10 |
| 60-69 | 6-9 months | and/or 32-48 | and/or 0-\$50 and/or 5-10 |
| 70-79 | 6-9 months | and/or 40-56 | and/or 0-\$50 and/or 10-20 |
| 80-89 | 9-12 months | and/or 48-64 | and/or 0-\$100 and/or 10-20 |
| 90-109 | 9-12 months | and/or 56-72 | and/or 0-\$100 and/or 15-30 |
| 110-129 | | 8-12 | |
| 130-149 | | 13-16 | |
| 150-199 | | 21-28 | |
| 200-249 | | 30-40 | |
| 250-299 | | 52-65 | |
| 300-374 | | 80-100 | |
| 375+ | | 103-129 | |

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.
All A+ offenses 180-224 weeks

OR

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

If the middle offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150(~~as now or hereafter amended~~)). If the middle offender has more than 110 points, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement under this option B, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150.

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW (~~13.40.030(5), as now or hereafter amended,~~) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER
OPTION A
STANDARD RANGE

| Points | Institution Time |
|----------|------------------|
| 0-129 | 8-12 weeks |
| 130-149 | 13-16 weeks |
| 150-199 | 21-28 weeks |
| 200-249 | 30-40 weeks |
| 250-299 | 52-65 weeks |
| 300-374 | 80-100 weeks |
| 375+ | 103-129 weeks |
| All A+ | |
| Offenses | 180-224 weeks |

OR

OPTION B
MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW (~~13.40.030(5), as now or hereafter amended,~~) 13.40.030(2) shall be used to determine the range.

Sec. 715. RCW 13.40.160 and 1992 c 45 s 6 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsection (5) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2)(~~as now or hereafter amended~~) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230(~~as now or hereafter amended~~) by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 (~~as now or hereafter amended~~).

(2) Where the respondent is found to be a minor (~~or first~~) offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsection (5) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2)(~~as now or hereafter amended~~) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230(~~as now or hereafter amended~~) by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230 (~~as now or hereafter amended~~).

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) (~~as now or hereafter amended~~).

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsection (5) of this section(~~PROVIDED, That~~). If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department (~~for the standard range of confinement~~); or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 (~~as now or hereafter amended~~).

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4)(a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2)(~~as now or hereafter amended~~) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230(~~as now or hereafter amended~~) by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 (~~as now or hereafter amended~~).

(5) When a serious, middle, or minor (~~first~~) offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(b)(i) Devote time to a specific education, employment, or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the ~~((probation))~~ community supervision counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or ~~((probation))~~ community supervision counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the ~~((probation))~~ community supervision counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the ~~((probation))~~ community supervision counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a ~~((probation))~~ community supervision counselor;

(vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; or

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (5), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (5) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the ~~((sentence))~~ disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition, in which case the term of confinement imposed for violating conditions of the disposition shall run consecutively to the term of confinement imposed under the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(7) Except as provided for in subsection (5) of this section, section 712 of this act, and RCW 13.40.0357, the court shall not suspend or defer the imposition or the execution of the disposition.

(8) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(9) If a court does not exercise a disposition option available under this chapter due to a lack of available funds, services, or bed space, the court shall enter a finding in the disposition that an alternative disposition was not ordered due to the lack of available funds, services, or bed space.

Sec. 716. RCW 13.40.180 and 1981 c 299 s 14 are each amended to read as follows:

Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively~~(, subject to the following limitations:~~

(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

(2) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community service) or concurrently in the court's discretion.

Sec. 717. RCW 13.40.190 and 1987 c 281 s 5 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent and may require his or her parents, guardians, or custodians to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. The court may not require the respondent or parent, guardian, or custodian to pay full or partial restitution if the respondent or parent, guardian, or custodian reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived.

(2) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(3) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

Sec. 718. RCW 13.40.200 and 1986 c 288 s 5 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a wilful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3)(a) If the court finds that a respondent has wilfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement or other conditions of community supervision the court considers appropriate. If the court finds that the juvenile has violated the terms of a community supervision order by committing a new offense, the court may impose thirty days' confinement as a penalty for the violation. This term of confinement may be in addition to any term of confinement imposed as a disposition for the new offense. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

Sec. 719. RCW 13.40.230 and 1981 c 299 s 16 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160(~~as now or hereafter amended,~~) shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, or which imposes confinement for a minor (~~or first~~) offender, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly

and convincingly support the conclusion that a disposition within the range, or nonconfinement for a minor (~~(or first)~~) offender, would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed or sixty days, whichever is longer. The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6). Upon the expiration of the period of commitment or detention specified in this subsection, the court may also impose such conditions on the respondent's release pending disposition of the appeal.

(6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

PART VIII. JUVENILE JUSTICE PROVISIONS, EFFECTIVE JULY 1, 1995

NEW SECTION. Sec. 801. The legislature finds that the juvenile justice act of 1977, chapter 13.40 RCW, requires substantial revision. The legislature reaffirms the goals of the act, including the dual goals of punishment and rehabilitation of juvenile offenders. The legislature finds, however, that the substantive provisions of the act are too structured to achieve fully the act's goals.

The framework created by the act has diminishing relevance to today's violent and chronic offenders. Juveniles are committing increasingly violent crimes, and they are committing these violent crimes at an increasingly younger age. Simultaneously, juveniles habitually commit minor offenses. Dispositions prescribed by the act are not long enough to permit substantial rehabilitation of violent offenders, and minor offenders receive no meaningful intervention. The fixed system established by the act restricts the judiciary's efforts to tailor punishment and rehabilitation to the juvenile's individual needs. Additionally, substantial delays occur before the juvenile offender is held accountable for criminal acts.

Juvenile offenders must learn personal accountability and must accept responsibility for their criminal behavior. To this end, the juvenile system must provide a swift response, meaningful punishment, and effective rehabilitation. Therefore, sections 801 through 809 of this act seek to accomplish the following goals: (1) Increasing the speed of the juvenile justice system's response to juvenile offenders' criminal behavior; (2) increasing the certainty of punishment and intervention; (3) increasing judicial discretion and permitting judges to tailor dispositions to the juvenile's offense; (4) expanding the range of disposition alternatives to permit meaningful punishment and effective rehabilitation; (5) increasing the likelihood that juveniles will comply with the terms of their dispositions by creating compliance incentives and, if necessary, placing the juveniles in supportive out-of-home placements; and (6) reducing the complexity of the system.

The legislature intends chapter . . . , Laws of 1994 (this act) to substantially reform the manner in which juvenile offenders are held accountable for their actions. The legislature further intends the early intervention provisions of chapter . . . , Laws of 1994 (this act) to address the underlying problems that lead juvenile offenders toward a criminal career. Chapter . . . , Laws of 1994 (this act) provides a policy foundation that forms the first steps toward reforming the juvenile justice system. The legislature recognizes the need, however, for continued study in the 1995 regular legislative session of the new policies and disposition options created by chapter . . . , Laws of 1994 (this act). To this end, the legislature finds that prior to the 1995 regular legislative session it will require briefing on the use and effect of the new policies and disposition options of chapter . . . , Laws of 1994 (this act), so that it may continue to refine chapter . . . , Laws of 1994 (this act), if necessary.

Sec. 802. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) (~~"Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:~~

~~(a) A class A felony, or an attempt to commit a class A felony;~~

~~(b) Manslaughter in the first degree; or~~

~~(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;~~

~~(2)) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;~~

~~((3)) (2) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department and an order granting a deferred adjudication pursuant to section 712 of this act. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:~~

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;

~~((4))~~ (3) Community-based sanctions may include one or more of the following:

- (a) A fine, not to exceed one hundred dollars;
- (b) Community service not to exceed one hundred fifty hours of service;

~~((5))~~ (4) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

~~((6))~~ (5) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the ~~((probation))~~ community supervision officer as directed and to remain under the ~~((probation))~~ community supervision officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

~~((7))~~ (6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

~~((8))~~ (7) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((9))~~ (8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense ~~((a))~~, the allegations were found correct by a court ~~((-- If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter))~~; or ~~((b))~~ the criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. Successfully completed deferred adjudications shall not be considered part of the respondent's criminal history;

~~((10))~~ (9) "Department" means the department of social and health services;

~~((11))~~ (10) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

~~((12))~~ (11) "Diversion unit" means any ~~((probation))~~ community supervision counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

~~((13))~~ (12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

~~((14))~~ (13) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

~~((15))~~ (14) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

~~((16))~~ (15) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile, would fail to promote the juvenile's best rehabilitative interest, or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((17))~~ "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

~~((18))~~ "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

- (a) Four misdemeanors;
- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors;
- (d) Three gross misdemeanors;
- (e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

((19)) (16) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

((20)) (17) "Placement out of the home" means placement for twenty-four hour residential care in foster or group care, or with a court-approved custodian. Placement out of the home in county or state-funded placements is subject to available funds and beds;

(18) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

((21)) (19) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

((22)) (20) "Secretary" means the secretary of the department of social and health services;

((23)) (21) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

((24)) (22) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

((25)) (23) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

((26)) (24) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

((27)) (25) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 803. RCW 13.40.150 and 1992 c 205 s 109 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) ~~(Violations which are current offenses count as misdemeanors)~~ Prior to disposition, the county shall conduct a predisposition evaluation of the juvenile and shall prepare a report of the evaluation. The county shall provide this report to the court. The evaluation shall include an assessment of the juvenile's rehabilitative needs including but not limited to the juvenile's needs for treatment, therapy, and education. The evaluation shall also include a preliminary assessment of the security risks posed by the juvenile;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) ~~(Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender)~~ Consider the types of treatment, therapy, education, and other rehabilitative services that would be most effective at rehabilitating the offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;

(v) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127;

(vi) The respondent was the leader of a criminal enterprise involving several persons; and

(vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

(4) The following factors may not be considered in determining the punishment to be imposed:

(a) The sex of the respondent;

(b) The race or color of the respondent or the respondent's family;

(c) The creed or religion of the respondent or the respondent's family;

(d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

Sec. 804. RCW 13.40.160 and 1992 c 45 s 6 are each amended to read as follows:

(1) ~~(When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsection (5) of this section.~~

~~If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.~~

~~(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsection (5) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230 as now or hereafter amended.~~

~~(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.~~

~~(4) If a respondent is found to be a middle offender:~~

~~(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsection (5) of this section: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or~~

~~(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.~~

~~(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4)(a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2), as now or~~

hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5)) The court may impose a disposition as provided in this section for any juvenile adjudicated for an offense.

(2) The court shall consider various factors, including but not limited to the following, when determining a disposition:

(a) The juvenile's age and maturity;

(b) The juvenile's criminal history and the recency of that criminal history;

(c) Whether the juvenile has had prior deferrals of adjudications;

(d) Whether the juvenile complied with the terms of the disposition imposed for prior offenses;

(e) The seriousness of the offense;

(f) Whether the juvenile's adjudication resulted from accomplice liability; and

(g) Whether any aggravating or mitigating factors apply.

(3)(a) For a juvenile adjudicated for a misdemeanor or a gross misdemeanor, the court shall impose a disposition comprised of any of the following:

0 - 12 Months of community supervision;

0 - 150 Hours of community service;

0 - \$100 Fine;

0 - 30 Days in confinement if the juvenile has prior criminal history or a prior deferred adjudication.

(b) The court shall not commit a juvenile adjudicated of a misdemeanor or gross misdemeanor to the department unless the court enters a finding that a disposition under (a) of this subsection would effectuate a manifest injustice.

(4)(a) For a juvenile adjudicated of a class C or B felony that is not: A violent offense, a crime against persons as defined in RCW 9.94A.440(2), or a crime of harassment as defined in RCW 9A.46.060, the court shall impose a disposition comprised of any of the following:

0 - 12 Months of community supervision;

0 - 150 Hours of community service;

0 - \$100 Fine;

5 - 60 days of confinement or commitment to the department.

(b) The court shall not commit a juvenile adjudicated under this subsection (4) to the department for more than sixty days unless (i) the court enters a finding that a disposition under (a) of this subsection would effectuate a manifest injustice; or (ii) the juvenile has a significant criminal history that would support a finding of an aggravating factor under RCW 13.40.150(3) if the criminal history was more recent.

(c) The court may suspend all or a portion of any term of confinement or commitment imposed under this subsection (4). In addition to the suspended confinement or commitment, the court shall impose community supervision, community service, or a fine as provided in (a) of this subsection.

(5)(a) For a juvenile adjudicated of a class C or B felony that is a crime against persons or a crime of harassment but is not a violent offense, the court shall impose a disposition comprised of the following:

0 - 12 Months community supervision;

0 - 150 Hours community service;

0 - \$100 Fine;

5 Days to 129 weeks in confinement or commitment to the department.

(b) The court shall not commit a juvenile adjudicated under this subsection (5) to the department in excess of one hundred twenty-nine weeks unless the court enters a finding that a disposition under this subsection (5) would effect a manifest injustice. The basis for the manifest injustice must be a basis other than the offender's criminal history as described in RCW 13.40.150(3)(i)(iv).

(c) The court may suspend all or a portion of any term of confinement or commitment imposed under this subsection (5). In addition to the suspended confinement or commitment, the court shall impose community supervision, community service, or a fine as provided in (a)(i) of this subsection.

(6)(a) If a juvenile is adjudicated of a class A felony, an attempt to commit a class A felony, or a sex or violent offense, the court shall impose a disposition of the following:

52 - 224 Weeks committed to the department.

(b) The court shall not impose a disposition under this subsection (6) outside the standard range unless the court finds that imposition of the standard range would effectuate a manifest injustice.

(c) If the juvenile is adjudicated of a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, the court need not impose a disposition under this subsection (6). The court may instead order a treatment disposition option under subsection (11) of this section.

(d) When a court adjudicates a juvenile of a sex offense, the court shall impose a disposition as provided in this subsection (6), as modified by this subsection (6)(d), unless the court orders a disposition under subsection (11) of this section. In addition to the term of commitment imposed under this subsection (6), the court shall impose a term of postrelease supervision not to exceed five years. The department shall provide the postrelease supervision. If the juvenile receives treatment while committed, the court, as a condition of postrelease supervision, may order the juvenile to continue with a particular treatment program for all or a portion of the term of postrelease supervision. The department may recommend to the sentencing court whether the option of continuing treatment is appropriate. Upon the recommendation of the department, the court may either reduce the term of postrelease supervision or impose additional or more restrictive terms of postrelease supervision. The postrelease supervision required by this section shall be in addition to any term of parole imposed by the department.

(7) In all cases, the court shall impose a determinate disposition.

(8) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice, the court shall impose a determinate disposition outside the standard range. If the court imposes a disposition below the standard range due to a manifest injustice, the disposition shall be comprised of community supervision or confinement, or both. The court's finding of manifest injustice shall be supported by clear and convincing evidence. A disposition outside the standard range shall be appealable under RCW 13.40.230, by the state or respondent. A disposition within the standard range is not appealable.

(9) In all cases, the court shall enter an order for restitution, if any is due to the victim, according to RCW 13.40.190.

(10) In all disposition orders that include commitment to the department, the court shall make a finding of reasonable rehabilitative goals to be achieved by the juvenile during the commitment term. These goals may include, by way of example and not limitation, completion of substance abuse treatment, completion of anger management courses, and achievement of academic, educational, or vocational goals, such as grade-level reading or GED completion.

(11) When ((a serious, middle, or minor first)) an offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the ((~~probation~~) community supervision) counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or ((~~probation~~) community supervision) counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the ((~~probation~~) community supervision) counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the ((~~probation~~) community supervision) counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a ((~~probation~~) community supervision) counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; or

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection ~~((5))~~ (11), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection ~~((5))~~ (11) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the ~~((sentence))~~ disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition, in which case the term of confinement imposed for violating conditions of the disposition shall run consecutively to the term of confinement imposed under the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

~~((6))~~ (12) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((7) Except as provided for in subsection (5) of this section, the court shall not suspend or defer the imposition or the execution of the disposition.~~

~~(8))~~ (13) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(14) Whenever a dispositional order requires a juvenile to participate in a treatment program, the court may require the juvenile's parents, guardians, or custodians to participate in the treatment program with the juvenile.

(15) If a court does not exercise a disposition option available under this chapter due to a lack of available funds, services, or bed space, the court shall enter a finding in the disposition that an alternative disposition was not ordered due to the lack of available funds, services, or bed space.

Sec. 805. RCW 13.40.180 and 1981 c 299 s 14 are each amended to read as follows:

Unless otherwise provided in this chapter, where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively~~(, subject to the following limitations:~~

~~(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;~~

~~(2) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and~~

~~(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community service))~~ or concurrently in the court's discretion.

Sec. 806. RCW 13.40.205 and 1990 c 3 s 103 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the ~~((minimum))~~ term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community service, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(11) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215.

Sec. 807. RCW 13.40.210 and 1990 c 3 s 304 are each amended to read as follows:

(1) ~~((The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed.))~~ (a) When a juvenile is committed to a term of confinement in a state institution, the secretary shall review the sentencing court's finding of the rehabilitative goals to be achieved by the juvenile during the term of confinement. The department shall provide rehabilitative resources, including but not limited to education, vocational training, substance abuse treatment, and counseling, to permit the juvenile to achieve these rehabilitative goals.

(b) After expiration of no more than sixty percent of the juvenile's commitment term, the department shall provide a report containing an evaluation of the juvenile's behavior and performance during commitment. This report shall specifically describe the juvenile's progress toward achieving the designated rehabilitative goals.

(c) The department shall provide this report to the committing court. The court, after considering the department's report, shall determine a release or discharge date for the juvenile, which date shall fall on or before expiration of the original term of commitment. If the court sets a release date prior to expiration of the original term, the court may suspend the remainder of the term.

(d) Nothing in this section entitles a juvenile to release prior to the expiration of the term of confinement imposed by the court.

(e) The department shall establish by rule standards of good behavior, good performance, and progress toward rehabilitative goals.

(f) After the court determines a release date, the secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter(~~(= PROVIDED, That)~~). Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest

proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the ~~((end of each calendar year))~~ time of release if any such early releases have occurred ~~((during that year))~~ as a result of excessive in-residence population. In no event shall ~~((a serious))~~ an offender~~((as defined in RCW 13.40.020(1)))~~ adjudicated of a violent offense be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months. A parole program is mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; and (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address~~((; and (e)))~~. As a mandatory condition of any term of parole, the secretary shall require the juvenile to refrain from committing new offenses. As a mandatory condition of parole, the secretary shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; (d) except as provided in (e) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; ~~((and))~~ (e) the secretary may order any of the conditions or may return the offender to confinement in an institution for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (f) if the secretary determines that the juvenile has violated parole by committing a new offense, the secretary may order the imposition of thirty days' confinement as a penalty for the violation. This period of confinement may be in addition to any confinement imposed as a disposition for the new offense.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 808. RCW 13.40.230 and 1981 c 299 s 16 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160~~((, as now or hereafter amended,))~~ shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, ~~((or which imposes confinement for a minor or first offender,))~~ the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range~~((, or nonconfinement for a minor or first offender,))~~ would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed or sixty days, whichever is longer. The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6). Upon the expiration of the period of commitment or detention specified in this subsection, the court may also impose such conditions on the respondent's release pending disposition of the appeal.

(6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

NEW SECTION. Sec. 809. The following acts or parts of acts are each repealed:

(1) RCW 13.40.0354 and 1989 c 407 s 6; and

(2) RCW 13.40.0357 and 1994 c . . . s 714 (section 714 of this act) & 1989 c 407 s 7.

PART IX. TECHNICAL PROVISIONS

NEW SECTION. Sec. 901. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 902. (1) Sections 701 through 719 of this act shall take effect July 1, 1994.

(2) Sections 801 through 809 of this act shall take effect July 1, 1995.

NEW SECTION. Sec. 903. Sections 705, 715, 716, and 719 of this act shall expire July 1, 1995.

NEW SECTION. Sec. 904. (1) Sections 701 through 719 of this act shall apply to offenses committed on or after July 1, 1994.

(2) Sections 801 through 809 of this act shall apply to offenses committed on or after July 1, 1995."

Renumber the parts and sections consecutively and correct the table of contents and any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Talmadge, how many beds in a juvenile facility do you suppose that the six point five million dollars that we want to spend on the Wash-Pan would buy?"

Senator Talmadge: "Senator, probably about thirty-two."

Senator Roach: "Thank you."

Senator Talmadge: "Which doesn't really get up to the number that this bill impacts."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Ludwig and Franklin on page 60, beginning on line 27; page 139, beginning on line 21; and page 151, after line 6; to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Ludwig failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Amondson, Roach, McDonald, Linda Smith, Schow and Anderson to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 73, after line 11 of the amendment, strike all material through "15-30" on page 74, line 30, and insert the following:

"(~~1-9 0-3 months and/or 0-8 and/or 0-\$10~~
~~40-49 0-3~~) 1-19 0-12 months and/or 0-8 and/or 0-\$10 and/or 0
20-29 (~~0-3~~) 0-12 months and/or 0-16 and/or 0-\$10 and/or 0
30-39 (~~0-3~~) 0-12 months and/or 8-24 and/or 0-\$25 and/or 0-10
40-49 (~~3-6~~) 3-12 months and/or 16-32 and/or 0-\$25 and/or 0-10
50-59 (~~3-6~~) 3-12 months and/or 24-40 and/or 0-\$25 and/or 0-10
60-69 (~~6-9~~) 6-12 months and/or 32-48 and/or 0-\$50 and/or 10-20
70-79 (~~6-9~~) 6-12 months and/or 40-55 and/or 0-\$50 and/or 10-20
80-89 9-12 months and/or 48-64 and/or 10-\$100 and/or 10-20
90-109 9-12 months and/or 56-72 and/or 10-\$100 and/or 20-30

OR

OPTION B

STATUTORY OPTION

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

OPTION C

MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5), as now or hereafter amended,)) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

| Points | Supervision Hours | Fine | Days | Weeks | Community Service | Confinement |
|-----------------|-------------------|--------------------------|----------------|-------------------|-------------------|----------------------------|
| | | | | | | |
| (1-9 | 0-3 | months and/or | 0-8 | and/or | 0-\$10 | and/or 0 |
| 10-19 | 0-3 | months and/or | 1-19 | 0-12 | months and/or | 0-8 and/or 0-\$10 and/or 0 |
| 20-29 | 0-3 | months and/or | 0-16 | and/or | 0-\$10 | and/or 0 |
| 30-39 | 0-3 | months and/or | 8-24 | and/or | 0-\$25 | and/or ((2-4)) |
| | | | | | | <u>2-10</u> |
| 40-49 | 3-6 | months and/or | 16-32 | and/or | 0-\$25 | and/or ((2-4)) |
| | | | | | | <u>2-10</u> |
| 50-59 | 3-6 | months and/or | 24-40 | and/or | 0-\$25 | and/or 5-10 |
| 60-69 | 6-9 | months and/or | 32-48 | and/or | 0-\$50 | and/or ((5-10)) |
| | | | | | | <u>10-20</u> |
| 70-79 | 6-9 | months and/or | 40-56 | and/or | 0-\$50 | and/or 10-20 |
| 80-89 | 9-12 | months and/or | 48-64 | and/or | 0-\$100 | and/or 10-20 |
| 90-109 | 9-12 | months and/or | 56-72 | and/or | 0-\$100 | and/or((15-30)) |
| | | | | | | <u>20-30"</u> |

Debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Nelson, Amondson, Roach, McDonald, Linda Smith, Schow and Anderson on page 73, after line 11, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Franklin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Absent: Senator Bluechel - 1.

MOTION

Senator Roach moved that the following amendment by Senators Roach, Hochstatter and Linda Smith to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 114, line 2 of the amendment, after "sentence." insert "An offender who has been convicted of a felony committed after the effective date of this section that involves any deadly weapon enhancements under RCW 9.94A.310 (3) and/or (4) shall not receive any good time credits or earned early release time for that portion of his or her sentence that results from any deadly weapon enhancements."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach, Hochstatter and Linda Smith on page 114, line 2, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Roach, Amondson, Linda Smith, Anderson, McDonald and Schow to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 121, after line 7 of the amendment, insert the following:

"NEW SECTION. Sec. 469. A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) It is the intent of the legislature that the youthful offender system established under this section benefit the state by providing as a sentencing option for certain youthful offenders a controlled and regimented environment that affirms dignity of self and others, promotes the value of work and self-discipline, and develops useful skills and abilities through enriched programming.

(b) It is the further intent of the legislature in enacting this section that female and male offenders for whom charges have been directly filed in the superior court and who have been convicted in the superior court receive equitable treatment in sentencing, particularly in regard to the option of being sentenced to the youthful offender system under RCW 9.94A.120. Accordingly, it is the legislature's intent that necessary measures be taken by the department of corrections to establish separate housing for female and male offenders who are sentenced to the youthful offender system without compromising the equitable treatment of either.

(2)(a)(i) A juvenile may be sentenced to the youthful offender system created under this section under the circumstances set forth in RCW 9.94A.120. In order to sentence a person to the youthful offender system, the court shall first impose on the person a sentence to the department of corrections in accordance with RCW 9.94A.120. The court shall thereafter suspend the sentence conditioned on completion of a sentence to the youthful offender system, including a period of community supervision. The court shall impose a sentence to the youthful offender system for a determinate period of at least one year and less than five years and a mandatory period of community supervision for a period of one year. Upon the successful completion of the programs in the youthful offender system, including the mandatory period of supervision, the sentence to the department of corrections is completed. When a person is returned to the superior court for revocation under subsection (5) of this section, the court shall impose the original sentence following the revocation of the sentence to the youthful offender system. The revocation must be in accordance with section 474 of this act.

(ii) During a period of incarceration under the youthful offender system, privileges including, but not limited to, televisions, radios, entertainment systems, cigarettes, and access to snacks is not available for a youthful offender unless the privileges have been earned under a merit system.

(b) RCW 9.94A.150(1), concerning earned early release time credits, does not apply to a person sentenced to the youthful offender system.

(3)(a) The department of corrections shall develop and implement a youthful offender system for offenders sentenced under subsection (2) of this section. The secretary of corrections shall direct and control the youthful offender system. The youthful offender system must be based on the following principles:

(i) The system must provide for teaching offenders self-discipline by providing clear consequences for inappropriate behavior;

(ii) The system must include a daily regimen that involves offenders in physical training, self-discipline exercises, educational and work programs, and meaningful interaction, with a component for a tiered system for swift and strict discipline for noncompliance;

(iii) The system must use staff models and mentors to promote within an offender the development of socially accepted attitudes and behaviors;

(iv) The system must provide offenders with instruction on problem-solving skills and must incorporate methods to reinforce the use of cognitive behavior strategies that change offenders' orientation toward criminal thinking and behavior;

(v) The system must promote among offenders the creation and development of new group cultures that result in the application of positive peer influence that promotes behavioral change; and

(vi) The system must provide offenders the opportunity to gradually reenter the community while demonstrating the capacity for self-discipline and the attainment of respect for the community.

(b) The secretary of corrections shall have final approval on the hiring and transferring of staff for the youthful offender system. In staffing the youthful offender system, the secretary of corrections shall select persons who are trained in the treatment of juveniles or will be trained in the treatment of juveniles before working with the juveniles, are trained to act as role models and mentors under (a)(iii) of this subsection, and are best equipped to enable the youthful offender system to meet the principles specified in (a) of this subsection. The secretary of corrections shall make a recommendation to the department of personnel regarding the classification of positions with the youthful offender system, taking into account the level of education and training required for the positions.

(4) The youthful offender system must provide for community supervision that must consist of highly structured surveillance and monitoring and educational and treatment programs. The department of corrections' adult community supervision staff shall administer community supervision. However, revocation of supervision is subject to subsections (2) and (5) of this section.

(5)(a) The department of corrections shall implement a procedure for the transfer of an offender to another facility for vocational or training services or if an offender in the system poses a danger to the offender's self or others, has been convicted of a class A felony, and has attained the age of eighteen years. Except as otherwise provided in (c) of this subsection, the indeterminate sentence review board shall review a transfer determination by the department of corrections before the actual transfer of an inmate.

(b) An offender who is mentally ill or developmentally disabled may be transferred to another facility.

(c) The department of corrections shall implement a procedure for returning offenders who cannot successfully complete the sentence to the youthful offender system to the superior court for the imposition of the original sentence.

(6) The department of corrections shall determine the number of offenders in a program element under the youthful offender system within available appropriations.

(7) The department of corrections may and is encouraged to contract with a private or public entity for the provision of services and facilities under the youthful offender system. The contracting for the facilities must not delay the availability of necessary required space.

(8) By January 1, 1995, the department of corrections shall develop and the department of corrections shall implement a process for monitoring and evaluating the youthful offender system. In implementing the system, the department of corrections may contract with a private agency for assistance.

(9)(a) By January 1, 1995, the department of corrections shall submit a report to the legislature concerning the youthful offender system that includes but is not limited to the following:

(i) The specific content and structure of the programs for offenders in the youthful offender system, including staffing ratios for each program, a description of the daily routine of offenders that includes the amount of offenders' time that is allocated to each program, and an explanation of how the programs are related to the principles described in subsection (3) of this section;

(ii) The process used for transition to community supervision, whether offenders may be returned to the original environment for the community supervision period, the specific means of community supervision, and the specific educational and treatment programs provided to offenders during their community supervision period;

(iii) The procedure for transferring an offender to another facility for vocational or training services or when an offender poses a danger to the offender's self or others, and identification of the facilities used for these purposes; and

(iv) The specific criteria and procedures for determining successful completion of the programs in the youthful offender system, for determining whether an offender cannot successfully complete the sentence, and for revocation of community supervision.

(b) By January 1, 1995, the department of corrections shall submit a report to the legislature concerning the number of offenders entering the youthful offender system and a profile of the typical offender entering the system, including an analysis of the criminal and demographic backgrounds of the offenders, and update the committee quarterly.

(c) The department of social and health services division of juvenile rehabilitation shall independently monitor and evaluate the youthful offender system addressing the criteria described in (a) of this subsection.

(10) A prosecuting attorney in the state shall maintain records regarding juveniles who are sentenced to the youthful offender system. The records must indicate which juveniles have been filed on as adults or are sentenced to the system and the offenses committed by the juveniles.

(11) The legislature recognizes that the increased number of violent juvenile crimes is a problem faced by all the states of this nation. By creating the youthful offender system, the state of Washington stands at the forefront of the states in creating a new approach to solving the problem of violent juvenile offenders. The legislature also declares that the cost of implementing and operating the youthful offender system will create a burden on the state's limited resources. Accordingly, the legislature directs the department of corrections to seek out and accept available federal, state, and local public funds, including project demonstration funds, and private moneys and private systems for the purpose of conducting the youthful offender system.

Sec. 470. RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No. 593) and 1993 c 31 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), ~~((4))~~ (5), (6), and ~~((7))~~ (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender under the age of eighteen who is no longer under juvenile jurisdiction shall be sentenced as follows:

(a) As an adult under subsections (5) through (19) of this section; or

(b) To the youthful offender system in the department in accordance with section 469 of this act if the offender is younger than eighteen years of age. However, the offender shall be ineligible for sentencing to the youthful offender system if the offender received a prior sentence to the department or to the youthful offender system.

(5) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

~~((5))~~ (6) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

~~((6))~~ (7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

~~((7))~~ (8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (7) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (7) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is

amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

~~((9))~~ (9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of

community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) An offender in community custody shall not unlawfully possess controlled substances;
- (v) The offender shall pay supervision fees as determined by the department of corrections; and
- (vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) The court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol; or
- (v) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

~~((9))~~ (10) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

~~((49))~~ (11) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

~~((44))~~ (12) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

~~((42))~~ (13) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

~~((43))~~ (14) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((44))~~ (15) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((45))~~ (16) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

~~((46))~~ (17) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((47))~~ (18) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((49))~~ (19) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((49))~~ (20) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 471. RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No. 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120~~((5))~~(6). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020~~((6)(a))~~; (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinative sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a

legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(22) "Nonviolent offense" means an offense which is not a violent offense.

(23) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(24) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(25) "Persistent offender" is an offender who:

(a) Has been convicted in this state of any felony considered a most serious offense; and

(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted.

(26) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(27) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(28) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(29) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(30) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(31) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(32) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(33) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(34) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(35) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(36) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in

the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(37) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (31) of this section are not eligible for the work crew program.

(38) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(39) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(40) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 472. RCW 9.94A.123 and 1987 c 402 s 2 are each amended to read as follows:

The legislature finds that the sexual offender treatment programs at western and eastern state hospitals, while not proven to be totally effective, may be of some benefit in positively affecting the behavior of certain sexual offenders. Given the significance of the problems of sexual assault and sexual abuse of children, it is therefore appropriate to review and revise these treatment efforts.

At the same time, concerns regarding the lack of adequate security at the existing programs must be satisfactorily addressed. In an effort to promote public safety, it is the intent of the legislature to transfer the responsibility for felony sexual offenders from the department of social and health services to the department of corrections.

Therefore, no person committing a felony sexual offense on or after July 1, 1987, may be committed under RCW 9.94A.120((7))(8)(b) to the department of social and health services at eastern state hospital or western state hospital. Any person committed to the department of social and health services under RCW 9.94A.120((7))(8)(b) for an offense committed before July 1, 1987, and still in the custody of the department of social and health services on June 30, 1993, shall be transferred to the custody of the department of corrections. Any person eligible for evaluation or treatment under RCW 9.94A.120((7))(8)(b) shall be committed to the department of corrections.

Sec. 473. RCW 9.94A.130 and 1984 c 209 s 7 are each amended to read as follows:

The power to defer or suspend the imposition or execution of sentence is hereby abolished in respect to sentences prescribed for felonies committed after June 30, 1984, except for offenders sentenced under RCW 9.94A.120((7))~~(8)~~(a), the special sexual offender sentencing alternative, whose sentence may be suspended, and except for sentences imposed under section 469 of this act and RCW 9.94A.120.

NEW SECTION. Sec. 474. A new section is added to chapter 9.94A RCW to read as follows:

Suspension of original sentence of a person sentenced under the youthful offender sentence alternative may be revoked if the offender violates or fails to carry out any of the conditions of the youthful offender program. Upon the revocation of the suspension, the court shall impose the sentence previously suspended or any unexecuted portion of the sentence. The court may not impose a sentence greater than the original sentence, with credit given for time served and money paid on fines and costs.

Before entering an order acknowledging successful completion of the youthful offender program, the court may revoke or modify its order suspending the imposition or execution of the original sentence. If the ends of justice will be served and if warranted by the reformation of the offender, the court may terminate the period of probation and discharge the person so held.

Sec. 475. RCW 9.94A.210 and 1989 c 214 s 1 are each amended to read as follows:

(1) A sentence within the standard range for the offense shall not be appealed. For purposes of this section, a sentence imposed on a first offender under RCW 9.94A.120((5))~~(6)~~ shall also be deemed to be within the standard range for the offense and shall not be appealed.

(2) A sentence outside the sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing judge are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing judges and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law. Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

Sec. 476. RCW 9.94A.440 and 1992 c 145 s 11 and 1992 c 75 s 5 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120((7))(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Assault of a Child

1st Degree Rape

1st Degree Robbery

1st Degree Rape of a Child

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Assault of a Child

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle

Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 477. RCW 18.155.010 and 1990 c 3 s 801 are each amended to read as follows:

The legislature finds that sex offender therapists who examine and treat sex offenders pursuant to the special sexual offender sentencing alternative under RCW 9.94A.120((7))(8)(a) and who may treat juvenile sex offenders pursuant to RCW 13.40.160, play a vital role in protecting the public from sex offenders who remain in the community following conviction. The legislature finds that the qualifications, practices, techniques, and effectiveness of sex offender treatment providers vary widely and that the court's ability to effectively determine the appropriateness of granting the sentencing alternative and monitoring the offender to ensure continued protection of the community is undermined by a lack of regulated practices. The legislature recognizes the right of sex offender therapists to practice, consistent with the paramount requirements of public safety. Public safety is best served by regulating sex offender therapists whose clients are being evaluated and being treated pursuant to RCW 9.94A.120((7))(8)(a) and

13.40.160. This chapter shall be construed to require only those sex offender therapists who examine and treat sex offenders pursuant to RCW 9.94A.120((7))(8)(a) and 13.40.160 to obtain a sexual offender treatment certification as provided in this chapter.

Sec. 478. RCW 18.155.020 and 1990 c 3 s 802 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to RCW 9.94A.120((7))(8)(a) and 13.40.160.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

Sec. 479. RCW 18.155.030 and 1990 c 3 s 803 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.120((7))(8)(a) and 13.40.160;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to RCW 9.94A.120((7))(8)(a) and adjudicated juvenile sex offenders who are ordered into treatment pursuant to RCW 13.40.160.

Sec. 480. RCW 46.61.524 and 1991 c 348 s 2 are each amended to read as follows:

(1) A person convicted under RCW 46.61.520(1)(a) or 46.61.522(1)(b) shall, as a condition of community supervision imposed under RCW 9.94A.383 or community placement imposed under RCW 9.94A.120((7))(8), complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section, unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in ~~((this act))~~ chapter 348, Laws of 1991 requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.

(2) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under ~~((RCW))~~ RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Ludwig: "Senator Nelson, this is a pretty long amendment. I haven't had a chance to read it all, but I got at least to the second page. In looking at lines six through ten, it seems to me that you are saying that these juveniles are allowed to earn and smoke cigarettes, even though we have passed a bill that prohibits law-abiding juveniles in this state from doing the same thing. Is that correct?"

Senator Nelson: "I guess every facility will establish what they vision will be the proper conduct at any one of them, just like they have done in any of these other states. I might point out, Senator Ludwig, since you brought it up, this is an option, it is something that you have the juvenile court judge look at. They just don't send anybody to one of these facilities, because it is based on the kind of crime that has been occurring. It is based primarily on what, perhaps, can come out of it, so what personal conduct pattern they have there is going to be up to the facility itself."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. I believe Section 470 on page 5 of the amendment amends Initiative 593. Would that mean that this amendment requires a two-thirds vote in order to be adopted?"

REPLY BY THE PRESIDENT

President Pritchard: "The amendments do not require a two-thirds vote, only on final passage. If it amends the Initiative, we will make the judgment at that time."

Further debate ensued.

Senator McCaslin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Nelson, Roach, Amondson, Linda Smith, Anderson, McDonald and Schow on page 121, after line 7, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

MOTION

Senator Erwin moved that the following amendments to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 121, line 19 of the amendment, after "**EDUCATION**" insert ", **TRAINING, AND EMPLOYMENT**"

Correct the table of contents accordingly.

On page 144, after line 26 of the amendment, insert the following:

"NEW SECTION. Sec. 520. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department of community, trade, and economic development shall administer a safe schools-safe communities program that provides financial and technical resources for community and school-based initiatives that offer youth long-term positive alternatives to violence, reduce the factors contributing to youth violence, and establish strong ties between children and youth and their communities.

(2) The department shall establish a process to fund:

- (a) Safe school teams that develop and implement strategies to make schools safer and prevent violence;
- (b) Education assistance, including tutoring, mentoring, drop-out prevention, and reentry assistance services;
- (c) Employment assistance, including job development, school-to-work placement, employment readiness training, basic skills, apprenticeships, and community service employment;
- (d) Peer-to-peer, group, and individual counseling, including crisis intervention for at-risk youth and their parents;
- (e) Youth coalitions that provide opportunities to develop leadership skills and gain appropriate respect, recognition, and rewards for their positive contribution to their community;
- (f) Recreational opportunities that provide healthy, viable alternatives to violence;
- (g) Life skills training, including anger management, conflict resolution, victim awareness, sexual harassment and assault awareness, empathy awareness, and cultural awareness training;
- (h) Parental involvement, including education and training, home visits, and referrals;
- (i) Resource and referral services for youth for a full range of basic services including health, food, housing, mental health, and other basic needs; and

(j) Self-esteem training, particularly for youth at high risk of teen pregnancy.

(3) The following organizations shall be eligible to receive grants: School districts, community family councils, community-based private nonprofit organizations, educational service districts, juvenile institutions, Indian tribes, private industry councils, and local governments.

(4) The department shall consider at least the following factors when selecting projects for funding:

- (a) Whether there was an assessment made of the factors contributing to the problem of youth violence in the community that includes empirical evidence linking these factors to youth violence and a strategy proposed that addresses the factors identified;
- (b) Whether there was active community and youth participation in designing the program and in proposed implementation of the program;
- (c) Whether there is proposed collaboration among local community entities in carrying out the project;

(d) Whether there is collaboration with the local business community, labor organizations, and training institutions when employment and training projects are proposed;

(e) Whether there is local commitment of resources and effort to carrying out the project in the short term and a long-term commitment to reducing youth violence;

(f) Whether there is research that supports the likely success of the proposed project;

(g) Whether the proposed intervention will include cognitive, affective, and behavioral interventions;

(h) The likelihood that the project will significantly benefit youth who are at risk or will increase public safety in areas with high rates of violent crime by juveniles;

(i) The experience or expertise of the applicant to carry out the proposed project; and

(j) The plan for evaluating the project.

(5) The department shall provide additional assistance to community-based efforts in skill development, employment readiness, and work experience, including: (a) Community-based mentoring programs, providing technical assistance and providing funds for program development; (b) tutoring services to at-risk youth by the retired senior volunteer program; and (c) private-sector efforts to assist in the employment and training of at-risk youth in such areas as work experience, mentoring programs, skill development, and apprenticeships. In developing and implementing these efforts, the department shall consult with the work force training and education coordinating board, employment security department, and other relevant agencies. The department shall provide funds to community-based organizations to identify at-risk youth to participate in private-sector efforts and to provide ongoing assistance to youth participating in the programs.

(6) The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. In-kind contributions may be used in calculating the local match.

(7) Subject to funding, grants shall be funded for three years. A second series of grants shall be awarded in 1996.

(8) The department shall provide successful applicants with technical assistance and training resources.

(9) The department shall work to involve youth in its efforts to reduce youth violence.

(10) The department shall establish a system to evaluate the effectiveness of the prevention and intervention initiatives. By January 1, 1996, and every biennium through June 30, 1999, the department shall submit to the governor and the legislature an evaluation of the projects funded under this section.

(11) For the purposes of this section, "community" means a geographic region recognized as a community by the applicant, including a neighborhood, city, county, Indian tribe, or multicounty region.

(12) This section shall expire June 30, 1999.

NEW SECTION. Sec. 521. If specific funding for the purposes of section 520 of this act, referencing section 520 of this act by bill and section number, is not provided by June 30, 1994, in the omnibus appropriations act, section 520 of this act is null and void.

NEW SECTION. Sec. 522. (1) The legislature finds that many teens who have dropped out of high school possess little motivation to return to a traditional high school setting. Teens with children often receive public assistance and do not have the skills or education to secure employment to support their basic needs. Inadequate job skills, the lack of a high school diploma, and limited access to child care prevent high school-age mothers from leaving public assistance to enter the work force.

(2) The legislature further finds that providing dropouts with school-to-work transition options to increase job readiness, to work toward high school graduation, and to provide access to support services is an effective strategy to address the needs of secondary students who have dropped out of school.

(3) The legislature further finds that vocational skills centers are equipped to offer educational services to secondary students that emphasize successful school-to-work transition, life skills, parenting education, and high school graduation. Vocational skills centers can best offer these services by making them available, for students not currently in school and for students enrolled in a full schedule at a high school, during hours other than normal school hours.

(4) The purpose of section 523 of this act is to provide students with the job training, education, and support services necessary to achieve high school graduation and job readiness through the creation of extended day school-to-work transition projects.

NEW SECTION. Sec. 523. (1) To the extent funds are available, the superintendent of public instruction shall award start-up grants to vocational skills centers to provide extended day school-to-work transition options for secondary students who are at risk of academic failure and who have dropped out or who are enrolled full time at a home high school. Grants shall be awarded based on applications describing how the project will achieve the following goals:

(a) Identifying, recruiting, assessing, and enrolling teens who have dropped out of school or who are at risk of academic failure;

(b) Developing job-readiness skills, job retention skills, and high school completion competencies in secondary students using work-based learning;

(c) Equipping students with vocational skills and abilities consistent with entry level employment in their chosen career field;

(d) Preparing students to seek further education and training if advisable for their particular career field;

(e) Assisting students who have dropped out to reenter school to achieve their high school diploma; and

(f) Increasing vocational programs' availability to students during other than normal school hours.

(2) To the extent funds are available, the superintendent of public instruction shall award start-up grants to organizations capable of providing programs as specified in subsection (1) of this section, to urban areas not served by skills centers. Organizations eligible to compete for grants awarded under this subsection include:

- (a) Nonprofit organizations;
- (b) Education service districts;
- (c) Community and technical colleges; and
- (d) School districts.

(3) To the extent funds are available, the state board for community and technical colleges shall award start-up grants to technical colleges to provide services as specified in subsection (1) of this section. The state board shall work with the superintendent of public instruction to develop program guidelines consistent with programs offered in skills centers.

NEW SECTION. Sec. 524. The legislature recognizes the importance of education and employment experiences for youth and the critical role of school-to-work transition options to achieving job readiness. Therefore, in light of these priorities, the department of labor and industries is directed to accelerate its evaluation of the minor work rules adopted under chapter 49.12 RCW, including an evaluation of the impact of these rules on the school-to-work transition projects provided for in section 523 of this act. The department shall report to the governor and the appropriate committees of the legislature on its evaluation of the minor work rules prior to the start of the 1995 regular legislative session.

NEW SECTION. Sec. 525. (1) The legislature finds that there is a need to:

- (a) Expand the supply of permanent affordable housing for homeless individuals, low and very low-income persons, and special need populations by utilizing the energies and talents of economically disadvantaged youth;
- (b) Provide economically disadvantaged youth with opportunities for meaningful work and service to their communities in helping to meet the housing needs of homeless individuals, low and very low-income persons, and special need populations;
- (c) Enable economically disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency; and
- (d) Foster the development of leadership skills and commitment to community development among youth in designated community empowerment zones.

(2) The legislature declares that the purpose of the Washington youthbuild program is to:

- (a) Help disadvantaged youth who have dropped out of school to obtain the education and employment skills necessary to achieve economic self-sufficiency and develop leadership skills and a commitment to community development in designated community empowerment zones; and
- (b) Provide funding assistance to entities implementing programs that provide comprehensive education and skills training programs designed to lead to self-sufficiency for economically disadvantaged youth.

NEW SECTION. Sec. 526. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a public or private nonprofit organization agency eligible to provide education and employment training under federal or state employment training programs.

(2) "Commissioner" means the commissioner of employment security.

(3) "Department" means the employment security department.

(4) "Low income" has the same meaning as in RCW 43.185A.010.

(5) "Participant" means an individual that:

- (a) Is sixteen to twenty-four years of age, inclusive;
- (b) Is or is a member of a very low-income household; and
- (c) Is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate of equivalency for such diploma.

(6) "Very low income" means a person or household whose income is at or below fifty percent of the median family income, adjusted for household size, for the county where the household is located.

(7) "Youthbuild" means any program that provides disadvantaged youth with opportunities for employment, education, leadership development, entrepreneurial skills development, and training in the construction or rehabilitation of housing for special need populations, very low-income households, or low-income households.

NEW SECTION. Sec. 527. The Washington youthbuild program is established within the department. The commissioner, in cooperation and consultation with the director of the department of community, trade, and economic development, shall:

(1) Make grants, up to the lesser of three hundred thousand dollars or twenty-five percent of the total costs of the youthbuild activities, to applicants eligible to provide education and employment training under federal or state employment training programs, for the purpose of carrying out a wide range of multidisciplinary activities and services to assist economically disadvantaged youth under the federal opportunities for youth: Youthbuild program (106 Stat. 3723; 42 U.S.C. Sec. 8011), or locally developed youthbuild-type programs for economically disadvantaged youth; and

(2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies and departments providing youth services to ensure that funds appropriated for the purposes of this chapter will be used to supplement funding from federal, state, local, or private sources.

NEW SECTION. Sec. 528. (1) Grants made under this chapter shall be used to fund an applicant's activities to implement a comprehensive education and employment skills training program.

(2) Activities eligible for assistance under this chapter include:

(a) Education and job skills training services and activities that include:

(i) Work experience and skills training, coordinated to the maximum extent feasible, with preapprenticeship and apprenticeship programs in construction and rehabilitation trades;

(ii) Services and activities designed to meet the educational needs of participants, including basic skills instruction and remedial education, bilingual education for participants with limited-English proficiency, secondary education services and activities designed to lead to the attainment of a high school diploma or its equivalent, and counseling and assistance in attaining postsecondary education and required financial aid;

(b) Counseling services and related activities;

(c) Activities designed to develop employment and leadership skills;

(d) Support services and need-based stipends necessary to enable the participant to participate in the program and to assist participants through support services in retaining employment;

(e) Wage stipends and benefits provided to participants; and

(f) Administrative costs of the applicant, not to exceed five percent of the amount of assistance provided under this chapter.

NEW SECTION. Sec. 529. (1) An individual selected as a participant in the youthbuild program under this chapter may be offered full-time participation for a period of not less than six months and not more than twenty-four months.

(2) An applicant's program that is selected for funding under this chapter shall be structured so that fifty percent of the time spent by the participants in the youthbuild program is devoted to educational services and activities, such as those outlined in section 528 of this act.

NEW SECTION. Sec. 530. (1) An application for a grant under this chapter shall be submitted by the applicant in such form and in accordance with the requirements as determined by the commissioner.

(2) The application for a grant under this chapter shall contain at a minimum:

(a) The amount of the grant request and its proposed use;

(b) A description of the applicant and a statement of its qualifications, including a description of the applicant's past experience with housing rehabilitation or construction with youth and youth education and employment training programs, and its relationship with local unions and apprenticeship programs and other community groups;

(c) A description of the proposed site for the program;

(d) A description of the educational and job training activities, work opportunities, and other services that will be provided to participants;

(e) A description of the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities;

(f) A description of the manner in which eligible participants will be recruited and selected, including a description of arrangements which will be made with federal or state agencies, community-based organizations, local school districts, the courts of jurisdiction for status and youth offenders, shelters for homeless individuals and other agencies that serve homeless youth, foster care agencies, and other appropriate public and private agencies;

(g) A description of the special outreach efforts that will be undertaken to recruit eligible young women, including young women with dependent children;

(h) A description of how the proposed program will be coordinated with other federal, state, local, and private resources and programs, including vocational, adult, and bilingual education programs, and job training programs;

(i) Assurances that there will be a sufficient number of adequately trained supervisory personnel in the program who have attained the level of journeyman or have served an apprenticeship through the Washington state apprenticeship training council;

(j) A description of the applicant's relationship with building contractor groups and trade unions regarding their involvement in training, and the relationship of the youthbuild program with established apprenticeship and training programs;

(k) A description of activities that will be undertaken to develop the leadership skills of the participants;

(l) A description of the commitments for any additional resources to be made available to the local program from the applicant, from recipients of other federal, state, local, or private sources; and

(m) Other factors the commissioner deems necessary.

NEW SECTION. Sec. 531. (1) An applicant selected for funding under this chapter shall provide the department information on program and participant accomplishments. The information shall be provided in progress and final reports as requested by the department.

(2) The department shall prepare an initial evaluation report, which shall be made available to the governor and appropriate legislative committees, on or before December 1, 1995, on the progress of individual programs funded under this chapter. A final evaluation report shall be

prepared on individual programs at the time of their completion. The final evaluation report shall include, but is not limited to, information on the effectiveness of the program, the status of program participants, and recommendations on program administration at the state and local level.

NEW SECTION. Sec. 532. A new section is added to chapter 50.67 RCW to read as follows:

In addition to its duties under this chapter, the Washington state job training coordinating council shall advise the employment security department and the department of community, trade, and economic development on the development and implementation of the Washington youthbuild program created under sections 525 through 531 of this act.

Sec. 533. RCW 43.185.070 and 1991 c 356 s 5 and 1991 c 295 s 2 are each reenacted and amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed four percent of annual revenues available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

- (a) The degree of leveraging of other funds that will occur;
- (b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;
- (c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
- (d) Local government project contributions in the form of infrastructure improvements, and others;
- (e) Projects that encourage ownership, management, and other project-related responsibility opportunities;
- (f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;
- (g) The applicant has the demonstrated ability, stability and resources to implement the project;
- (h) Projects which demonstrate serving the greatest need;
- (i) Projects that provide housing for persons and families with the lowest incomes;
- (j) Projects serving special needs populations which are under statutory mandate to develop community housing;
- (k) Project location and access to employment centers in the region or area; ~~((and))~~
- (l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in section 526 of this act; and
- (m) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for mentally ill persons that are consistent with a regional support network six-year capital and operating plan.

NEW SECTION. Sec. 534. Sections 525 through 531 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 535. If specific funding for the purposes of sections 522 and 523 of this act, referencing sections 522 and 523 of this act by bill number and section number, is not provided by June 30, 1994, in the omnibus appropriations act, sections 522 and 523 of this act are null and void.

NEW SECTION. Sec. 536. If specific funding for the purposes of sections 525 through 533 of this act, referencing sections 525 through 533 of this act by bill number and section number, is not provided by June 30, 1994, in the omnibus appropriations act, sections 525 through 533 of this act are null and void.

NEW SECTION. Sec. 537. Sections 523 and 524 of this act shall expire June 30, 1997."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Erwin on page 121, line 19, and page 144, after line 26, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Erwin failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald, Owen, McCaslin, Snyder, Hargrove, Bauer, Haugen, Loveland, Vogniild, Ludwig and Linda Smith to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 144, after line 26 of the amendment, insert the following:

"PART VI. EMPLOYMENT

NEW SECTION. Sec. 601. The legislature finds that a lack of adequate economic opportunity is a significant factor in placing youth at risk. Teenage unemployment, especially among some sectors of the youth population, is at intolerable levels. This denies teenagers the chance to learn responsibility, enhance their self-esteem, and acquire skills that will enable them to be functional, contributing members of society. Therefore, to further the intent of this act to reduce the number of at-risk youth, and provide teenagers a constructive alternative under safe and reasonable conditions to the destructive activities in which they might otherwise be engaged, the legislature enacts sections 602 and 603 of this act. Sections 602 and 603 of this act shall be liberally construed to foster increased employment opportunities for our youth.

NEW SECTION. Sec. 602. A new section is added to chapter 49.12 RCW to read as follows:

(1)(a) During the school year minors under the age of sixteen may be employed up to three hours per day on any school day preceding another school day, up to eight hours per day on any other day, and up to eighteen hours per week.

(b) During school vacation periods, minors under the age of sixteen may be employed up to eight hours per day, and up to forty hours per week.

(c) Minors under the age of sixteen may be employed during nonschool hours between 7:00 a.m. and 7:00 p.m. on any day preceding a school day, and during nonschool hours between 7:00 a.m. and 9:00 p.m. on any other day.

(2)(a) During the school year sixteen and seventeen-year-old minors may be employed up to eight hours per day, and up to thirty hours per week.

(b) During school vacation periods, sixteen and seventeen-year-old minors may be employed up to ten hours per day, and up to fifty hours per week.

(c) Minors age sixteen and seventeen may be employed during nonschool hours between 7:00 a.m. and 10:00 p.m. on any day preceding a school day, and during any nonschool hours on any other day.

(3)(a) Minors employed past 8:00 p.m. in service occupations shall be supervised by a responsible adult employee who is on the premises at all times.

(b) No minor may be employed more than five hours without a meal period of at least thirty minutes.

(c) Every minor employee shall be given a rest period of at least ten minutes in every four-hour period of employment.

(4) A minor may be employed only as provided in subsection (1) or (2) of this section unless the minor's parent or guardian, or other person having legal custody of the minor, and the minor's school have agreed that other hours of employment would be beneficial for the minor. In such case, the parent, guardian, or other person and the school shall provide the department and the employer with a copy of the written agreement describing the hours that the minor is allowed to be employed. The minor may not be employed for any hours in excess of those provided in the agreement.

(5) Subsection (1) or (2) of this section shall not apply to any minor emancipated by court order or to sixteen and seventeen-year-old minors who have been issued a certificate of educational competence under RCW 28A.305.190, are enrolled in a bona fide college program, are named on a valid certificate of marriage, or are shown as the parent on a valid certificate of birth.

(6) The department may adopt rules necessary to implement this section.

NEW SECTION. Sec. 603. A new section is added to chapter 49.12 RCW to read as follows:

(1) A minor under age sixteen may be employed in any occupation or doing any type of work other than that which is prohibited by rule of the industrial safety and health division of the department of labor and industries. In making this determination, the division shall: (a) Prohibit only types of work and occupations which evidence indicates present an unreasonable threat to the health or safety of minors under age sixteen relative to the skills acquired; and (b) have reasonable justification for differing from the occupation standards for fourteen and fifteen year olds of the child labor provisions of the fair labor standards act (29 C.F.R. Part 570, Subpart C).

(2) A minor age sixteen or seventeen may be employed in any occupation or doing any type of work other than that which is prohibited by rule of the industrial safety and health division of the department of labor and industries. In making this determination, the division shall: (a) Prohibit only types of work and occupations which evidence indicates present an unreasonable threat to the health or safety of minors age sixteen or seventeen relative to the skills acquired; and (b) have reasonable justification for differing from the hazardous occupations orders in nonagricultural occupations of the child labor provisions of the fair labor standards act (29 C.F.R. Part 570, Subpart E). It is the intent of the legislature that the occupations and types of work in which minors age sixteen and seventeen may be employed be less restrictive than for minors under age sixteen.

Sec. 604. RCW 49.12.390 and 1991 c 303 s 3 are each amended to read as follows:

(1)(a) Except as otherwise provided in subsection (2) of this section, if the director, or the director's designee, finds that an employer has violated any of the requirements of (~~RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or~~

49.12.123)) section 602 or 603 of this act, or a rule adopted under section 602 or 603 of this act, a citation stating the violations shall be issued to the employer. The citation shall be in writing, describing the nature of the violation including reference to the ~~((standards, rules, or orders))~~ statute or rule alleged to have been violated. An initial citation for failure to comply with ~~((RCW 49.12.123 or rules requiring a minor work permit and))~~ any rule requiring maintenance of records shall state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation without penalty. The director or the director's designee may establish a specific time for abatement of other nonserious violations in lieu of a penalty for first time violations. The citation and a proposed penalty assessment shall be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and proposed penalty assessment to the central personnel office of the employer. Citations issued under this section shall be posted at or near the place where the violation occurred.

(b) Except when an employer corrects a violation as provided in (a) of this subsection, he or she shall be assessed a civil penalty of not more than one thousand dollars depending on the size of the business and the gravity of the violation. The employer shall pay the amount assessed within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in RCW 49.12.400.

(2) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of the requirements of ~~((RCW 49.12.121 or 49.12.123, or any rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123))~~ section 602 or 603 of this act, or any rule adopted under section 602 or 603 of this act, the employer is subject to a civil penalty of not more than one thousand dollars for each day the violation continues. For the purposes of this subsection, a serious violation shall be deemed to exist if death or serious physical harm has resulted or is imminent from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(3) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or director's designee, believes that an employer has violated ~~((RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123))~~ section 602 or 603 of this act, or any rule adopted under section 602 or 603 of this act, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace. An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the danger and to prohibit the employment or presence of a minor in locations or under conditions where the danger exists.

(4) An employer who violates any ~~((of the))~~ posting requirements of ~~((RCW 49.12.121 or))~~ rules adopted implementing ~~((RCW 49.12.121))~~ section 602 of this act shall be assessed a civil penalty of not more than one hundred dollars for each violation.

(5) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter shall be assessed a civil penalty of not more than one thousand dollars.

(6) Penalties assessed under this section shall be paid to the director and deposited into the general fund.

Sec. 605. RCW 49.12.410 and 1991 c 303 s 5 are each amended to read as follows:

An employer who knowingly or recklessly violates ~~((the requirements of RCW 49.12.121 or 49.12.123))~~ section 602 or 603 of this act, or a rule ~~((or order))~~ adopted under ~~((RCW 49.12.121 or 49.12.123))~~ section 602 or 603 of this act, is guilty of a gross misdemeanor. An employer whose practices in violation of ~~((the requirements of RCW 49.12.121 or 49.12.123))~~ section 602 or 603 of this act, or a rule ~~((or order))~~ adopted under ~~((RCW 49.12.121 or 49.12.123))~~ section 602 or 603 of this act, result in the death or permanent disability of a minor employee is guilty of a class C felony.

Sec. 606. RCW 49.12.420 and 1991 c 303 s 7 are each amended to read as follows:

The penalties established in RCW 49.12.390 and 49.12.410 for violations of ~~((RCW 49.12.121 and 49.12.123))~~ section 602 or 603 of this act or a rule adopted under section 602 or 603 of this act are exclusive remedies.

NEW SECTION. Sec. 607. The following acts or parts of acts are each repealed:

- (1) RCW 49.12.105 and 1973 2nd ex.s. c 16 s 8;
- (2) RCW 49.12.121 and 1993 c 294 s 9, 1989 c 1 s 3, & 1973 2nd ex.s. c 16 s 15; and
- (3) RCW 49.12.123 and 1991 c 303 s 8, 1983 c 3 s 156, & 1973 c 51 s 3."

Renumber the remaining parts and sections consecutively and correct the table of contents and any internal references accordingly.

POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe this amendment expands the scope and object of the bill. Very briefly, this is a bill--while it is an omnibus bill--that relates to violence and particularly youth violence. The amendment that is before us is one that Senator McDonald has just acknowledged is one that changes the child labor laws dealing with the conditions of employment of young people. It amends RCW Title 49 relating to conditions of employment and I think for that reason, it does expand the scope and object of a bill that is focusing on the question of violence in general and youth violence in particular."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senators McDonald, Owen, McCaslin, Snyder, Hargrove, Bauer, Haugen, Loveland, Vognil, Ludwig and Linda Smith on page 144, after line 26, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

President Pro Tempore Wojahn assumed the Chair.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Amondson, Roach, McDonald, Linda Smith, Schow and Anderson to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 144, after line 26 of the amendment, insert the following:

"PART VI. VICTIMS' RIGHTS

NEW SECTION. Sec. 601. A new section is added to chapter 43.330 RCW to read as follows:

Funding for block grants under chapter . . . , Laws of 1994 (this act) shall not be derived from any reduction of appropriations for criminal justice training or services, consolidated juvenile services funds, or from crime victim services, including funding allocated to support the provision of crime victims' services under chapter 7.68, 43.101, 43.280, 70.123, 70.125, or 82.14 RCW; or from federal funding designated to fund services for crime victims under the Victims of Crime Act of 1984 (P.L. 98-473).

Sec. 602. RCW 10.95.060 and 1981 c 138 s 6 are each amended to read as follows:

(1) At the commencement of the special sentencing proceeding, the trial court shall instruct the jury as to the nature and purpose of the proceeding and as to the consequences of its decision, as provided in RCW 10.95.030.

(2) At the special sentencing proceeding both the prosecution and defense shall be allowed to make an opening statement. The prosecution shall first present evidence and then the defense may present evidence. Rebuttal evidence may be presented by each side. Upon conclusion of the evidence, the court shall instruct the jury and then the prosecution and defense shall be permitted to present argument. The prosecution shall open and conclude the argument.

(3) The court shall admit any relevant evidence which it deems to have probative value regardless of its admissibility under the rules of evidence, including hearsay evidence and evidence of the defendant's previous criminal activity regardless of whether the defendant has been charged or convicted as a result of such activity. For purposes of this section and pursuant to Article I, section 35 of the state Constitution, the term "relevant evidence" shall include a statement by the deceased victim's representative as identified by the prosecuting attorney. The defendant shall be accorded a fair opportunity to rebut or offer any hearsay evidence.

In addition to evidence of whether or not there are sufficient mitigating circumstances to merit leniency, if the jury sitting in the special sentencing proceeding has not heard evidence of the aggravated first degree murder of which the defendant stands convicted, both the defense and prosecution may introduce evidence concerning the facts and circumstances of the murder.

(4) Upon conclusion of the evidence and argument at the special sentencing proceeding, the jury shall retire to deliberate upon the following question: "Having in mind the crime of which the defendant has been found guilty, are you convinced beyond a reasonable doubt that there are not sufficient mitigating circumstances to merit leniency?"

In order to return an affirmative answer to the question posed by this subsection, the jury must so find unanimously.

Sec. 603. RCW 10.95.070 and 1993 c 479 s 2 are each amended to read as follows:

In deciding the question posed by RCW 10.95.060(4), the jury, or the court if a jury is waived, may consider any relevant factors, including but not limited to the following:

- (1) Whether the defendant has or does not have a significant history, either as a juvenile or an adult, of prior criminal activity;
- (2) Whether the murder was committed while the defendant was under the influence of extreme mental disturbance;
- (3) Whether the victim consented to the act of murder;
- (4) Whether the defendant was an accomplice to a murder committed by another person where the defendant's participation in the murder was relatively minor;
- (5) Whether the defendant acted under duress or domination of another person;
- (6) Whether, at the time of the murder, the capacity of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired as a result of mental disease or defect. However, a person found to be mentally retarded under RCW 10.95.030(2) may in no case be sentenced to death;
- (7) Whether the age of the defendant at the time of the crime calls for leniency; ~~((and))~~
- (8) Whether there is a likelihood that the defendant will pose a danger to others in the future; and
- (9) Pursuant to Article I, section 35 of the state Constitution, a statement by the deceased victim's representative as identified by the prosecuting attorney.

Sec. 604. RCW 7.69.030 and 1993 c 350 s 6 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at ~~((the))~~ all sentencing hearings for felony convictions, including special sentencing proceedings in cases where the prosecution has requested the death penalty; and

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.

NEW SECTION. Sec. 605. The legislature finds that treatment of the emotional problems of victims and families of victims of sex offenses and victims of violent offenses may be impaired by lengthy delay in trial of the accused and the resulting delay in testimony of the victim or the victim's representative. The trauma of the abusive or violent incident is likely to be exacerbated by requiring testimony from a victim who has substantially completed therapy and is forced to relive the incident. The legislature finds that it is necessary to prevent, to the extent reasonably possible, lengthy and unnecessary delays in trial of a person charged with a sex offense or of a violent offense.

NEW SECTION. Sec. 606. A new section is added to chapter 10.46 RCW to read as follows:

When a defendant is charged with a violent offense as defined in RCW 9.94A.030 which constitutes a violation of RCW 9A.64.020 or chapter 9.68, 9.68A, 9A.32, 9A.36, 9A.40, 9A.42, 9A.44, or 9A.46 RCW, neither the defendant nor the prosecuting attorney may agree to extend the originally scheduled trial date unless, after a hearing, the court finds that there are substantial and compelling reasons for a continuance of the trial date and that the benefit of the postponement outweighs the detriment to the victim or, if the victim is deceased, to the victim's family. At the hearing the court shall consider the testimony of lay witnesses and of expert witnesses, if available, regarding the impact of the continuance on the victim. Whenever the court grants the request for a continuance, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law.

NEW SECTION. Sec. 607. A new section is added to chapter 10.19 RCW to read as follows:

Notwithstanding superior court criminal rule CrR 3.2, a criminal defendant shall not be bailable if the court determines by a preponderance of the evidence that the defendant is likely to pose a danger to the safety of any other person or the community at large if the defendant is released.

NEW SECTION. Sec. 608. Section 607 of this act shall take effect if the proposed amendment to Article I, section 20 of the state Constitution authorizing the courts to refuse bail when the accused is likely upon release to pose a danger is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not so approved and ratified, section 607 of this act is void in its entirety."

Renumber the remaining parts and sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Madam President. As I read on page six, New Section 608--this calls for a constitutional amendment. If in fact this were to pass--this amendment were to pass--would that then put the entire bill in a two-thirds status?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "It does not amend the Constitution. It calls for a constitutional amendment, but it does not provide for one, therefore, I would say that it does not require a two-thirds vote."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Nelson, Amondson, Roach, McDonald, Linda Smith, Schow and Anderson on page 144, after line 26, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Morton, Moyer, Nelson, Oke, Prince, Roach, Schow, Sellar, Smith, L., West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senator Newhouse - 1.

President Pritchard assumed the Chair.

MOTION

Senator Erwin moved that the following amendment by Senators Erwin, McAuliffe, Haugen and Skratek to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 146, beginning on line 16 of the amendment, strike all of section 604

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator West: "Mr. President, could you advise the body of the time?"

REPLY BY THE PRESIDENT

President Pritchard: "I advise the body of the time? I didn't know you needed help, but it is ten o'clock."

MOTION

Senator West: "Thank you, Mr. President. For purposes of continuing the debate on House Bill No. 2319, I move that the Senate suspend Rule 15--the rule that requires us to adjourn by 10:00 p.m."

President Pritchard: "Without objection, so ordered. I want the body to know that Senator West is right. We do have a rule. Nice going, Senator. It is news to me."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Erwin, McAuliffe, Haugen and Skratek on page 146, beginning on line 16, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Erwin failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Pelz moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 146, beginning on line 34 of the amendment, strike all of section 605

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 146, beginning on line 34, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Pelz failed and the amendment to the striking amendment was not adopted on a rising vote, the President voting 'nay.'

MOTION

Senator Pelz moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 147, beginning on line 35 of the amendment, strike all of section 608

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 147, beginning on line 35, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Pelz carried and the amendment to the striking amendment was adopted on a rising vote.

There being no objection, the Senate resumed consideration of the amendment by Senators McDonald, Owen, McCaslin, Snyder, Hargrove, Bauer, Haugen, Loveland, Vognild, Ludwig and Linda Smith on page 144, after line 26, to the striking amendment by Senators Talmadge and Gaspard, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Second Substitute House Bill No. 2319 is a measure which establishes various programs to prevent and control violence and includes a recognition of the relationship between minor work rules and youth violence programs.

"The amendment proposed by Senators McDonald, Owen, McCaslin, Snyder, Hargrove, Bauer, Haugen, Loveland, Vognild, Ludwig and Linda Smith on page 144, after line 26, to the striking amendment by Senators Talmadge and Gaspard would establish specific minor work rules.

"The President, therefore, finds that the proposed amendment to the striking amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators McDonald, Owen, McCaslin, Snyder, Hargrove, Bauer, Haugen, Loveland, Vognild, Ludwig and Linda Smith on page 144, after line 26, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald, Owen, McCaslin, Snyder, Hargrove, Bauer, Haugen, Loveland, Vognild, Ludwig and Linda Smith on page 144, after line 26, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

Debate ensued.

The motion by Senator McDonald carried and the amendment to the striking amendment was adopted on a rising vote.

MOTION

Senator Pelz moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

Beginning on page 147, after line 22 of the amendment, strike all the material down to and including "policies." on page 147, line 34

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 147, after line 22, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Pelz failed and the amendment to the striking amendment was not adopted on a rising vote.

MOTION

Senator Vognild moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 153, line 10, strike Section 703

MOTION

On motion of Senator Vognild, and there being no objection, the amendment on page 153, line 10, to the striking amendment by Senators Talmadge and Gaspard was withdrawn.

MOTION

Senator Sutherland moved that the following amendments by Senators Sutherland, West, Deccio, Anderson, Moore, Franklin, Moyer, Amondson, Bauer, Hargrove, Morton, Prentice, Schow, Sellar and Oke to the striking amendment by Senators Talmadge and Gaspard be considered simultaneously and be adopted:

On page 156, line 28, strike "five" and insert "six and one-fourth"

On page 157, after line 15, strike all of sections 706 and 707

Renumber the sections consecutively and correct any internal references accordingly"

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. I have an amendment to the same two sections and I would like to get a ruling from the Chair if this amendment passes, would my amendment still be in order or would it be out of order?"

REPLY BY THE PRESIDENT

President Pritchard: "Senator, if this amendment passes, your amendment would be out of order."

Senator Snyder: "Thank you, Mr. President."

Further debate ensued.

MOTION

On motion of Senator Oke, Senator Erwin was excused.

MOTION

On motion of Senator Amondson, his name will be removed as a sponsor of the amendments on page 156, line 28, and page 157, after line 15, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

Further debate ensued.

Senator Deccio demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. You said the roll call was not sustained and then you counted again--just a question, Mr. President."

REPLY BY THE PRESIDENT

President Pritchard: "It shows that I am not infallible."

Senator McCaslin: "I knew that before I asked the question."

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Sutherland, West, Deccio, Anderson, Moore, Franklin, Moyer, Bauer, Hargrove, Morton, Prentice, Schow, Sellar and Oke on page 156, line 28, and page 157, after line 15, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted, the President voting 'nay,' by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Franklin, Hargrove, Hochstatter, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Roach, Schow, Sellar, Smith, A., Sutherland, West, Williams, Winsley and Wojahn - 24.

Voting nay: Senators Drew, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, L., Snyder, Spanel, Talmadge and Vognild - 24.

Excused: Senator Erwin - 1.

MOTIONS

On motion of Senator Snyder, the following amendments to the striking amendment by Senators Talmadge and Gaspard were considered simultaneously and were adopted:

On page 156 of the amendment, line 28, strike "~~((one and one-half))~~ five" and insert "~~((one))~~ two and one-half"

On page 157 of the amendment, strike all of section 706

Renumber the sections consecutively and correct any internal references accordingly.

Senator Williams moved that the following amendment by Senators Williams and Sutherland to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 158, after line 13, insert the following:

"NEW SECTION. Sec. 709. A new section is added to chapter 43.200 RCW to read as follows:

The director of ecology shall require that generators of waste pay a fee for each cubic foot of waste disposed at any facility in the state equal to thirty dollars. The fee shall be imposed specifically on the generator of the waste and shall not be considered to apply in any way to the low-level site operator's disposal activities. The fee on each cubic foot of waste shall be allocated in the following manner: Twenty-five dollars placed in the health services account and five dollars placed in the water quality account."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I would like the President to rule on the scope and object of this amendment, which now deals with a totally new fee and tax that is in an area that is outside of the reference statutes with respect to the generation of funding for the violence programs in this state."

RULING BY THE PRESIDENT

President Pritchard: "The Chair rules that Senator Nelson's remarks are accurate and this is beyond the scope and object of the bill."

Senator Williams: "Mr. President, I wonder if you might give us your thoughts of why it is outside the scope and object."

President Pritchard: "Well, you will have to give us a little time. Senator Williams, the Chair feels that the new taxes are not sufficiently related to the bill on prevention of youth violence in either source or object."

Further debate ensued.

The amendment by Senators Williams and Sutherland on page 158, after line 13, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319 was ruled out of order.

MOTION

Senator Roach moved that the following amendment by Senators Roach and Quigley to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 52, after line 31, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.41 RCW to read as follows:

A local governmental entity as defined by RCW 4.96.010(2) may close a firearm range training and practice facility only if the local governmental entity replaces the closed facility with another firearm range training and practice facility of at least equal capacity. A local governmental entity may close more than one firearm range training and practice facility and replace the closed facilities with a single firearm range training and practice facility, if the capacity of the replacement facility is at least as large as the combined capacities of the closed facilities.

A replacement firearm range training and practice facility must be open for use within thirty days of the closure of the replaced facility or facilities. Further, a replacement firearm range training and practice facility must be available for use by law enforcement personnel or the general public to the same extent as the replaced facility or facilities."

Renumber the remaining sections consecutively.

Debate ensued.

Senator Roach demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Roach and Quigley on page 52, after line 31, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted, the President voting 'nay,' by the following vote: Yeas, 23; Nays, 23; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Hargrove, Hochstatter, Loveland, McAuliffe, McDonald, Morton, Nelson, Newhouse, Oke, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., West and Winsley - 23.

Voting nay: Senators Bauer, Drew, Fraser, Gaspard, Haugen, Ludwig, McCaslin, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Rinehart, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 23.

Absent: Senators Bluechel and Franklin - 2.

Excused: Senator Erwin - 1.

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 53, line 15, delete subsection (3)

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 53, line 15, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted.

MOTION

Senator McDonald moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 151, after line 7 of the amendment, insert the following:

"NEW SECTION. Sec. 701. The legislature finds that K-12 educators in Washington face increasingly greater challenges in the classroom, including violent behavior. The legislature recognizes that in the face of these challenges, the teaching profession has kept the state's test scores above the national average.

The legislature also finds that although educators are asked to do steadily more than teach, educators have not received additional compensation accordingly. Rather, salaries in Washington, as compared to other states, have fallen from eighth in 1983 to seventeenth in 1993.

The legislature believes that educators deserve additional compensation this year. To maintain the morale of Washington's teaching professionals, it is the purpose of this act to grant the state's educators a three percent salary adjustment for the 1994-95 school year.

NEW SECTION. Sec. 702. A new section is added to 1993 sp.s. c 24 to read as follows:

The sum of \$71,832,000, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for allocation to school districts for the biennium ending June 30, 1995, to provide a three percent ad hoc salary adjustment for the 1994-95 school year for all state-supported certificated instructional staff, state-supported certificated administrative staff, and state-supported classified staff, effective September 1, 1994."

Renumber remaining sections consecutively and correct internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 151, after line 7, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator McDonald failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 52, line 34, delete "class C felony" and insert "gross misdemeanor"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 52, line 34, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 55, line 29, after "who" insert "knowingly"

Debate ensued.

MOTION

On motion of Senator Roach, and there being no objection, the amendment on page 55, line 29, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319 was withdrawn.

MOTION

Senator Amondson moved that the following amendment by Senators Amondson and Linda Smith to the striking amendment by Senators Talmadge and Gaspard be adopted:

On page 157, beginning on line 16 of the amendment, strike all of sections 706 and 707 and insert the following:

"NEW SECTION. Sec. 706. Any revenue shortfall due to the exclusion of additional taxes on carbonated beverages from chapter . . ., Laws of 1994 (this act) shall not be compensated for with additional taxes."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. Earlier when Senator Sutherland had offered his amendment, I raised a point of inquiry as to whether my amendment would be in order if Senator Sutherland's passed. You ruled that my amendment would not be in order and so my amendment was adopted to--one section was 706--so I think that Senator Amondson's amendment to strike 706 would now be out of order under your previous ruling."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Snyder, the reference to 706 is really surplus here, since the body has already acted on the section. The striking of 707 is an insertion of new language and is a new proposition and the designation is for renumbering convenience, so the amendment is in order."

The amendment by Senator Amondson on page 157, beginning on line 16, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319 was ruled in order.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Amondson on page 157, beginning on line 16, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Amondson failed and the amendment to the striking amendment was not adopted.

PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, I rise for a question of parliamentary inquiry. Would you please rule on the amendment to the striking amendment by Senators Nelson, Amondson, McDonald, Roach, Schow, Anderson and Linda Smith on page 57, after line 21, that was adopted by this body--whether that amendment would make changes to Initiative 593 and, therefore, would require a two-thirds vote if we were to continue with this amendment in this package and adopt the bill in final passage?"

RULING BY THE PRESIDENT

President Pritchard: "It appears that the amendment by Senators Nelson, Amondson, McDonald, Roach, Schow, Anderson and Linda Smith on page 57, after line 21, to the striking amendment by Senators Talmadge and Gaspard, and adopted by the Senate, would have the effect of increasing offender scores by lengthening the time that some offenses may be used for sentencing purposes.

"The President feels, therefore, that final passage of the bill would require a two-thirds vote."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge moved to reconsider the vote by which the amendment by Senators Nelson, Amondson, McDonald, Roach, Schow, Anderson and Linda Smith on page 57, after line 21, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319, was adopted.

The President declared the question before the Senate to be the motion by Senator Talmadge to reconsider the vote by which the amendment by Senators Nelson, Amondson, McDonald, Roach, Schow, Anderson and Linda Smith on page 57, after line 21, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319, was adopted.

Debate ensued.

The motion by Senator Talmadge carried and the Senate will reconsider the vote by which the amendment by Senators Nelson, Amondson, McDonald, Roach, Schow, Anderson and Linda Smith on page 57, after line 21, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319, was adopted.

MOTION

Senator Talmadge moved that the amendment by Senators Nelson, Amondson, McDonald, Roach, Schow, Anderson and Linda Smith on page 57, after line 21, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319 not be adopted, on reconsideration.

The motion by Senator Talmadge carried and the amendment by Senators Nelson, Amondson, McDonald, Roach, Schow, Anderson and Linda Smith on page 57, after line 21, to the striking amendment by Senators Talmadge and Gaspard to Engrossed Second Substitute House Bill No. 2319, was not adopted, on reconsideration.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Talmadge and Gaspard, as amended, to Engrossed Second Substitute House Bill No. 2319.

The motion by Senator Talmadge carried and the striking amendment, as amended, was adopted.

MOTION

On motion of Senator Talmadge, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 74.14A.020, 43.70.010, 70.190.005, 70.190.010, 43.101.240, 70.190.020, 70.190.030, 70.190.040, 70.190.900, 43.06.260, 46.20.265, 13.40.265, 9.41.050, 9.41.060, 9.41.070, 9.41.080, 9.41.090, 9.41.095, 9.41.098, 9.41.110, 9.41.140, 9.41.170, 9.41.180, 9.41.190, 9.41.240, 9.41.250, 9.41.260, 9.41.270, 9.41.280, 9A.56.040, 9A.56.160, 4.24.190, 9.94A.125, 13.40.110, 13.04.030, 13.40.020, 13.40.0354, 13.40.0357, 13.40.080, 13.40.160, 13.40.210, 13.40.190, 13.40.300, 82.04.250, 9A.46.050, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.137, 26.50.070, 77.12.720, 9.94A.150, 10.99.030, 28A.300.130, 28A.320.205, 28A.610.030, 28A.610.060, 28A.620.020, 9A.36.031, 28A.600.475, 13.50.050, 13.50.010, 28A.190.030, 28A.190.040, 28A.650.015, 66.24.210, 66.24.290, 82.08.150, 82.24.020, 82.64.020, and 69.50.520; amending 1993 sp.s. c 24 s 501 (uncodified); reenacting and amending RCW 9.41.010, 9.41.040, 26.28.080, 26.26.130, 26.50.060, 10.31.100, and 28A.630.885; adding new sections to chapter 43.70 RCW; adding new sections to chapter 70.190 RCW; adding a new section to chapter 74.14A RCW; adding a new section to Title 28A RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 43.101 RCW; adding new sections to chapter 43.41 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.11 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 9.41 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 13.06 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 13.16 RCW; adding a new section to chapter 72.02 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.33A RCW; adding a new section to chapter 44.28 RCW; adding a new chapter to Title 19 RCW; creating new sections; recodifying RCW 9.41.160; repealing RCW 70.190.900, 9.41.030, 9.41.093, 9.41.100, 9.41.130, 9.41.200, 9.41.210, 9.41.230, and 82.64.900; prescribing penalties; providing an effective date; providing contingent effective dates; providing for submission of certain sections of this act to a vote of the people; and declaring an emergency."

On page 159, line 21 of the title amendment, after "13.40.265," insert "9A.36.045, 9A.36.050, 9A.56.040, 9A.56.160,"

On page 159, line 24 of the title amendment, after "9.41.280," strike "9A.56.040, 9A.56.160,"

On page 159, line 24 of the title amendment, after "9.41.280," insert "9.94A.310, 9.94A.370,"

On page 159, line 30 of the title amendment, after "13.50.010," insert "49.12.390, 49.12.410, 49.12.420,"

On page 159 of the amendment, line 31, strike "82.64.020,"

On page 159, line 33 of the title amendment, after "amending RCW" insert "9.94A.320,"

On page 159, beginning on line 35 of the title amendment, after "70.190 RCW;" strike all material through "43.101 RCW;" on page 159, line 37 and page 160, line 1

On page 160, line 5 of the title amendment, after "9.94A RCW;" insert "adding a new section to chapter 9A.36 RCW; adding new sections to chapter 9A.56 RCW;"

On page 160, line 5 of the title amendment, after "9.94A RCW;" insert "adding a new section to chapter 4.24 RCW;"

On page 160, line 7 of the title amendment, after "28A.600 RCW;" insert "adding new sections to chapter 49.12 RCW;"

On page 160, line 14 of the title amendment, after "9.41.210," strike "and 9.41.230" and insert "9.41.230, 49.12.105, 49.12.121, and 49.12.123"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute House Bill No. 2319, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, I am going to ask a question about the pop taxes. I don't think we have heard the end of it yet. What we did with the amendment, did we repeal the sunset that now exists in present law on the drug omnibus funding?"

Senator Talmadge: "If the people vote to remove the sunset, in effect, we did--"

Senator Deccio: "Well, that was really my question. This still has to go on the ballot?"

Senator Talmadge: "That's correct."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2319.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2319, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, Williams, Winsley and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Quigley, Roach, Schow, Sellar, Smith, L., Sutherland and West - 23.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, earlier in the evening, shortly after five o'clock, I asked if you would rule on whether we could take a vote on Engrossed House Bill No. 2161."

RULING BY THE PRESIDENT

President Pritchard: "In ruling on the parliamentary inquiry by Senator Snyder, the President finds that, in conformity with longstanding precedent, if the Senate has reached the time of a special order, and consideration of the special order of business goes past the cutoff time, the Senate is permitted to return to the measure it was working on prior to the special order. However, only one such measure can be so considered, so your request would be denied."

Senator Snyder: "I have a further inquiry. What if we don't take up--I can't remember the bill number--welfare reform? If we don't take that up, that is the bill we were working on, and the previous one was Engrossed House Bill No. 2161, so would that be back--"

RULING BY THE PRESIDENT

President Pritchard: "Senator Snyder, the President is going to rule that following long standing custom, we will go back to the one measure and if the body decides not to take up that one measure, then that is it. We are all through."

MOTION

At 11:53 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Saturday, March 5, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 4, 1994

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

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 5, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Haugen, McDonald, Niemi, Pelz, Rinehart, Roach and West. On motion of Senator Oke, Senators Bluechel, McDonald, Roach and West were excused. On motion of Senator Drew, Senator Pelz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Alex Tuttle and Joy Tyler, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 6509,
SENATE BILL NO. 6532,
SENATE BILL NO. 6573, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 4, 1994

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 6028,
SUBSTITUTE SENATE BILL NO. 6264, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6028,
SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6509,
SENATE BILL NO. 6532,
SENATE BILL NO. 6573.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9342, Robert Quidbach, as a member of the Forest Practices Appeals Board, was confirmed.

CONFIRMATION OF ROBERT QUOIDBACH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 41.

Absent: Senators Haugen, Niemi and Rinehart - 3.

Excused: Senators Bluechel, McDonald, Pelz, Roach and West - 5.

MOTION

On motion of Senator Loveland, Senators Haugen, Niemi and Rinehart were excused.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9346, Jay W. Kim, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

CONFIRMATION OF JAY W. KIM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 42.

Excused: Senators Bluechel, Haugen, Niemi, Pelz, Rinehart, Roach and West - 7.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9364, Dr. Loren Anderson, as a member of the Higher Education Facilities Authority, was confirmed.

CONFIRMATION OF DR. 2LOREN ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 43.

Absent: Senators Moore and Moyer - 2.

Excused: Senators Haugen, Niemi, Rinehart and West - 4.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9370, Jenny Durkan, as a member of the Sentencing Guidelines Commission, was confirmed.

Senators Spanel and Pelz spoke to the confirmation of Jenny Durkan as a member of the Sentencing Guidelines Commission.

CONFIRMATION OF JENNY DURKAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 44.

Absent: Senator Moore - 1.

Excused: Senators Haugen, Niemi, Rinehart and West - 4.

MOTION

On motion of Senator Oke, Senators Roach and Linda Smith were excused.

MOTION

On motion of Senator Adam Smith, gubernatorial appointment No. 9371, Norm Maleng, as a member of the Sentencing Guidelines Commission, was confirmed.

Senators Adam Smith and McDonald spoke to the confirmation of Norm Maleng as a member of the Sentencing Guidelines Commission.

CONFIRMATION OF NORM MALENG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Haugen, Niemi, Rinehart, Roach and Smith, L. - 5.

MOTION

On motion of Senator Adam Smith, gubernatorial appointment No. 9372, Judge Ricardo Martinez, as a member of the Sentencing Guidelines Commission, was confirmed.

CONFIRMATION OF JUDGE RICARDO MARTINEZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Deccio - 1.

Excused: Senators Haugen, Niemi, Rinehart, Roach and Smith, L. - 5.

MOTION

On motion of Senator Bauer, gubernatorial appointment No. 9423, Karen Carter, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

CONFIRMATION OF KAREN CARTER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Hochstatter and Pelz - 2.

Excused: Senators Haugen, Niemi, Rinehart, Roach and Smith, L. - 5.

MOTIONS

On motion of Senator Williams, Senator Pelz was excused.

On motion of Senator Spanel, Senator Hargrove was excused.

MOTION

On motion of Senator Bauer, gubernatorial appointment No. 9426, William Selby, as a member of the State Board for Community and Technical Colleges, was confirmed.

CONFIRMATION OF WILLIAM SELBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Absent: Senator Moore - 1.

Excused: Senators Hargrove, Haugen, Niemi, Pelz, Rinehart, Roach and Smith, L. - 7.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9427, Joan Yoshitomi, as a member of the State Board for Community and Technical Colleges, was confirmed.

Senators Bauer and Prentice spoke to the confirmation of Joan Yoshitomi as a member of the State Board for Community and Technical Colleges.

CONFIRMATION OF JOAN YOSHITOMI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Ludwig - 1.

Excused: Senators Hargrove, Niemi, Rinehart, Roach and Smith, L. - 5.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on the following measures: Gubernatorial Appointment No. 9437, Dr. Frank B. Brouillet as a member of the Higher Education Coordinating Board, Gubernatorial Appointment No. 9438, Mike McCormack, as a member of the Higher Education Coordinating Board, and Gubernatorial Appointment No. 9199, Ronald LaFayette, Chair of the Board of Trustees for the State School for the Deaf. I would have voted 'yes' on all the appointments.

SENATOR ADAM SMITH, 33rd District

MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9437, Dr. Frank B. Brouillet, as a member of the Higher Education Coordinating Board, was confirmed.

CONFIRMATION OF DR. FRANK B. BROUILLET

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 41.

Absent: Senators Ludwig, Smith, A. and West - 3.

Excused: Senators Hargrove, Niemi, Rinehart, Roach and Smith, L. - 5.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9438, Mike McCormack, as a member of the Higher Education Coordinating Board, was confirmed.

CONFIRMATION OF MIKE McCORMACK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Smith, A. - 1.

Excused: Senators Hargrove, Niemi, Roach and Smith, L. - 4.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9199, Ronald LaFayette, as Chair of the Board of Trustees for the State School for the Deaf, was confirmed.

CONFIRMATION OF RONALD LaFAYETTE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Gaspard and Smith, A. - 2.

Excused: Senators Niemi, Roach and Smith, L. - 3.

MOTION

At 11:12 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:57 a.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed THIRD SUBSTITUTE SENATE BILL NO. 5918 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Transportation demand strategies that reduce the number of vehicles on Washington state's highways, roads, and streets, and provide attractive and effective alternatives to single-occupancy travel can improve ambient air quality, conserve fossil fuels, and forestall the need for capital improvements to the state's transportation system. The legislature has required many public and private employers in the state's largest counties to implement transportation demand management programs to reduce the number of single-occupant vehicle travelers during the morning and evening rush hours. The legislature finds that additional transportation demand management strategies are necessary to mitigate the adverse social, environmental, and economic effects of automobile dependency and traffic congestion. While expensive capital improvements, including dedicated busways and commuter rail systems, may be necessary to improve the region's mobility, they are only part of the solution. All public and private entities that attract single-occupant vehicle drivers must develop imaginative and cost-effective ways to encourage walking, bicycling, carpooling, vanpooling, bus riding, and telecommuting. It is the intent of the legislature to revise those portions of state law that inhibit the application of imaginative solutions to the state's transportation mobility problems and to encourage many more public and private employers to adopt effective transportation demand management strategies.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) Major employers in the state's eight largest counties affected by the commute trip reduction programs required under RCW 70.94.521 through 70.94.551 who are taxable under this chapter and provide financial incentives to their employees for ride sharing before June 30, 1996, shall be allowed a credit for amounts paid to employees for ride sharing in vehicles carrying four or more persons, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made by major employers as defined by RCW 70.94.524 and in the form and manner prescribed in rules adopted by the department and in consultation with the commute trip reduction task force.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to employees for ride sharing.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account to the general fund.

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report no later than December 1, 1996, to the legislative transportation committee.

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) The department shall keep a running total of all credits granted under this chapter during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed two million dollars.

(2) No employer shall be eligible for tax credits in excess of two hundred thousand dollars in any calendar year.

(3) No employer shall be eligible for tax credits in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

NEW SECTION. Sec. 4. A new section is added to chapter 82.16 RCW to read as follows:

(1) Major employers in the state's eight largest counties affected by the commute trip reduction programs required under RCW 70.94.521 through 70.94.551 who are taxable under this chapter and provide financial incentives to their employees for ride sharing before June 30, 1996, shall be allowed a credit for amounts paid to employees for ride sharing in vehicles carrying four or more persons, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made by major employers as defined by RCW 70.94.524 and in the form and manner prescribed in rules adopted by the department and in consultation with the commute trip reduction task force.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to employees for ride sharing.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account to the general fund.

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report no later than December 1, 1996, to the legislative transportation committee.

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 5. A new section is added to chapter 82.16 RCW to read as follows:

(1) The department shall keep a running total of all credits granted under this chapter during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed two million dollars.

(2) No employer shall be eligible for tax credits in excess of two hundred thousand dollars in any calendar year.

(3) No employer shall be eligible for tax credits in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

NEW SECTION. Sec. 6. This act shall expire December 31, 1996.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendment to Third Substitute Senate Bill No. 5918 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Third Substitute Senate Bill No. 5918 and the House amendment thereto: Senators Drew, Nelson and Vognild.

MOTION

On motion of Senator Adam Smith, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6047 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

"PART I - DUI PENALTIES

NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:
"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) the percent by weight of alcohol in a person's blood.

Sec. 2. RCW 46.61.502 and 1993 c 328 s 1 are each amended to read as follows:

(1) ((A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:
(a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after driving, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after driving, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug;

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section.)) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.10 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.10 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1) (b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

Sec. 3. RCW 46.61.504 and 1993 c 328 s 2 are each amended to read as follows:

(1) ((A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug;

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of a motor vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in actual physical control of a motor vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged actual physical control of a motor vehicle may be used as evidence that within two hours of the alleged actual physical control of a motor vehicle, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section.)) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.10 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.10 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1) (b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of RCW 46.61.502 or 46.61.504 that was committed within five years before the commission of the current violation, and who violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of at least 0.10 but less than 0.15, or a person who violates RCW 46.61.502(1)(b) or (c) or 46.61.504(1)(b) or (c) and for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 the person's alcohol concentration is not proved, is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's

physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of not more than one hundred twenty days as determined by the court. The court shall notify the department of licensing of the conviction and of any period of suspension and shall notify the department of the person's completion of any period of suspension. Upon receiving notification of the conviction, or if applicable, upon receiving notification of the completion of any period of suspension, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(2) A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of RCW 46.61.502 or 46.61.504 that was committed within five years before the commission of the current violation, and who either:

(a) Violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of 0.15 or more; or

(b) Violates RCW 46.61.502(1) (b) or (c) or 46.61.504(1) (b) or (c) and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:

(i) By imprisonment for not less than seven days nor more than one year. Seven consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of not less than ninety days nor more than one hundred eighty days as determined by the court. Ninety days of the suspension may not be suspended or deferred. The court shall notify the department of any period of suspension and shall notify the department of the completion of any period of suspension. Upon receiving notification of the conviction, or if applicable, upon receiving notification of the completion of any period of suspension, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(3) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(4) Upon conviction under this section, the offender's driver's license is deemed to be in a probationary status for five years from the date of the offense, unless before the expiration of the five years the license is suspended or revoked for some other violation of law. Being on probationary status does not authorize a person to drive during any period of license suspension imposed as a penalty for the infraction.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act.

(6)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person whose driver's license is in a probationary status and who violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of at least 0.10 but less than 0.15 is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than seven days nor more than one year. Seven consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than six hundred dollars nor more than five thousand dollars. Six hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of not less than one hundred twenty days nor more than one year as determined by the court. One hundred twenty days of the suspension may not be suspended or deferred. The court shall notify the department of the imposition of any period of suspension and of the completion of any period of suspension. Upon receiving notification of the completion of the imposed period of suspension, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(2) A person whose driver's license is in a probationary status and who either:

(a) Violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of 0.15 or more; or

(b) Violates RCW 46.61.502(1) (b) or (c) or 46.61.504(1) (b) or (c) and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:

(i) By imprisonment for not less than seven days nor more than one year. Seven consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive or of any nonresident privilege to drive, for a period of not less than one year nor more than two years as determined by the court. One year of the revocation may not be suspended or deferred. The court shall notify the department of the period of revocation and shall notify the department upon the completion of the period of revocation. Upon receiving notification of the completion of the imposed period of revocation and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(3) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(4) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act. An offender punishable under subsection (1) or (2) of this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511. No offender punishable under this section is eligible for an occupational license under RCW 46.20.391.

(5)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 6. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person who violates RCW 46.61.502 or 46.61.504 and who either has a driver's license in a suspended or revoked status or who has been convicted under section 5 of this act or RCW 46.61.502 or 46.61.504 of an offense that was committed within five years before the commission of the current violation, is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than ninety days nor more than one year. Ninety consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By revocation by the department of licensing of the offender's license or permit to drive or of any nonresident privilege to drive, for a period of two years. The revocation of license, permit, or privilege may not be suspended or deferred. The court shall notify the department of the revocation. Following the revocation and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(2) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(3) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act. An offender punishable under this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511. No offender punishable under this section is eligible for an occupational license under RCW 46.20.391.

(4)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 7. A new section is added to chapter 46.61 RCW to read as follows:

(1)(a) In addition to penalties set forth in sections 4 through 6 of this act, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

PART II - PROBATIONARY LICENSES

NEW SECTION. Sec. 8. A new section is added to chapter 46.61 RCW to read as follows:

(1) Upon notification of a conviction under RCW 46.61.502 or 46.61.504 for which the issuance of a probationary driver's license is required, or upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, the department of licensing shall order the person to surrender his or her license. The department shall revoke the license of any person who fails to surrender it as required by this section.

(2) Upon receipt of the surrendered license, and following the expiration of any period of license suspension ordered by a court, or following receipt of a sworn statement under section 12 of this act that requires issuance of a probationary license, the department shall issue the person a probationary license. The probationary license shall be renewed on the same cycle as the person's regular license would have been renewed until five years after the date of the commission of the most recent offense for which a probationary license is being issued, at which time the department shall reissue a regular license if the person otherwise qualifies for one.

(3) For each issue or reissue of a license under this section, the department may charge the fee authorized under RCW 46.20.311 for the reissuance of a license following a revocation for a violation of RCW 46.61.502 or 46.61.504.

(4) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status, including the period of that status, for a violation of RCW 46.61.502 or 46.61.504 or section 12 of this act. That fact that a person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

PART III - ASSESSMENT AND TREATMENT

NEW SECTION. Sec. 9. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person subject to alcohol assessment and treatment under section 4, 5, or 6 of this act shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) The department of social and health services shall require as a condition of approval under this section that any agency that offers outpatient treatment must provide all phases of such treatment as determined by the department of social and health services.

(5) Any agency that provides treatment ordered under section 4, 5, or 6 of this act, shall immediately report to the court and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(6) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

PART IV - ADMINISTRATIVE REVOCATION

NEW SECTION. Sec. 10. A new section is added to chapter 46.20 RCW to read as follows:

(1) Notwithstanding any other provision of this title, a person under the age of twenty-one may not drive, operate, or be in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or above.

(2) A person under the age of twenty-one who drives or is in physical control of a motor vehicle within this state is deemed to have given consent, subject to the relevant portions of RCW 46.61.506, to be detained long enough, and be transported if necessary, to take a test or tests of that person's blood or breath for the purpose of determining the alcohol concentration in his or her system.

(3) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the driver, has reasonable grounds to believe that the driver was driving or in actual physical control of a motor vehicle while having alcohol in his or her system.

(4) The law enforcement officer requesting the test or tests under subsection (2) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person's driver's license or driving privilege being revoked.

(5) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.02 or more, the law enforcement officer shall:

(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive;

(b) Serve the person notice in writing on behalf of the department of licensing of the person's right to a hearing, specifying the steps required to obtain a hearing;

(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of the traffic stop or until the suspension or revocation of the person's license or permit is sustained at a hearing as provided by subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit it replaces;

(d) Notify the department of licensing of the traffic stop, and transmit to the department any confiscated license or permit and a sworn report stating:

(i) That the officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state while having alcohol in his or her system;

(ii) That pursuant to this section a test of the person's alcohol concentration was administered or that the person refused to be tested;

(iii) If administered, that the test indicated the person's alcohol concentration was 0.02 or higher; and

(iv) Any other information that the department may require by rule.

(6) Upon receipt of the sworn report of a law enforcement officer under subsection (5) of this section, the department shall suspend or revoke the driver's license or driving privilege beginning thirty days from the date of the traffic stop or beginning when the suspension, revocation, or denial is sustained at a hearing as provided by subsection (7) of this section. Within fifteen days after notice of a suspension or revocation has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the revocation of the person's driver's license or driving privilege, and, if the test or tests of the person's breath or blood was administered, whether the results indicated an alcohol concentration of 0.02 or more. The department shall order that the suspension or revocation of the person's driver's license or driving privilege either be rescinded or sustained. Any decision by the department suspending or revoking a person's driver's license or driving privilege is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the suspension or revocation of the person's driver's

license or driving privilege is sustained after the hearing, the person may file a petition in the superior court of the county of arrest to review the final order of suspension or revocation by the department in the manner provided in RCW 46.20.334.

(7) The department shall suspend or revoke the driver's license or driving privilege of a person as required by this section as follows:

(a) In the case of a person who has refused a test or tests:

(i) For a first refusal within five years, revocation for one year;

(ii) For a second or subsequent refusal within five years, revocation or denial for two years.

(b) In the case of an incident where a person has submitted to a test or tests indicating an alcohol concentration of 0.02 or more:

(i) For a first incident within five years, suspension for ninety days;

(ii) For a second or subsequent incident within five years, revocation for one year or until the person reaches age twenty-one whichever occurs later.

(8) For purposes of this section, "alcohol concentration" means (a) grams of alcohol per two hundred ten liters of a person's breath, or (b) the percent by weight of alcohol in a person's blood.

NEW SECTION. Sec. 11. A new section is added to chapter 46.61 RCW to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer pursuant to section 10 of this act has a duty to stop.

(2) Whenever any person is stopped pursuant to section 10 of this act, the officer may detain that person for a reasonable period of time necessary to: identify the person; check the status of the person's license, insurance identification card, and the vehicle's registration; and transport the person, if necessary, to and administer a test or tests to determine the alcohol concentration in the person's system.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation under section 10 of this act has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the warning required by section 10(4) of this act and receipt of the notice and temporary license issued under section 10(5) of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 46.61 RCW to read as follows:

(1) This section applies to any person arrested for a violation of RCW 46.61.502 or 46.61.504 who has an alcohol concentration of 0.10 or higher as shown by a test administered under RCW 46.20.308.

(2) The arresting officer or other law enforcement officer at whose direction the test was given shall:

(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive or to issue a probationary license;

(b) Serve the person notice in writing on behalf of the department of the person's right to a hearing, specifying the steps required to obtain a hearing;

(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of arrest or until the suspension or revocation of the person's license or permit, or the issuance of a probationary license, is sustained at a hearing pursuant to subsection (5) of this section, whichever occurs first. If the person has not within the previous five years committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, and within thirty days of the arrest the person petitions a court for a deferred prosecution on criminal charges arising out of the arrest, the court shall direct the department to extend the period of the temporary license by at least an additional thirty days but not more than an additional sixty days. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, then the court shall immediately direct the department to cancel any period of extension of the temporary license. No temporary license is valid to any greater degree than the license or permit it replaces;

(d) Notify the department of the arrest, and transmit to the department any confiscated license or permit and a sworn report stating:

(i) That the officer had reasonable grounds to believe the arrested person was driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug, or both;

(ii) That pursuant to RCW 46.20.308 a test of the person's alcohol concentration was administered;

(iii) That the test indicated that the person's alcohol concentration was 0.10 or higher; and

(iv) Any other information that the department may require by rule.

(3) Upon receipt of a sworn statement under subsection (2) of this section, the department shall suspend, revoke, or deny the person's license, permit, or driving privilege, or shall issue a probationary license, effective beginning thirty days from the date of the arrest or beginning when the suspension, revocation, denial, or issuance is sustained at a hearing pursuant to subsection (5) of this section, whichever occurs first. The suspension, revocation, or denial, or issuance of a probationary license, shall be as follows:

(a) Upon receipt of a first sworn statement, issuance of a probationary license under section 8 of this act;

(b) Upon receipt of a second or subsequent statement indicating an arrest date that is within five years of the arrest date indicated by a previous statement, revocation for two years.

(4) A person receiving notification under subsection (2) of this section may, within five days after his or her arrest, request a hearing before the department under subsection (5) of this section. The request shall be in writing. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within five days after the arrest.

(5) Upon timely receipt of a request and a one hundred dollar fee under subsection (4) of this section, the department shall afford the person an opportunity for a hearing. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within thirty days following the arrest, unless otherwise agreed to by the department and the person. The hearing shall cover the issues of:

(a) Whether the law enforcement officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor;

(b) Whether the test of the person's alcohol concentration was administered in accordance with RCW 46.20.308; and

(c) Whether the test indicated that the person's alcohol concentration was 0.10 or higher.

(6) If the suspension, revocation, or denial, or issuance of a probationary license, is sustained after a hearing conducted under subsection (5) of this section, the person affected may file a petition in the superior court of the county of arrest seeking review as provided in RCW 46.20.334.

(7) The period of any suspension, revocation, or denial imposed under this section shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident. A suspension, revocation, or denial imposed under this section shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(8) If the suspension, revocation, denial, or issuance is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied, or who has been issued a probationary license, has the right to file a petition in the superior court of the county of arrest in the same manner as an appeal from a decision of a court of limited jurisdiction. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. A court may stay the suspension, revocation, or denial if it finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

PART V - IMPLIED CONSENT

Sec. 13. RCW 46.20.308 and 1989 c 337 s 8 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person (~~of his or her right to refuse the breath or blood test, and~~) of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver ~~((that)) (a) that refusal to take the test is a crime punishable by a fine and imprisonment; (b) that his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test; and (b)); (c) that the fact of his or her refusal to take the test may be used as evidence in a criminal trial on charges related to driving or being in physical control of a vehicle while under the influence of alcohol; and (d) that if he or she takes the test his or her privilege to drive may be suspended, revoked, or denied depending on the test results.~~ (a) that refusal to take the test is a crime punishable by a fine and imprisonment; (b) that his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test; and (b)); (c) that the fact of his or her refusal to take the test may be used as evidence in a criminal trial on charges related to driving or being in physical control of a vehicle while under the influence of alcohol; and (d) that if he or she takes the test his or her privilege to drive may be suspended, revoked, or denied depending on the test results.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) Refusal to take a test as requested under this section is a gross misdemeanor punishable as provided in chapter 9A.20 RCW. Regardless of whether criminal charges are filed, the department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege as follows:

(a) Except as otherwise provided in this subsection, for a first refusal for a period of one year;

(b) Except as otherwise provided in this subsection, for a second refusal within five years, for a period of two years;

(c) For a first refusal by a person with a probationary license issued under section 9 of this act, for a period of one year;

(d) For a second refusal within five years when the second refusal occurs while the person has a probationary license issued under section 9 of this act, for a period of three years;

(e) For a first refusal by a person on suspended or revoked status, for a period of two years;

(f) For a second refusal within five years by a person on suspended or revoked status, for a period of three years.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. The person shall pay a fee of one hundred dollars as part of the request. Upon receipt of such request and such fee, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) The period of any revocation imposed under this section shall run consecutively to the period of any revocation imposed pursuant to a criminal conviction arising out of the same incident.

(9) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

~~((9))~~ (10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

PART VI - DRIVING RECORDS

Sec. 14. RCW 46.01.260 and 1984 c 241 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not, within ten years from the date of conviction, adjudication, or entry of deferred prosecution, destroy records of the following:

(i) Convictions or adjudications of the following offenses: RCW 46.61.502, 46.61.504, 46.61.520(1)(a), or 46.61.522(1)(b);

(ii) If the offense was originally charged as one of the offenses designated in (a)(i) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.525, or any other violation that was originally charged as one of the offenses designated in (a)(i) of this subsection; or

(iii) Deferred prosecutions granted under RCW 10.05.120.

(b) For purposes of RCW 46.52.100 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

Sec. 15. RCW 46.52.100 and 1991 c 363 s 123 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by ((said)) the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every ((said)) traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every ((said)) magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of 22((said)) the court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

((Said)) The abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether the offense was an alcohol-related offense as defined in RCW 46.01.260(2), whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

Sec. 16. RCW 46.52.130 and 1991 c 243 s 1 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, ((or)) an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies(~~and~~), Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual(~~s~~) named in the abstract or to an employer(~~s~~) or prospective employer(~~s~~) of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(a)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Any violation of this section is a gross misdemeanor.

PART VII - DEFERRED PROSECUTION

Sec. 17. RCW 10.05.060 and 1990 c 250 s 13 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue the petitioner a probationary license in accordance with section 8 of this act, and

the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record for ~~((five)) ten~~ years from date of entry of the order granting deferred prosecution.

Sec. 18. RCW 10.05.090 and 1985 c 352 s 12 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

Sec. 19. RCW 10.05.120 and 1985 c 352 s 15 are each amended to read as follows:

Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner. ~~((Five years from the date of the court's approval of a deferred prosecution program for an individual petitioner, those entries that remain in the department of licensing records relating to such petitioner shall be removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under RCW 46.61.515 for subsequent offenses within a five-year period.))~~

PART VIII - VEHICULAR HOMICIDE

Sec. 20. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
 - Homicide by abuse (RCW 9A.32.055)
- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
 - Child Molestation 1 (RCW 9A.44.083)
 - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
 - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Robbery 1 (RCW 9A.56.200)
 - Manslaughter 1 (RCW 9A.32.060)
 - Explosive devices prohibited (RCW 70.74.180)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Sexual Exploitation (RCW 9.68A.040)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Vehicular Homicide, ~~((by being under the influence of intoxicating liquor or any drug or))~~ by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Introducing Contraband 1 (RCW 9A.76.140)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct
(RCW 9.68A.060)
Involving a minor in drug dealing (RCW 69.50.401(f))

VI Bribery (RCW 9A.68.010)

Manslaughter 2 (RCW 9A.32.070)
Rape of a Child 3 (RCW 9A.44.079)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Damaging building, etc., by explosion with no threat to human being (RCW
70.74.280(2))
Endangering life and property by explosives with no threat to human being (RCW
70.74.270)
Incest 1 (RCW 9A.64.020(1))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II
(except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

V Criminal Mistreatment 1 (RCW 9A.42.020)

Rape 3 (RCW 9A.44.060)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Child Molestation 3 (RCW 9A.44.089)
Kidnapping 2 (RCW 9A.40.030)
Extortion 1 (RCW 9A.56.120)
Incest 2 (RCW 9A.64.020(2))
Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Delivery of imitation controlled substance by person eighteen or over to person under
eighteen (RCW 69.52.030(2))

IV Residential Burglary (RCW 9A.52.025)

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

III Criminal mistreatment 2 (RCW 9A.42.030)

Extortion 2 (RCW 9A.56.130)
Unlawful Imprisonment (RCW 9A.40.040)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Custodial Assault (RCW 9A.36.100)
Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
Harassment (RCW 9A.46.020)
Promoting Prostitution 2 (RCW 9A.88.080)
Willful Failure to Return from Work Release (RCW 72.65.070)
Burglary 2 (RCW 9A.52.030)
Introducing Contraband 2 (RCW 9A.76.150)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Escape 2 (RCW 9A.76.120)
Perjury 2 (RCW 9A.72.030)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Intimidating a Public Servant (RCW 9A.76.180)
Tampering with a Witness (RCW 9A.72.120)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW
69.50.401(a)(1)(ii))

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Theft of livestock 2 (RCW 9A.56.080)
Securities Act violation (RCW 21.20.400)

II Malicious Mischief 1 (RCW 9A.48.070)
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Computer Trespass 1 (RCW 9A.52.110)
Reckless Endangerment 1 (RCW 9A.36.045)
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)
Possession of Stolen Property 2 (RCW 9A.56.160)
Forgery (RCW 9A.60.020)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Vehicle Prowl 1 (RCW 9A.52.095)
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Malicious Mischief 2 (RCW 9A.48.080)
Reckless Burning 1 (RCW 9A.48.040)
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

PART IX - INTERLOCK

Sec. 21. RCW 46.20.710 and 1987 c 247 s 1 are each amended to read as follows:

The legislature finds and declares:

- (1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;
- (2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;
- (3) The installation of an ignition interlock breath alcohol device or other biological or technical device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;
- (4) Ignition interlock and other biological and technical devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;
- (5) It is economically and technically feasible to have an ignition interlock or other biological or technical device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

Sec. 22. RCW 46.20.720 and 1987 c 247 s 2 are each amended to read as follows:

The court may order any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, and the restriction shall be for a period of not less than six months.

The court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

Sec. 23. RCW 46.20.730 and 1987 c 247 s 3 are each amended to read as follows:

For the purposes of RCW 46.20.720, 46.20.740, and 46.20.750, "ignition interlock device" means breath alcohol analyzed ignition equipment, certified by the state commission on equipment, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage, and "other biological or technical device" means any device meeting the standards of the national highway traffic safety administration or the state commission on equipment, designed to prevent the operation of a motor vehicle by a person who is impaired by alcohol or drugs. The commission shall by rule provide standards for the certification, installation, repair, and removal of the devices.

Sec. 24. RCW 46.20.740 and 1987 c 247 s 4 are each amended to read as follows:

The department shall attach or imprint a notation on the driver's license of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device.

Sec. 25. RCW 46.20.750 and 1987 c 247 s 5 are each amended to read as follows:

A person who knowingly assists another person who is restricted to the use of an ignition interlock or other biological or technical device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock or other biological or technical device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

PART X - MISCELLANEOUS

Sec. 26. RCW 46.61.506 and 1987 c 373 s 4 are each amended to read as follows:

- (1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the ~~((amount of alcohol in the person's blood or~~

breath at the time alleged as shown by analysis of his blood or breath is less than 0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath)) person's alcohol concentration is less than 0.10, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Sec. 27. RCW 46.20.311 and 1993 c 501 s 5 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or ~~((46.61.545))~~ other provision of law. Except for a suspension under RCW 46.20.289 and 46.20.291(5), whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW ~~((46.61.545(3) (b) or (e)))~~ 46.20.308 or section 5, 6, or 12 of this act; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) ~~((after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second or subsequent refusal within five years to submit to a chemical test under RCW 46.20.308; or (f))~~ after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 or is the result of administrative action under section 12 of this act, the reissue fee shall be fifty dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars.

Sec. 28. RCW 46.04.580 and 1990 c 250 s 22 are each amended to read as follows:

"Suspend," in all its forms and unless a different period is specified, means invalidation for any period less than one calendar year and thereafter until reinstatement. ~~((However, under RCW 46.61.545 the invalidation may last for more than one calendar year.))~~

Sec. 29. RCW 46.20.391 and 1985 c 407 s 5 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed ~~((under RCW 46.61.545))~~ for a violation of RCW 46.61.502 or 46.61.504. No person may petition for, and the department shall not issue, an occupational driver's license if the person is ineligible for such a license under section 5 or 6 of this act. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not ~~((been convicted))~~ committed of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not ~~((been convicted of))~~ committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor ((under RCW 46.61.502 or 46.61.504, ef)); (ii) vehicular homicide under RCW 46.61.520((-or ef)); or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 30. RCW 5.40.060 and 1987 c 212 s 1001 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is a complete defense to an action for damages for personal injury or wrongful death that the person injured or killed was under the influence of intoxicating liquor or any drug at the time of the occurrence causing the injury or death and that such condition was a proximate cause of the injury or death and the trier of fact finds such person to have been more than fifty percent at fault. The standard for determining whether a person was under the influence of intoxicating liquor or drugs shall be the same standard established for criminal convictions under RCW 46.61.502, and evidence that a person was under the influence of intoxicating liquor or drugs under the standard established by RCW 46.61.502 shall be conclusive proof that such person was under the influence of intoxicating liquor or drugs.

(2) In an action for damages for personal injury or wrongful death that is brought against the driver of a motor vehicle who was under the influence of intoxicating liquor or any drug at the time of the occurrence causing the injury or death and whose condition was a proximate cause of the injury or death, subsection (1) of this section does not create a defense against the action notwithstanding that the person injured or killed was also under the influence so long as such person's condition was not a proximate cause of the occurrence causing the injury or death.

NEW SECTION. Sec. 31. Section 30 of this act is remedial in nature and shall apply retroactively.

Sec. 32. RCW 46.55.113 and 1987 c 311 s 10 are each amended to read as follows:

Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer may take custody of the vehicle and provide for its prompt removal to a place of safety. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable ~~(, or too intoxicated, to decide)~~ of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer ~~(, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property);~~

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

NEW SECTION. Sec. 33. A new section is added to chapter 46.61 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of regulating driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug within the boundaries of the state. No jurisdiction may enact a law or ordinance that is different from, inconsistent with, more restrictive than, or less restrictive than state law in this field, and any such law or ordinance in existence on the effective date of this section is preempted and repealed, regardless of the nature of the code, charter, or home rule status of the town, city, county, or other jurisdiction that enacted the law or ordinance.

PART XI - TECHNICAL

Sec. 34. RCW 46.63.020 and 1993 c 501 s 8 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or ~~((8))~~ (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

~~(11) RCW 46.20.308 relating to refusal to submit to a breath or blood alcohol test;~~

~~(12) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;~~

~~((12))~~ (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

~~((13))~~ (14) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((14))~~ (15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((15))~~ (16) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

~~((16))~~ (17) RCW 46.25.170 relating to commercial driver's licenses;

~~((17))~~ (18) Chapter 46.29 RCW relating to financial responsibility;

~~((18))~~ (19) RCW 46.30.040 relating to providing false evidence of financial responsibility;

~~((19))~~ (20) RCW 46.37.435 relating to wrongful installation of sunscreening material;

~~((20))~~ (21) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((21))~~ (22) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((22))~~ (23) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((23))~~ (24) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((24))~~ (25) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((25))~~ (26) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((26))~~ (27) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((27))~~ (28) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((28))~~ (29) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((29))~~ (30) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((30))~~ (31) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((31))~~ (32) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((32))~~ (33) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((33))~~ (34) RCW 46.61.500 relating to reckless driving;

~~((34))~~ (35) RCW 46.61.502 and 46.61.504 and sections 4, 5, and 6 of this act relating to persons under the influence of intoxicating liquor or drugs;

~~((35))~~ (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((36))~~ ~~(37)~~ RCW 46.61.522 relating to vehicular assault;
~~((37))~~ ~~(38)~~ RCW 46.61.525 relating to negligent driving;
~~((38))~~ ~~(39)~~ RCW 46.61.530 relating to racing of vehicles on highways;
~~((39))~~ ~~(40)~~ RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
~~((40))~~ ~~(41)~~ RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
~~((41))~~ ~~(42)~~ RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
~~((42))~~ ~~(43)~~ Chapter 46.65 RCW relating to habitual traffic offenders;
~~((43))~~ ~~(44)~~ Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
~~((44))~~ ~~(45)~~ Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
~~((45))~~ ~~(46)~~ Chapter 46.80 RCW relating to motor vehicle wreckers;
~~((46))~~ ~~(47)~~ Chapter 46.82 RCW relating to driver's training schools;
~~((47))~~ ~~(48)~~ RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((48))~~ ~~(49)~~ RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 35. RCW 3.62.090 and 1986 c 98 s 4 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under ~~((RCW-46.61-515))~~ sections 4, 5, and 6 of this act, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

Sec. 36. RCW 10.05.120 and 1985 c 352 s 15 are each amended to read as follows:

Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner.

Five years from the date of the court's approval of a deferred prosecution program for an individual petitioner, those entries that remain in the department of licensing records relating to such petitioner shall be removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under ~~((RCW-46.61-515))~~ sections 4, 5, and 6 of this act for subsequent offenses within a five-year period.

Sec. 37. RCW 35.21.165 and 1983 c 165 s 40 are each amended to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ~~((RCW-46.61-515))~~ sections 4, 5, and 6 of this act.

Sec. 38. RCW 36.32.127 and 1983 c 165 s 41 are each amended to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ~~((RCW-46.61-515))~~ sections 4, 5, and 6 of this act.

Sec. 39. RCW 46.04.480 and 1988 c 148 s 8 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, ~~((or 46.61-515))~~ section 4, 5, or 6 of this act, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 40. RCW 46.61.5151 and 1983 c 165 s 33 are each amended to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in ~~((RCW 46.61.515 (1) or (2)))~~ section 4, 5, or 6 of this act in nonconsecutive or intermittent time periods. However, ~~((the first twenty-four hours of any sentence under RCW 46.61.515(1) and the first forty-eight hours of any sentence under RCW 46.61.515(2)))~~ any mandatory minimum sentence under section 4, 5, or 6 of this act shall be served consecutively unless suspended or deferred as otherwise provided by law.

Sec. 41. RCW 46.61.5152 and 1992 c 64 s 1 are each amended to read as follows:

In addition to penalties that may be imposed under ~~((RCW-46.61-515))~~ section 4, 5, or 6 of this act, the court may require a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or who enters a deferred prosecution program under RCW 10.05.020 based on a violation of RCW 46.61.502 or 46.61.504, to attend an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

NEW SECTION. Sec. 42. The sum of one million five hundred sixty-three thousand five hundred eighty-nine dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the highway safety fund to the department of licensing for the purposes of implementing this act.

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

(1) RCW 46.61.515 and 1993 c 501 s 7, 1993 c 239 s 1, 1985 c 352 s 1, 1984 c 258 s 328, 1983 c 165 s 21, 1983 c 150 s 1, 1982 1st ex.s. c 47 s 27, 1979 ex.s. c 176 s 6, 1977 ex.s. c 3 s 3, 1975 1st ex.s. c 287 s 2, 1974 ex.s. c 130 s 1, 1971 ex.s. c 284 s 1, 1967 c 32 s 68, & 1965 ex.s. c 155 s 62; and

(2) 1993 c 239 s 3 (uncodified).

NEW SECTION. Sec. 44. This act shall be known as the "1994 Omnibus Drunk Driving Act."

NEW SECTION. Sec. 45. Section 7 of this act shall expire June 30, 1995.

NEW SECTION. Sec. 46. Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 47. This act shall take effect July 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6047 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6065 with the following amendment(s):

On page 2, line 5, after "defendant." insert "However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6065 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6074 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.625.041 and 1992 c 83 s 1 and 1992 c 50 s 1 are each reenacted and amended to read as follows:

(1) All recipients of the Washington award for excellence in education shall receive a certificate presented by the governor and the superintendent of public instruction, or their designated representatives, at a public ceremony or ceremonies in appropriate locations.

(2) In addition to certificates under subsection (1) of this section, awards for teachers, classified employees, and principals or administrators shall include one of the following:

(a) Except as provided under RCW 28B.80.255, an academic grant which shall be used to take courses at a state institution of higher education. The academic grant shall provide reimbursement to the recipient for actual costs incurred for tuition and fees for up to forty-five quarter credit hours or thirty semester credit hours at a rate of reimbursement per credit hour not to exceed the resident graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credits. In addition, a stipend not to exceed one thousand dollars shall be provided for costs incurred in taking courses covered by the academic grant beginning with 1992 recipients, if funds are appropriated for the stipends in the omnibus appropriations act. This stipend shall be provided as reimbursement for actual costs incurred. The academic grant shall not be considered compensation for the purposes of RCW 28A.400.200; or

(b) A recognition stipend not to exceed one thousand dollars. The recognition stipend shall not be considered compensation for the purposes of RCW 28A.400.200; or

(c) An educational grant not to exceed one thousand dollars. The educational grant shall be awarded under RCW 28A.625.060 and shall not be considered compensation for the purposes of RCW 28A.400.200.

(3) In addition to certificates under subsection (1) of this section, the award for the superintendent shall include one of the following:

(a) A recognition stipend not to exceed one thousand dollars. The recognition stipend shall not be considered compensation for the purposes of RCW 28A.400.200; or

(b) An educational grant not to exceed one thousand dollars. The educational grant shall be awarded under RCW 28A.625.060 and shall not be considered compensation for the purposes of RCW 28A.400.200.

(4) In addition to certificates under subsection (1) of this section, the award for the school board shall include an educational grant not to exceed two thousand five hundred dollars. The educational grant shall be awarded under RCW 28A.625.060.

(5) Within one year of receiving the Washington award for excellence in education, teachers, classified employees, principals or administrators, and the school district superintendent shall notify the superintendent of public instruction in writing of their decision to apply for an academic grant, a recognition stipend, or an educational grant as provided under subsections (2) and (3) of this section. The superintendent shall notify the higher education coordinating board of those recipients who select the academic grant.

(6) This section applies to all individuals named by the office of the superintendent of public instruction as recipients of the Washington award for excellence in education before January 1, 1994.

(7) This section shall expire June 30, 1998.

Sec. 2. RCW 28A.625.060 and 1992 c 50 s 3 are each amended to read as follows:

(1) Teachers, classified employees, principals or administrators, and superintendents who have received an award for excellence in education and choose to apply for an educational grant under RCW 28A.625.041 shall be awarded the grant by the superintendent of public instruction as long as a written grant application is submitted to the superintendent within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used.

(2) This section applies to all individuals named by the office of the superintendent of public instruction as recipients of the Washington award for excellence in education before January 1, 1994.

(3) This section shall expire June 30, 1998.

Sec. 3. RCW 28A.625.065 and 1992 c 83 s 2 are each amended to read as follows:

(1) Courses paid for in full by the academic grant under RCW 28A.625.041(2)(a) shall be completed within four years after the academic grant is received.

(2) This section applies to all individuals named by the office of the superintendent of public instruction as recipients of the Washington award for excellence in education before January 1, 1994.

(3) This section shall expire June 30, 1998.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.625 RCW to read as follows:

(1) All recipients of the Washington award for excellence in education shall receive a certificate presented by the governor and the superintendent of public instruction, or their designated representatives, at a public ceremony or ceremonies in appropriate locations.

(2) In addition to the certificate under subsection (1) of this section, the award for teachers, classified employees, superintendents, and principals or administrators shall include a recognition award in an amount determined in the state operating appropriations act but not less than two thousand five hundred dollars. The recognition award shall not be considered compensation for the purposes of RCW 28A.400.200.

(3) In addition to the certificate under subsection (1) of this section, the award for the school board shall include a recognition award not to exceed two thousand five hundred dollars. The school board must use its recognition award for an educational purpose.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The higher education coordinating board shall adopt rules establishing procedures for recipients of the Washington award for excellence in education academic grant to convert the remaining value of their grant into a recognition award as provided under section 4 of this act, subject to the availability of funds from the legislature to cover this option. This is an option for individuals named by the office of the superintendent of public instruction as recipients of the Washington award for excellence in education before January 1, 1994, who have elected to receive their award in the form of the academic grant. This option shall be exercised only at the discretion of the academic grant recipients.

(2) This section shall expire June 30, 1998.

NEW SECTION. Sec. 6. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1994.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate refuses to concur in the House amendment to Senate Bill No. 6074 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6124 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many homeowners are solicited by siding and roofing contractors to purchase home improvements. Some contractors misrepresent the financing terms or the cost of the improvements, preventing the homeowner from making an informed decision about whether the improvements are affordable. The result is that many homeowners face financial hardship including the loss of their homes through foreclosure. The legislature declares that this is a matter of public interest. It is the intent of the legislature to establish rules of business practice for roofing and siding contractors to promote honesty and fair dealing with homeowners.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Roofing or siding contract" means an agreement between a roofing or siding contractor or salesperson and a homeowner that includes, in part, an agreement to install, repair or replace residential roofing or siding for a total cost including labor and materials in excess of one thousand dollars.

This chapter does not apply to the following contracts:

(a) Residential remodel or repair contracts where the cost specified for roofing or siding is less than twenty percent of the total contract price;

(b) Contracts where the roofing or siding is part of a contract to build a new dwelling or an addition that provides additional living space;

(c) Contracts for emergency repairs made necessary by a natural disaster such as an earthquake, wind storm, or hurricane, or after a fire in the dwelling;

(d) Homes being prepared for resale; or

(e) Roofing or siding contracts in which the homeowner was not directly solicited by a roofing or siding contractor or salesperson.

(2) "Roofing or siding contractor" means a person who owns or operates a contracting business that purports to install, repair, or replace or subcontracts to install, repair, or replace residential roofing or siding.

(3) "Roofing or siding salesperson" means a person who solicits, negotiates, executes, or otherwise endeavors to procure a contract with a homeowner to install, repair, or replace residential roofing or siding on behalf of a roofing or siding contractor.

(4) "Residential roofing or siding" means roofing or siding installation, repair or replacement for an existing single-family dwelling or multiple family dwelling of four or less units, provided that this does not apply to a residence under construction.

(5) "Person" includes an individual, corporation, company, partnership, joint venture, or a business entity.

(6) "Siding" means material used to cover the exterior walls of a residential dwelling, excluding paint application.

(7) "Solicit" means to initiate contact with the homeowner, either in person or by telephone, for the sole purpose of attempting to sell residential roofing or siding contracts as covered under this chapter, where the homeowner has expressed no previous interest in purchasing or obtaining information regarding residential roofing or siding. "Solicit" also means the use of promotional fliers, mailings, or newspaper advertisements which offer a reward in the form of cash, property, or services merely as an incentive to contact the roofing or siding contractor or salesperson. "Solicit" does not mean:

(a) Calls made in response to a request or inquiry by the called party; or

(b) Calls made to homeowners who have prior business or personal contact with the residential roofing or siding contractor or salesperson.

NEW SECTION. Sec. 3. A roofing or siding contract shall be in writing. A copy of the contract shall be given to the homeowner at the time the homeowner signs the contract. The contract shall be typed or printed legibly and contain the following provisions:

(1) An itemized list of all work to be performed;

(2) The grade, quality, or brand name of materials to be used;

(3) A statement as to whether all or part of the work is to be subcontracted to another person;

(4) The contract shall require the homeowner to disclose whether he or she intends to obtain a loan in order to pay for all or part of the amount due under the contract;

(5) If the customer indicates that he or she intends to obtain a loan to pay for a portion of the roofing or siding contract, the homeowner shall have the right to rescind the contract within three business days of receiving truth-in-lending disclosures or three business days of receiving written notification that the loan application was denied, whichever date is later; and

(6) The contract shall provide the following notice in ten-point boldface type in capital letters:

"CUSTOMER'S RIGHT TO CANCEL

IF YOU HAVE INDICATED IN THIS CONTRACT THAT YOU INTEND TO OBTAIN A LOAN TO PAY FOR ALL OR PART OF THE WORK SPECIFIED IN THE CONTRACT, YOU HAVE THE RIGHT TO CHANGE YOUR MIND AND CANCEL THIS CONTRACT WITHIN THREE DAYS OF THE DATE WHEN THE LENDER PROVIDES YOU WITH YOUR TRUTH-IN-LENDING DISCLOSURE STATEMENT OR THE DATE WHEN YOU RECEIVE WRITTEN NOTIFICATION THAT YOUR LOAN WAS DENIED.

BE SURE THAT ALL PROMISES MADE BY YOUR CONTRACTOR ARE PUT IN WRITING BEFORE YOU SIGN THIS CONTRACT."

NEW SECTION. Sec. 4. If the customer indicates that he or she intends to obtain a loan to pay for all or part of the cost of the roofing or siding contract, the roofing or siding contractor shall not begin work until after the homeowner's rescission rights provided in section 3(6) of this act

have expired. If the roofing or siding contractor commences work under the contract before the homeowner's rescission rights have expired, the roofing or siding contractor or salesperson shall be prohibited from enforcing terms of the contract, including claims for labor or materials, in a court of law and shall terminate any security interest or statutory lien created under the transaction within twenty days of receiving written rescission of the contract from the customer.

NEW SECTION. Sec. 5. A person who purchases or is otherwise assigned a roofing or siding contract shall be subject to all claims and defenses with respect to the contract that the homeowner could assert against the siding or roofing contractor or salesperson. A person who sells or otherwise assigns a roofing or siding contract shall include a prominent notice of the potential liability under this section.

NEW SECTION. Sec. 6. The legislature finds and declares that a violation of this chapter substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce as set forth under chapter 19.86 RCW.

NEW SECTION. Sec. 7. A roofing or siding contractor or salesperson who fails to comply with the requirements of this chapter shall be liable to the homeowner for any actual damages sustained by the person as a result of the failure. Nothing in this section shall limit any cause of action or remedy available under section 6 of this act or chapter 19.86 RCW.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act shall constitute a new chapter in Title 19 RCW.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6124 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6138 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.76.020 and 1975 1st ex.s. c 260 s 9A.76.020 are each amended to read as follows:

~~((Every person who, (1) without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public servant, or (2) in any such statement or report shall make any knowingly untrue statement to a public servant, or (3) shall knowingly hinder, delay, or obstruct any public servant in the discharge of his official powers or duties; shall be guilty of a misdemeanor.))~~

(1) A person is guilty of obstructing a law enforcement officer if the person:

(a) Willfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest; or

(b) Willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

(2) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

(3) Obstructing a law enforcement officer is a gross misdemeanor.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6138 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6138 and the House amendment thereto: Senators Adam Smith, Schow and Ludwig.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6255 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 1993 c 241 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years(;;).

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior

to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist((;)).

((3)) (5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter((;)).

((4)) (7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means family preservation services, as defined in RCW 74.14C.010, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

Sec. 2. RCW 13.34.120 and 1993 c 412 s 8 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocates report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 3. RCW 74.14C.070 and 1992 c 214 s 9 are each amended to read as follows:

After July 1, 1993, the secretary of social and health services, or the secretary's regional designee, may transfer funds appropriated for foster care services to purchase family preservation services and other preventive services for children at imminent risk of foster care placement. The secretary shall notify the appropriate committees of the senate and house of representatives of any transfers under this section. The secretary shall include caseload, expenditure, cost avoidance, identified improvements to the foster care system, and outcome data related to the transfer in the notification.

Sec. 4. RCW 13.34.130 and 1992 c 145 s 14 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, ((as now or hereafter amended,)) it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030((2)); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;
(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) ~~(A permanent plan of care that may include one of the following: Return of the child to the home of the child's parent, adoption, guardianship, or long-term placement with a relative or in foster care with a written agreement.)~~ A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 5. RCW 13.34.145 and 1993 c 412 s 1 are each amended to read as follows:

(1) ~~(In all cases where a child has been placed in substitute care for at least fifteen months, the agency having custody of the child shall prepare a permanency plan and present it in a hearing held before the court no later than eighteen months following commencement of the placement episode.~~

(2) ~~At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5). In addition the court shall: (a) Approve a permanency plan which shall include one of the following: Adoption, guardianship, placement of the child in the home of the child's parent, relative placement with written permanency plan, or family foster care with written permanency agreement; (b) require filing of a petition for termination of parental rights; or (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond eighteen months, based on the permanency plan. Extensions may only be granted in increments of~~

twelve months or less.) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months.

(2) A permanency planning hearing shall be held in all cases where a child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(3) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than eighteen months following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree or guardianship order is entered, or the dependency is dismissed.

(4) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(5) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5) and shall review the permanency plan prepared by the agency. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(6) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(5), and the court shall determine the need for continued intervention.

(7) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(8) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(5), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(9) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(10) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(11) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 6. RCW 13.34.231 and 1981 c 195 s 2 are each amended to read as follows:

At the hearing on a dependency guardianship petition, all parties have the right to present evidence and cross examine witnesses. The rules of evidence apply to the conduct of the hearing. A guardianship ~~(may)~~ shall be established if the court finds by a preponderance of the evidence that:

(1) The child has been found to be a dependent child under RCW 13.34.030~~((2))~~;

(2) A dispositional order has been entered pursuant to RCW 13.34.130;

(3) The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030~~((2))~~;

(4) The services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;

(5) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(6) A guardianship, rather than termination of the parent-child relationship or continuation of ~~((the child's current dependent status))~~ efforts to return the child to the custody of the parent, would be in the best interest of the ~~((family))~~ child.

Sec. 7. RCW 13.34.232 and 1993 c 412 s 4 are each amended to read as follows:

(1) If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a dependency guardianship for the child. The order shall:

~~((4))~~ (a) Appoint a person or agency to serve as dependency guardian for the limited purpose of assisting the court to supervise the dependency;

~~((2))~~ (b) Specify the dependency guardian's rights and responsibilities concerning the care, custody, and control of the child. A dependency guardian shall not have the authority to consent to the child's adoption;

~~((3))~~ (c) Specify the dependency guardian's authority, if any, to receive, invest, and expend funds, benefits, or property belonging to the child;

(d) Specify an appropriate frequency of visitation between the parent and the child; and

~~((4))~~ (e) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

~~((The order shall not affect the child's status as a dependent child, and the child shall remain dependent for the duration of the guardianship.))~~

(2) Unless the court specifies otherwise in the guardianship order, the dependency guardian shall maintain the physical custody of the child and have the following rights and duties:

(a) Protect, discipline, and educate the child;

(b) Provide food, clothing, shelter, education as required by law, and routine health care for the child;

(c) Consent to necessary health and surgical care and sign a release of health care information to appropriate authorities, pursuant to law;

(d) Consent to social and school activities of the child; and

(e) Provide an annual written accounting to the court regarding receipt by the dependency guardian of any funds, benefits, or property belonging to the child and expenditures made therefrom.

(3) As used in this section, the term "health care" includes, but is not limited to, medical, dental, psychological, and psychiatric care and treatment.

(4) The child shall remain dependent for the duration of the guardianship. While the guardianship remains in effect, the dependency guardian shall be a party to any dependency proceedings pertaining to the child.

(5) The guardianship shall remain in effect only until the child is eighteen years of age or until the court terminates the guardianship order, whichever occurs sooner.

Sec. 8. RCW 13.34.233 and 1981 c 195 s 4 are each amended to read as follows:

(1) Any party may ((seek a modification of the)) request the court to modify or terminate a dependency guardianship order under RCW 13.34.150. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice shall in all cases be served upon the department of social and health services. If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to initiate a proceeding to modify or terminate a guardianship and the right to intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party or the department if the court finds by a preponderance of the evidence that there has been a change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. Unless all parties agree to entry of an order modifying or terminating the guardianship, the court shall hold a hearing on the motion.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department of social and health services or a licensed child-placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.130(5) and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 9. RCW 13.34.234 and 1981 c 195 s 5 are each amended to read as follows:

Establishment of a dependency guardianship under RCW 13.34.231 and 13.34.232 does not preclude ((a)) the dependency guardian from receiving foster care payments.

Sec. 10. RCW 13.34.236 and 1981 c 195 s 7 are each amended to read as follows:

(1) Any person over the age of twenty-one years who is not otherwise disqualified by this section, any nonprofit corporation, or any Indian tribe may be appointed the dependency guardian of a child under RCW 13.34.232. No person is qualified to serve as a dependency guardian ((who: (1) is of unsound mind; (2) has been convicted of a felony or misdemeanor involving moral turpitude; or (3) is a person whom the court finds unsuitable)) unless the person meets the minimum requirements to care for children as provided in RCW 74.15.030.

(2) If the preferences of a child's parent were not considered under RCW 13.34.260 as they relate to the proposed dependency guardian, the court shall consider such preferences before appointing the dependency guardian.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 6255 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6278 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 67.28.210 and 1993 c 197 s 1 and 1993 c 46 s 1 are each reenacted and amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.240, and 67.28.260 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes: PROVIDED FURTHER, That any city bordering on the Pacific Ocean with a population of not less than one thousand and the county in which such a city is located may use the proceeds of such taxes for funding special events or festivals, or promotional infrastructures including but not limited to an ocean beach boardwalk: PROVIDED FURTHER, That any county which imposes a tax under RCW 67.28.182 or any city with a population less than fifty thousand in such county may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any ((county)) city or town, if the city or town has a population less than five thousand, may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6278 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6278 and the House amendment thereto: Senators Loveland, Winsley and Haugen.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6547 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the current complex set of rules and regulations, audited and administered at multiple levels of the mental health system, focus primarily on the process of providing mental health services and do not sufficiently address consumer and system outcomes. To this extent, the legislature finds that the intent of RCW 71.24.015 related to reduced administrative layering, duplication, and reduced administrative costs need much more aggressive action.

NEW SECTION. Sec. 2. The department of social and health services shall establish a single comprehensive and collaborative project within regional support networks and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in section 1 of this act and to capture the diversity of the community mental health service delivery system.

The project must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all appropriated funds used to provide mental health services. Assessment must be made regarding the feasibility of also including federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and regional support networks. Such outcomes shall be consistent with the goals specified in RCW 71.24.015 and focus on achieving family and consumer satisfaction with services, and outcomes related to out-of-home and hospital care, housing, age-appropriate activities, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and regional support networks and mental health service providers that link financial incentives to the success or failure of mental health service providers and regional support networks to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives in the pilot projects. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients and other related aspects of the pilot projects; and

(6) An independent evaluation component to measure the success of the projects.

NEW SECTION. Sec. 3. The project established in section 2 of this act must be implemented by July 1, 1995, in from two to six regional support networks, with annual progress reports submitted to the appropriate committees of the legislature beginning November 1, 1994, and in all regional support networks state-wide with full implementation of the most effective and efficient practices identified by the evaluation in section 2 of this act no later than July 1, 1997. In addition, the department of social and health services, the participating regional support networks, and the local mental health service providers shall report to the appropriate policy and fiscal committees of the legislature on the need for any changes in state statute, rule, policy, or procedure, and any change in federal statute, regulation, policy, or procedure to ensure the purposes specified in section 1 of this act are carried out.

NEW SECTION. Sec. 4. To carry out the purposes specified in section 1 of this act, the department of social and health services is encouraged to utilize its authority to immediately eliminate any unnecessary rules, regulations, standards, or contracts, to immediately eliminate duplication of audits or any other unnecessarily duplicated functions, and to seek any waivers of federal or state rules or regulations necessary to achieve the purpose of streamlining the mental health system and infusing it with incentives that reward efficiency, positive outcomes for clients, and quality services.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 71.24 RCW., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6547 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6204 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 79.01.805 and 1993 c 283 s 3 are each amended to read as follows:

(1) The maximum daily wet weight harvest or possession of seaweed for personal use from all ~~((private and public tidelands and state bedlands))~~ aquatic lands as defined under RCW 79.90.010 and all privately owned tidelands is ten pounds per person. The department of natural resources in cooperation with the department of ~~((fisheries))~~ fish and wildlife may establish seaweed harvest limits of less than ten pounds for conservation purposes. This section shall in no way affect the ability of any state agency to prevent harvest of any species of marine aquatic plant from lands under its control, ownership, or management.

(2) Except as provided under subsection (3) of this section, commercial harvesting of seaweed from aquatic lands as defined under RCW 79.90.010, and all privately owned tidelands is prohibited. This subsection shall in no way affect commercial seaweed aquaculture.

(3) Upon mutual approval by the department and the department of fish and wildlife, seaweed species of the genus Macrocyctis may be commercially harvested for use in the herring spawn-on-kelp fishery.

Sec. 2. RCW 79.01.810 and 1993 c 283 s 4 are each amended to read as follows:

~~((A violation of RCW 79.01.805 is an infraction under chapter 7.84 RCW, punishable by a penalty of one hundred dollars.))~~

It is unlawful to exceed the harvest and possession restrictions imposed under RCW 79.01.805. A violation of this section is a misdemeanor punishable in accordance with RCW 9.92.030, and a violation taking place on aquatic lands is subject to the provisions of RCW 79.01.760. A person committing a violation of this section on private tidelands which he or she owns is liable to the state for treble the amount of damages to the seaweed resource, and a person trespassing on private tidelands and committing a violation of this section is liable to the private tideland owner for treble the amount of damages to the seaweed resource. Damages recoverable include, but are not limited to, damages for the market value of the seaweed, for injury to the aquatic ecosystem, and for the costs of restoration. In addition, the person is liable for reimbursing the injured party for the party's reasonable costs, including but not limited to investigative costs and reasonable attorneys' fees and other litigation-related costs.

Sec. 3. RCW 79.01.815 and 1993 c 283 s 5 are each amended to read as follows:

The department of ~~((fisheries))~~ fish and wildlife and law enforcement authorities may enforce the provisions of RCW 79.01.805 and 79.01.810.

NEW SECTION. **Sec. 4.** RCW 79.01.820 and 1993 c 283 s 6 are each repealed.

NEW SECTION. **Sec. 5.** RCW 79.96.907 is decodified.

NEW SECTION. **Sec. 6.** This act shall take effect July 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6204 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6204 and the House amendment thereto: Senators Snyder, Oke and Owen.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5449 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 4.56.100 and 1983 c 28 s 1 are each amended to read as follows:

(1) When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such satisfaction by him may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

(2) The department of social and health services shall file a satisfaction of judgment for welfare fraud conviction if a person does not pay money through the clerk as required under subsection (1) of this section.

(3) The department of corrections shall file a satisfaction of judgment if a person does not pay money through the clerk's office as required under subsection (1) of this section.

Sec. 2. RCW 4.64.030 and 1987 c 442 s 1107 are each amended to read as follows:

The clerk shall enter all judgments in the execution docket, subject to the direction of the court and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action.

On the first page of each judgment which provides for the payment of money, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. This information is included in the judgment to assist the county clerk in his or her record-keeping function. The clerk may not sign or file a judgment, and a judgment does not take effect, until the judgment has a summary in compliance with this section. The clerk is not liable for an incorrect summary.

Sec. 3. RCW 6.21.110 and 1987 c 442 s 611 are each amended to read as follows:

(1) Upon the return of any sale of real estate, the clerk: (a) shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; (b) shall mail notice of the filing of the return of sale to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them; (c) shall file proof of such mailing in the action; (d) shall apply the proceeds of the sale returned by the sheriff, or so much thereof as may be necessary, to satisfaction of the judgment, including interest as provided in the judgment, and shall pay any excess proceeds as provided in subsection (5) of this section by direction of court order; and (e) upon confirmation of the sale, shall deliver the original certificate of sale to the purchaser.

(2) The judgment creditor or successful purchaser at the sheriff's sale is entitled to an order confirming the sale at any time after twenty days have elapsed from the mailing of the notice of the filing of the sheriff's return, on motion with notice given to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them, unless the judgment debtor, or in case of the judgment debtor's death, the representative, or any nondefaulting party to whom notice was sent shall file objections to confirmation with the clerk within twenty days after the mailing of the notice of the filing of such return.

(3) If objections to confirmation are filed, the court shall nevertheless allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received as of that date.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. If on resale the property sells for a greater amount to any person other than the former purchaser, the clerk shall first repay to the former purchaser out of the proceeds of the resale the amount of the former purchaser's bid together with interest as is provided in the judgment.

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or the judgment debtor's representative, as the case may be, before the order is made upon the motion to confirm the sale only if the party files with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; otherwise the excess proceeds shall remain in the custody of the clerk until the sale of the property has been disposed of; but if the sale be confirmed, such excess proceeds shall be paid to the judgment debtor or representative as a matter of course.

(6) The purchaser shall file the original certificate of sale for record with the recording officer in the county in which the property is located.

Sec. 4. RCW 36.48.090 and 1987 c 363 s 4 are each amended to read as follows:

Whenever the clerk of the superior court has funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds. However, in the case of child support payments, the clerk may send the checks or drafts directly to the recipient or endorse the instrument to the recipient and the clerk is not required to deposit such funds. In processing child support payments, the clerk shall comply with RCW 26.09.120. The clerk may invest the funds in any of the investments authorized by RCW 36.29.020. The clerk shall place the income from such investments in the county current expense fund to be used by the county for general county purposes unless: (1) The funds being held in trust in a particular matter are two thousand dollars or more, and (2) a litigant in the matter has filed a written request that such investment be made of the funds being held in trust (~~and the income be paid to the beneficiary~~). Interest income accrued from the date of filing of the written request for investment shall be paid to the beneficiary. In such an event, any income from such investment shall be paid to the beneficiary of such trust upon the termination thereof: PROVIDED, That five percent of the income shall be deducted by the clerk as an investment service fee and placed in the county current expense fund to be used by the county for general county purposes.

In any matter where funds are held in the clerk's trust fund, any litigant who is not represented by an attorney and who has appeared in matters where the funds held are two thousand dollars or more shall receive written notice of the provisions of this section from the clerk.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5449 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5449 and the House amendment thereto: Senators Adam Smith, Schow and Hargrove.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6007 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

"PURPOSE

NEW SECTION. Sec. 1. The purpose of this act is to make certain technical corrections and correct oversights discovered only after unanticipated circumstances have arisen. These changes are necessary to give full expression to the original intent of the legislature.

PART I - SENTENCING FOR ATTEMPTED MURDER

Sec. 101. RCW 9A.28.020 and 1981 c 203 s 3 are each amended to read as follows:

(1) A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree, murder in the second degree, or arson in the first degree;
(b) Class B felony when the crime attempted is a class A felony other than murder in the first degree, murder in the second degree, or arson in the first degree;

(c) Class C felony when the crime attempted is a class B felony;

(d) Gross misdemeanor when the crime attempted is a class C felony;

(e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

PART II - WITNESS INTIMIDATION/TAMPERING

NEW SECTION. Sec. 201. The legislature finds that witness intimidation and witness tampering serve to thwart both the effective prosecution of criminal conduct in the state of Washington and resolution of child dependencies.

Further, the legislature finds that intimidating persons who have information pertaining to a future proceeding serves to prevent both the bringing of a charge and prosecution of such future proceeding. The legislature finds that the period before a crime or child abuse or neglect is reported is when a victim is most vulnerable to influence, both from the defendant or from people acting on behalf of the defendant and a time when the defendant is most able to threaten, bribe, and/or persuade potential witnesses to leave the jurisdiction or withhold information from law enforcement agencies.

The legislature moreover finds that a criminal defendant's admonishment or demand to a witness to "drop the charges" is intimidating to witnesses or other persons with information relevant to a criminal proceeding.

The legislature finds, therefore, that tampering with and/or intimidating witnesses or other persons with information relevant to a present or future criminal or child dependency proceeding are grave offenses which adversely impact the state's ability to promote public safety and prosecute criminal behavior.

Sec. 202. RCW 9A.72.090 and 1982 1st ex.s. c 47 s 16 are each amended to read as follows:

(1) A person is guilty of bribing a witness if he or she offers, confers, or agrees to confer any benefit upon a witness or a person he or she has reason to believe is about to be called as a witness in any official proceeding or upon a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child, with intent to:

(a) Influence the testimony of that person; or

(b) Induce that person to avoid legal process summoning him or her to testify; or

(c) Induce that person to absent himself or herself from an official proceeding to which he or she has been legally summoned; or

(d) Induce that person to refrain from reporting information relevant to a criminal investigation or the abuse or neglect of a minor child.

(2) Bribing a witness is a class B felony.

Sec. 203. RCW 9A.72.100 and 1982 1st ex.s. c 47 s 17 are each amended to read as follows:

(1) A witness or a person who has reason to believe he or she is about to be called as a witness in any official proceeding or that he or she may have information relevant to a criminal investigation or the abuse or neglect of a minor child is guilty of bribe receiving by a witness if he or she requests, accepts, or agrees to accept any benefit pursuant to an agreement or understanding that:

(a) ((He)) The person's testimony will thereby be influenced; or

(b) ((He)) The person will attempt to avoid legal process summoning him or her to testify; or

(c) ((He)) The person will attempt to absent himself or herself from an official proceeding to which he or she has been legally summoned; or

(d) The person will not report information he or she has relevant to a criminal investigation or the abuse or neglect of a minor child.

(2) Bribe receiving by a witness is a class B felony.

Sec. 204. RCW 9A.72.110 and 1985 c 327 s 2 are each amended to read as follows:

(1) A person is guilty of intimidating a witness if a person directs a threat to a former witness because of the witness' testimony in any official proceeding, or if, by use of a threat directed to a current witness or a person he or she has reason to believe is about to be called as a witness in any official proceeding or to a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child, he or she attempts to:

(a) Influence the testimony of that person; or

(b) Induce that person to elude legal process summoning him or her to testify; or

(c) Induce that person to absent himself or herself from such proceedings; or

(d) Induce that person not to report the information relevant to a criminal investigation or the abuse or neglect of a minor child, not to prosecute the crime or the abuse or neglect of a minor child, not to have the crime or the abuse or neglect of a minor child prosecuted, or not to give truthful or complete information relevant to a criminal investigation or the abuse or neglect of a minor child.

(2) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in RCW 9A.04.110(25).

(3) Intimidating a witness is a class B felony.

Sec. 205. RCW 9A.72.120 and 1982 1st ex.s. c 47 s 19 are each amended to read as follows:

(1) A person is guilty of tampering with a witness if he or she attempts to induce a witness or person he or she has reason to believe is about to be called as a witness in any official proceeding or a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child to:

(a) Testify falsely or, without right or privilege to do so, to withhold any testimony; or

(b) Absent himself or herself from such proceedings; or

(c) Withhold from a law enforcement agency information which he or she has relevant to a criminal investigation or the abuse or neglect of a minor child to the agency.

(2) Tampering with a witness is a class C felony.

PART III - CHILD MOLESTATION

NEW SECTION. Sec. 301. The legislature hereby reaffirms its desire to protect the children of Washington from sexual abuse and further reaffirms its condemnation of child sexual abuse that takes the form of causing one child to engage in sexual contact with another child for the sexual gratification of the one causing such activities to take place.

Sec. 302. RCW 9A.44.010 and 1993 c 477 s 1 are each amended to read as follows:

As used in this chapter:

- (1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and
 - (b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and
 - (c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.
 - (2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.
 - (3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.
 - (4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.
 - (5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
 - (6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.
 - (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
 - (8) "Significant relationship" means a situation in which the perpetrator is:
 - (a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors; or
 - (b) A person who in the course of his or her employment supervises minors.
 - (9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.
 - (10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.
 - (11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.
 - (12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020(2).
 - (13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).
 - (14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered or certified under chapter 18.19 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.
 - (15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.
- Sec. 302.** RCW 9A.44.083 and 1990 c 3 s 902 are each amended to read as follows:
- (1) A person is guilty of child molestation in the first degree when the person has or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.
 - (2) Child molestation in the first degree is a class A felony.
- Sec. 303.** RCW 9A.44.086 and 1988 c 145 s 6 are each amended to read as follows:
- (1) A person is guilty of child molestation in the second degree when the person has or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.
 - (2) Child molestation in the second degree is a class B felony.
- Sec. 304.** RCW 9A.44.089 and 1988 c 145 s 7 are each amended to read as follows:
- (1) A person is guilty of child molestation in the third degree when the person has or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.
 - (2) Child molestation in the third degree is a class C felony.
- Sec. 305.** RCW 9A.44.093 and 1988 c 145 s 8 are each amended to read as follows:
- (1) A person is guilty of sexual misconduct with a minor in the first degree when the person has or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim.
 - (2) Sexual misconduct with a minor in the first degree is a class C felony.
- Sec. 306.** RCW 9A.44.096 and 1988 c 145 s 9 are each amended to read as follows:
- (1) A person is guilty of sexual misconduct with a minor in the second degree when the person has or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a

supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

PART IV - DNA IDENTIFICATION

NEW SECTION. Sec. 401. The legislature finds that DNA identification analysis is an accurate and useful law enforcement tool for identifying and prosecuting sexual and violent offenders. The legislature further finds no compelling reason to exclude juvenile sexual and juvenile violent offenders from DNA identification analysis.

Sec. 402. RCW 43.43.754 and 1990 c 230 s 3 are each amended to read as follows:

~~((After July 1, 1990,))~~ Every adult or juvenile individual convicted ~~((in a Washington superior court))~~ of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under RCW 9.94A.030~~((29)(a))~~ (31)(a) or a violent offense as defined in RCW 9.94A.030~~((32))~~ shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses ~~((after July 1, 1990,))~~ or adjudicated guilty of an equivalent juvenile offense who are serving a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples prior to release from the county jail or detention facility. For persons convicted of such offenses ~~((after July 1, 1990,))~~ or adjudicated guilty of an equivalent juvenile offense, who are serving a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the ~~((department))~~ facility holding the person shall be responsible for obtaining blood samples prior to release from such facility. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

~~This section applies to all adults who are convicted after July 1, 1990. This section applies to all juveniles who are adjudicated guilty after July 1, 1994.~~

PART V - TOXICOLOGIST AS WITNESS

Sec. 501. RCW 43.43.680 and 1992 c 129 s 1 are each amended to read as follows:

(1) In all prosecutions involving the analysis of a controlled substance or a sample of a controlled substance by the crime laboratory system of the state patrol, a certified copy of the analytical report signed by the supervisor of the state patrol's crime laboratory or the forensic scientist conducting the analysis is prima facie evidence of the results of the analytical findings.

(2) The defendant or a prosecutor may subpoena the forensic scientist who conducted the analysis of the substance to testify at the preliminary hearing and trial of the issue at no cost to the defendant, if the subpoena is issued at least ten days prior to the trial date.

(3) In all prosecutions involving the analysis of a certified simulator solution by the Washington state toxicology laboratory of the University of Washington, a certified copy of the analytical report signed by the state toxicologist or the toxicologist conducting the analysis is prima facie evidence of the results of the analytical findings, and of certification of the simulator solution used in the BAC verifier datamaster or any other alcohol/breath-testing equipment subsequently adopted by rule.

(4) The defendant of a prosecution may subpoena the toxicologist who conducted the analysis of the simulator solution to testify at the preliminary hearing and trial of the issue at no cost to the defendant, if thirty days prior to issuing the subpoena the defendant gives the state toxicologist notice of the defendant's intention to require the toxicologist's appearance.

PART VI - RESTITUTION

Sec. 601. RCW 9.94A.140 and 1989 c 252 s 5 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years ~~((subsequent to the imposition of sentence))~~ following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

Sec. 602. RCW 9.94A.142 and 1989 c 252 s 6 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court

pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years (~~subsequent to the imposition of sentence~~) following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

PART VII - BAIL JUMPING

NEW SECTION. Sec. 701. RCW 10.19.130 and 1975 1st ex.s. c 2 s 1 are each repealed.

PART VIII - MISCELLANEOUS

NEW SECTION. Sec. 801. Part headings and the table of contents as used in this act do not constitute any part of the law.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6007 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6007 and the House amendment thereto: Senators Adam Smith, Schow and Ludwig.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MOTION

At 12:23 p.m., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:38 p.m. by President Pritchard.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Ludwig, Gubernatorial Appointment No. 9338, Judge Marcus M. Kelly, as a member of the Sentencing Guidelines Commission, was confirmed.

CONFIRMATION OF JUDGE MARCUS M. KELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 9; Excused, 1.

Voting yea: Senators Amondson, Anderson, Cantu, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince,

Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 39.

Absent: Senators Bauer, Bluechel, Deccio, Gaspard, Pelz, Quigley, Rinehart, Snyder and Vogniild - 9.

Excused: Senator Roach - 1.

MOTION

At 1:46 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:51 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has failed to pass SUBSTITUTE SENATE BILL NO. 6099.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5038 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of chapter . . . , Laws of 1994 (this act) is to establish a flexible process by which local governments enter into service agreements that will establish which jurisdictions should provide various local government services and facilities within specified geographic areas and how those services and facilities will be financed.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means a city or town, including a city operating under Title 35A RCW.

(2) "Governmental service" includes a service provided by local government, and any facilities and equipment related to the provision of such services, including but not limited to utility services, health services, social services, law enforcement services, fire prevention and suppression services, community development activities, environmental protection activities, economic development activities, and transportation services and facilities, but shall not include the generation, conservation, or distribution of electrical energy nor maritime shipping activities.

(3) "Regional service" means a governmental service established by agreement among local governments that delineates the government entity or entities responsible for the service provision and allows for that delivery to extend over jurisdictional boundaries.

(4) "Local government" means a county, city, or special district.

(5) "Service agreement" means an agreement among counties, cities, and special districts established pursuant to this chapter.

(6) "Special district" means a municipal or quasi-municipal corporation in the state, other than a county, city, or school district.

NEW SECTION. Sec. 3. A service agreement addressing children and family services shall enhance coordination and shall be consistent with the comprehensive plan developed under chapter . . . , Laws of 1994 (Engrossed Second Substitute House Bill No. 2319 or Second Substitute Senate Bill No. 6174).

NEW SECTION. Sec. 4. (1) Agreements among local governments concerning one or more governmental service should be established for a designated geographic area as provided in this section.

(2) A service agreement must describe: (a) The governmental service or services addressed by the agreement; (b) the geographic area covered by the agreement; (c) which local government or local governments are to provide each of the governmental services addressed by the agreement within the geographic area covered by the agreement; and (d) the term of the agreement, if any.

(3) A service agreement becomes effective when approved by: (a) The county legislative authority of each county that includes territory located within the geographic area covered by the agreement; (b) the governing body or bodies of at least a simple majority of the total number of cities that includes territory located within the geographic area covered by the agreement, which cities include at least seventy-five percent of the total population of all cities that includes territory located within the geographic area covered by the agreement; and (c) for each governmental service addressed by the agreement, the governing body or bodies of at least a simple majority of the special districts that include territory located within the geographic area covered by the agreement and which provide the governmental service within such territory. The participants may agree to use another formula. An agreement pursuant to this section shall be effective upon adoption by the county legislative authority following a public hearing.

(4) A service agreement may cover a geographic area that includes territory located in more than a single county.

NEW SECTION. Sec. 5. A service agreement may include, but is not limited to, any or all of the following matters:

(1) A dispute resolution arrangement;

(2) How joint land-use planning and development regulations by the county and a city or cities, or by two or more cities, may be established, made binding, and enforced;

(3) How common development standards between the county and a city or cities, or between two or more cities, may be established, made binding, and enforced;

(4) How capital improvement plans of the county, cities, and special districts shall be coordinated;

(5) How plans and policies adopted under chapter 36.70A RCW will be implemented by the service agreement;

(6) A transfer of revenues between local governments in relationship to their obligations for providing governmental services;

(7) The designation of additional area-wide governmental services to be provided by the county.

NEW SECTION. Sec. 6. (1) The county legislative authority of every county with a population of one hundred fifty thousand or more shall convene a meeting on or before March 1, 1995, to develop a process for the establishment of service agreements. Invitations to attend this meeting shall be sent to the governing body of each city located in the county, and to the governing body of each special district located in the county that provides one or more of the governmental services as defined in section 2(2) of this act.

The legislative authorities of counties of less than one hundred fifty thousand population may utilize this chapter by adopting a resolution stating their intent to do so. In that case or in the case of counties whose populations reach one hundred fifty thousand after March 1, 1995, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management as having a population of one hundred fifty thousand or more.

(2) On or before January 1, 1997, a service agreement must be adopted in each county under this chapter or a progress report must be submitted to the appropriate committees of the legislature.

(3) In other counties that choose to utilize this chapter or whose population reaches one hundred fifty thousand, the service agreement must be adopted two years after the initial meeting provided for in subsection (1) of this section is convened or a progress report must be submitted to the appropriate committees of the legislature.

NEW SECTION. Sec. 7. It is the intent of the legislature to permit the creation of a flexible process to establish service agreements and to recognize that local governments possess broad authority to shape a variety of government service agreements to meet their local needs and circumstances. However, it is noted that in general, cities are the unit of local government most appropriate to provide urban governmental services and counties are the unit of local government most appropriate to provide regional governmental services.

The process to establish service agreements should assure that all directly affected local governments, and Indian tribes at their option, are allowed to be heard on issues relevant to them.

NEW SECTION. Sec. 8. Nothing contained in this chapter alters the duties, requirements, and authorities of cities and counties contained in chapter 36.70A RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 46.68 RCW to read as follows:

Funds that are distributed to counties, cities, or towns pursuant to this chapter may be transferred by the recipient county, city, or town to another unit of local government pursuant to a government service agreement as provided in sections 4 and 5 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 66.08 RCW to read as follows:

Funds that are distributed to counties, cities, or towns pursuant to this chapter may be transferred by the recipient county, city, or town to another unit of government pursuant to a government service agreement as provided in sections 4 and 5 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 82.14 RCW to read as follows:

The rate of sales and use tax imposed by a city under RCW 82.14.030 (1) and (2) may be altered pursuant to a government service agreement as provided in sections 4 and 5 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 82.14 RCW to read as follows:

The percentage of a city's sales and use tax receipts that a county receives under RCW 82.14.030 (1) and (2) may be altered pursuant to a government service agreement as provided in sections 4 and 5 of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 82.14 RCW to read as follows:

Funds that are distributed to counties or cities pursuant to RCW 82.14.200 or 82.14.210 may be transferred by the recipient county or city to another unit of local government pursuant to a government service agreement as provided in sections 4 and 5 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 82.44 RCW to read as follows:

Funds that are distributed to cities or towns pursuant to RCW 82.44.150 may be transferred by the recipient city or town to another unit of local government pursuant to a government service agreement as provided in sections 4 and 5 of this act.

Sec. 15. RCW 3.62.070 and 1993 c 317 s 8 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited or a monetary penalty paid to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every criminal or traffic infraction action filed by a city for an ordinance violation, the city shall be charged a filing fee. Fees shall be determined pursuant to an agreement as provided for in chapter 39.34 RCW, the interlocal cooperation act, between the city and the county providing the court service. In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city. In all other criminal or traffic infraction actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs.

~~((If, one hundred twenty days before the expiration of an existing contract under this section, the city and the county are unable to agree on terms for renewal, the matter shall be submitted to binding arbitration.))~~ In the event no agreement is reached between a city and the county providing the court service, either party may invoke binding arbitration on the fee issue by notice to the other party. In the case of establishing initial fees, the notice shall be thirty days. In the case of renewal or proposed nonrenewal, the notice shall be given one hundred twenty days prior to the expiration of the existing contract. In the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional costs borne by the county in providing district court services for such city. The city and the county shall each select one arbitrator, the two of whom shall pick a third arbitrator. The existing contract shall remain in effect until a new agreement is reached or until an arbitration award is made.

NEW SECTION. Sec. 16. Section 15 of this act shall take effect January 1, 1995.

NEW SECTION. Sec. 17. Sections 1 through 8 of this act shall constitute a new chapter in Title 36 RCW.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5038.

MOTION

On motion of Senator Drew, Senators Niemi, Rinehart and Sheldon were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5038, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5038, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognoild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Cantu - 1.

Excused: Senators Niemi, Rinehart and Sheldon - 3.

SUBSTITUTE SENATE BILL NO. 5038, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5341 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.61.502 or 46.61.504 or any similar municipal ordinance, if such person has a previous conviction for violation of either RCW 46.61.502 or 46.61.504 or other similar municipal ordinance, and where the offense occurs within a five-year period of the previous conviction, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On a second or subsequent conviction for a violation of either RCW 46.61.502 or 46.61.504 or any similar municipal ordinance where such offense was committed within a five-year period of the previous conviction, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, is subject to seizure and forfeiture pursuant to this section.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under Title 46 RCW or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1) (a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

Sec. 2. RCW 46.12.270 and 1993 c 487 s 6 are each amended to read as follows:

Any person violating RCW 46.12.250() or 46.12.260() or 46.12.440) or who transfers, sells, or encumbers an interest in a vehicle in violation of section 1 of this act, with actual notice of the prohibition, is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) RCW 46.61.511 and 1993 c 487 s 2;
- (2) RCW 46.61.512 and 1993 c 487 s 3;
- (3) RCW 46.12.400 and 1993 c 487 s 4; and
- (4) RCW 46.12.410 and 1993 c 487 s 5.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5341.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5341, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5341, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Prince - 1.

Excused: Senators Niemi, Rinehart and Sheldon - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5341, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5698 with the following amendment(s):

On page 3, line 1, strike all of new section 3

On page 3, after line 5, insert:

"NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1994, in the omnibus appropriations act, this act is null and void."

Re-number remaining sections consecutively and correct internal references accordingly., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Bluechel, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5698.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5698, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5698, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Hargrove - 1.

Excused: Senators Niemi, Rinehart and Sheldon - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5698, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senators Hargrove and Skratek were excused.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5714 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5 and 7 of this act.

(1) "Borrower" means a person who receives a loan or enters into a retail installment contract under chapter 63.14 RCW to purchase a motor vehicle or vessel in which the secured party holds an interest.

(2) "Motor vehicle" means a motor vehicle in this state subject to registration under chapter 46.16 RCW, except motor vehicles governed by RCW 46.16.020 or registered with the Washington utilities and transportation commission as common or contract carriers.

(3) "Secured party" means a person, corporation, association, partnership, or venture that possesses a bona fide security interest in a motor vehicle or vessel.

(4) "Vendor single-interest" or "collateral protection coverage" means insurance coverage insuring primarily or solely the interest of a secured party but which may include the interest of the borrower in a motor vehicle or vessel serving as collateral and obtained by the secured party or its agent after the borrower has failed to obtain or maintain insurance coverage required by the financing agreement for the motor vehicle or vessel. Vendor single-interest or collateral protection coverage does not include insurance coverage purchased by a secured party for which the borrower is not charged.

(5) "Vessel" means a vessel as defined in RCW 88.02.010 and includes personal watercraft as defined in RCW 88.12.010.

NEW SECTION. Sec. 2. In a contract or loan agreement, or on a separate document accompanying the contract or loan agreement and signed by the borrower, that provides financing for a motor vehicle or vessel and authorizes a secured party to purchase vendor single interest or collateral protection coverage, the following or substantially similar warning must be set forth in ten-point print:

WARNING

UNLESS YOU PROVIDE US WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY OUR LOAN AGREEMENT, WE MAY PURCHASE INSURANCE AT YOUR EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF THE COLLATERAL BECOMES DAMAGED, THE COVERAGE WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR ANY CLAIM MADE AGAINST YOU. YOU MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT YOU HAVE OBTAINED PROPER COVERAGE ELSEWHERE.

YOU ARE RESPONSIBLE FOR THE COST OF ANY INSURANCE PURCHASED BY US. THE COST OF THIS INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE. IF THE COST IS ADDED TO THE LOAN BALANCE, THE INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE YOUR PRIOR COVERAGE LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE WE PURCHASE MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN ON YOUR OWN AND MAY NOT SATISFY WASHINGTON'S MANDATORY LIABILITY INSURANCE LAWS.

NEW SECTION. Sec. 3. (1) A secured party shall not impose charges, that may include but are not limited to interest, finance, and premium charges, on a borrower for vendor single interest or collateral protection coverage for the motor vehicle or vessel as provided in subsection (2) of this section until the following or a substantially similar warning printed in ten-point type is sent to the borrower:

FINAL NOTICE AND WARNING

UNLESS YOU PROVIDE US WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY OUR LOAN AGREEMENT WITHIN FIVE DAYS AFTER THE POSTMARK ON THIS LETTER, WE WILL PURCHASE INSURANCE AT YOUR EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF THE COLLATERAL BECOMES DAMAGED, THE COVERAGE WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR ANY CLAIM MADE AGAINST YOU. YOU MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT YOU HAVE OBTAINED PROPER COVERAGE ELSEWHERE OR HAVE PAID OFF THE LOAN ON THE COLLATERAL IN ITS ENTIRETY.

YOU ARE RESPONSIBLE FOR THE COST OF THE INSURANCE PURCHASED BY US. THE COST OF THIS INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE. IF THE COST IS ADDED TO THE LOAN BALANCE, THE INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE YOUR COVERAGE LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE WE PURCHASE WILL COST YOU A TOTAL OF APPROXIMATELY \$ _____ (PLUS INTEREST) AND MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN ON YOUR OWN.

The final notice and warning shall identify whether the coverage to be purchased is vendor single interest or collateral protection coverage and disclose the extent of the borrower's coverage, if any, including a statement of whether the coverage satisfies Washington's mandatory liability insurance laws.

(2) If reasonable efforts to provide the borrower with the notice required under subsection (1) of this section fail to produce evidence of the required insurance, the secured party may proceed to impose charges for vendor single interest or collateral protection coverage no sooner than eight days after giving notice as required under this chapter. Reasonable efforts to provide notice under this section means:

(a) Within thirty days before the secured party is required to send the final notice and warning in compliance with subsection (1) of this section, the secured party shall mail a notice by first class mail to the borrower's last known address as contained in the secured party's records. The notice shall state that the secured party intends to charge the borrower for vendor single interest or collateral protection coverage on the collateral if the borrower fails to provide evidence of proper insurance to the lender; and

(b) The secured party shall send the final notice and warning notice in compliance with subsection (1) of this section by certified mail to the borrower's last known address as contained in the secured party's records at least eight days before the insurance is charged to the borrower by the insurer.

(3) The secured party is responsible for complying with subsection (2)(a) and (b) of this section. However, a secured party may seek the services of other entities to fulfill the requirements of subsection (2)(a) and (b) of this section.

(4) Nothing contained in this chapter, or a secured party's compliance with or failure to comply with this chapter, shall be construed to require the secured party to purchase vendor single interest or collateral protection coverage, and the secured party shall not be liable to the borrower or any third party as a result of its failure to purchase vendor single interest or collateral protection coverage.

(5) Substantial compliance by a secured party with sections 1 through 5 of this act constitutes a complete defense to any claim arising under the laws of this state challenging the secured party's placement of vendor single interest or collateral protection coverage.

(6) The effective date of vendor single interest or collateral protection coverage placed under this chapter shall be either the date that the borrower's prior coverage lapsed or the date that the borrower failed to provide proof of coverage on the vehicle or vessel as required under the contract or loan agreement. Premiums for vendor single interest or collateral protection coverage placed under this chapter shall be calculated on a basis that does not exceed the outstanding credit balance as of the effective date of the coverage even though the coverage may limit liability to the outstanding balance, actual cash value, or cost of repair.

(7) If the secured party has purchased the contract or loan agreement relating to the motor vehicle or vessel from the seller of the motor vehicle or vessel under an agreement that the seller must repurchase the contract or loan agreement in the event of a default by the borrower, the secured party shall send a copy of the notice provided under subsection (2)(a) of this section by first class mail to the seller at the seller's last known address on file with the secured party when such notice is sent to the borrower under subsection (2)(a) of this section.

NEW SECTION. Sec. 4. (1) The secured party shall cancel vendor single interest or collateral protection coverage charged to the borrower effective the date of receipt of proper evidence from the borrower that the borrower has obtained insurance to protect the secured party's interest. Proper evidence includes an insurance binder that is no older than ninety days from the date of issuance and that contains physical damage coverage as provided in the borrower's loan agreement with respect to the motor vehicle or vessel.

(2) If the underlying loan or extension of credit for the underlying loan is satisfied, the secured party may not require the borrower to maintain vendor single interest or collateral protection coverage that has been purchased.

(3) The interest rate for financing the cost of vendor single interest or collateral protection coverage may not exceed the interest rate applied to the underlying loan obligation.

NEW SECTION. Sec. 5. If vendor single interest or collateral protection coverage is canceled or discontinued under section 4 (1) or (2) of this act, the amount of unearned premium must be refunded to the borrower. At the option of the secured party, this refund may take the form of a credit against the borrower's obligation to the secured party. If the refund is taken as a credit against the borrower's obligation to the secured party, the secured party shall provide the borrower with an itemized statement that indicates the amount of the credit and where the credit has been applied.

NEW SECTION. Sec. 6. Sections 1 through 5 and 7 of this act are added to chapter 48.22 RCW.

NEW SECTION. Sec. 7. The failure of a secured party prior to January 1, 1995, to provide notice as contemplated in this chapter, or otherwise to administer a vendor single interest or collateral protection coverage program in a manner similar to that required under this chapter, shall not be admissible in any court or arbitration proceeding or otherwise used to prove that a secured party's actions with respect to vendor single interest or collateral protection coverage or similar coverage were unlawful or otherwise improper. A secured party shall not be liable to the borrower or any other party for placing vendor single interest or collateral protection coverage in accordance with the terms of an otherwise legal loan or other written agreement with the borrower entered prior to January 1, 1995. The provisions of this section shall be applicable with respect to actions pending or commenced on or after the effective date of this section.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act take effect January 1, 1995.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Moore moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5714.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate do concur in the House amendment to Substitute Senate Bill No. 5714.

The motion by Senator Moore carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5714.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5714, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5714, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Hargrove, Niemi, Rinehart, Sheldon and Skratek - 5.

SUBSTITUTE SENATE BILL NO. 5714, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5995 with the following amendment(s):

On page 2, line 5 after "is a" strike "class C felony" and insert "gross misdemeanor", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5995.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5995, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5995, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Hargrove, Niemi, Rinehart, Sheldon and Skratek - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5995, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6000 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Charges" means charges of the commission for moorage and storage, and all other charges related to the vessel and owing to or that become owing to the commission, including but not limited to costs of securing, disposing, or removing vessels, damages to any commission facility, and any costs of sale and related legal expenses for implementing sections 2 and 3 of this act.

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Commission facility" means any property or facility owned, leased, operated, managed, or otherwise controlled by the commission or by a person pursuant to a contract with the commission.

(4) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest, and shall not include the holder of a bona fide security interest.

(5) "Person" means any natural person, firm, partnership, corporation, association, organization, or any other entity.

(6)(a) "Registered owner" means any person that is either: (i) Shown as the owner in a vessel certificate of documentation issued by the secretary of the United States department of transportation under 46 U.S.C. Sec. 12103; or (ii) the registered owner or legal owner of a vessel for which a certificate of title has been issued under chapter 88.02 RCW; or (iii) the owner of a vessel registered under the vessel registration laws of another state under which laws the commission can readily identify the ownership of vessels registered with that state. (b) "Registered owner" also includes: (i) Any holder of a security interest or lien recorded with the United States department of transportation with respect to a vessel on which a certificate of documentation has been issued; (ii) any holder of a security interest identified in a certificate of title for a vessel registered under chapter 88.02 RCW; or (iii) any holder of a security interest in a vessel where the holder is identified in vessel registration information of a state with vessel registration laws that fall within (a)(iii) of this subsection and under which laws the commission can readily determine the identity of the holder.

(c) "Registered owner" does not include any vessel owner or holder of a lien or security interest in a vessel if the vessel does not have visible information affixed to it (such as name and hailing port or registration numbers) that will enable the commission to obtain ownership information for the vessel without incurring unreasonable expense.

(7) "Registered vessel" means a vessel having a registered owner.

(8) "Secured vessel" means any vessel that has been secured by the commission that remains in the commission's possession and control.

(9) "Unauthorized vessel" means a vessel using a commission facility of any type whose owner has not paid the required moorage fees or has left the vessel beyond the posted time limits, or a vessel otherwise present without permission of the commission.

(10) "Vessel" means every watercraft or part thereof constructed, used, or capable of being used as a means of transportation on the water. It includes any equipment or personal property on the vessel that is used or capable of being used for the operation, navigation, or maintenance of the vessel.

NEW SECTION. Sec. 2. (1) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, and locks, or removal from the water, to secure unauthorized vessels located at or on a commission facility so that the unauthorized vessels are in the possession and control of the commission. At least ten days before securing any unauthorized registered vessel, the commission shall send notification by registered mail to the last registered owner or registered owners of the vessel at their last known address or addresses.

(2) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, locks, or removal from the water, to secure any vessel if the vessel, in the opinion of the commission, is a nuisance, is in danger of sinking or creating other damage to a commission facility, or is otherwise a threat to the health, safety, or welfare of the public or environment at a commission facility. The costs of any such procedure shall be paid by the vessel's owner.

(3) At the time of securing any vessel under subsection (1) or (2) of this section, the commission shall attach to the vessel a readily visible notice or, when practicable, shall post such notice in a conspicuous location at the commission facility in the event the vessel is removed from the premises. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached or posted;

(b) A statement that the vessel has been secured by the commission and that if the commission's charges, if any, are not paid and the vessel is not removed by (the thirty-fifth consecutive day following the date of attachment or posting of the notice), the vessel will be considered abandoned and will be sold at public auction to satisfy the charges;

(c) The address and telephone number where additional information may be obtained concerning the securing of the vessel and conditions for its release; and

(d) A description of the owner's or secured party's rights under this chapter.

(4) With respect to registered vessels: Within five days of the date that notice is attached or posted under subsection (3) of this section, the commission shall send such notice, by registered mail, to each registered owner.

(5) If a vessel is secured under subsection (1) or (2) of this section, the owner, or any person with a legal right to possess the vessel, may claim the vessel by:

(a) Making arrangements satisfactory to the commission for the immediate removal of the vessel from the commission's control or for authorized storage or moorage; and

(b) Making payment to the commission of all reasonable charges incurred by the commission in securing the vessel under subsections (1) and (2) of this section and of all moorage fees owed to the commission.

(6) A vessel is considered abandoned if, within the thirty-five day period following the date of attachment or posting of notice in subsection (3) of this section, the vessel has not been claimed under subsection (5) of this section.

NEW SECTION. Sec. 3. (1) The commission may provide for the public sale of vessels considered abandoned under section 2 of this act. At such sales, the vessels shall be sold for cash to the highest and best bidder.

(2) Before a vessel is sold, the commission shall make a reasonable effort to provide notice of sale, at least twenty days before the day of the sale, to each registered owner of a registered vessel and each owner of an unregistered vessel. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges then owing with respect to the vessel, and a summary of the rights and procedures under this chapter. A notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the commission facility is located. This notice shall include: (a) If known, the name of the vessel and the last owner and the owner's address; and (b) a reasonable description of the vessel. The commission may bid all or part of its charges at the sale and may become a purchaser at the sale.

(3) Before a vessel is sold, any person seeking to redeem a secured vessel may commence a lawsuit in the superior court for the county in which the vessel was secured to contest the commission's decision to secure the vessel or the amount of charges owing. This lawsuit shall be commenced within fifteen days of the date the notification was posted under section 2(3) of this act, or the right to a hearing is deemed waived and the owner is liable for any charges owing the commission. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(4) The proceeds of a sale under this section shall be applied first to the payment of the amount of the reasonable charges incurred by the commission and moorage fees owed to the commission, then to the owner or to satisfy any liens of record or security interests of record on the vessel in the order of their priority. If an owner cannot in the exercise of due diligence be located by the commission within one year of the date of the sale, any excess funds from the sale, following the satisfaction of any bona fide security interest, shall revert to the department of revenue under chapter 63.29 RCW. If the sale is for a sum less than the applicable charges, the commission is entitled to assert a claim for the deficiency against the vessel owner. Nothing in this section prevents any lien holder or secured party from asserting a claim for any deficiency owed the lien holder or secured party.

(5) If no one purchases the vessel at a sale, the commission may proceed to properly dispose of the vessel in any way the commission considers appropriate, including, but not limited to, destruction of the vessel or by negotiated sale. The commission may assert a claim against the owner for any charges incurred thereby. If the vessel, or any part of the vessel, or any rights to the vessel, are sold under this subsection, any proceeds from the sale shall be distributed in the manner provided in subsection (4) of this section.

NEW SECTION. Sec. 4. If the full amount of all charges due the commission on an unauthorized vessel is not paid to the commission within thirty days after the date on which notice is affixed or posted under section 2(3) of this act, the commission may bring an action in any court of competent jurisdiction to recover the charges, plus reasonable attorneys' fees and costs incurred by the commission.

NEW SECTION. Sec. 5. The rights granted to the commission under sections 1 through 5 of this act are in addition to any other legal rights the commission may have to secure, hold, and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

Sec. 6. RCW 63.21.080 and 1985 c 7 s 125 are each amended to read as follows:

This chapter shall not apply to:

(1) Motor vehicles under chapter 46.52 RCW;

(2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW; ((and))

(3) Uniform disposition of unclaimed property under chapter 63.29 RCW; and

(4) Secured vessels under chapter 88.-- RCW (sections 1 through 5 of this act).

NEW SECTION. Sec. 7. RCW 88.12.370 and 1989 c 393 s 2 are each repealed.

NEW SECTION. Sec. 8. A new section is added to chapter 88.12 RCW to read as follows:

The provisions of RCW 88.12.185 through 88.12.225 do not apply to vessels secured pursuant to chapter 88.-- RCW (sections 1 through 5 of this act).

NEW SECTION. Sec. 9. Sections 1 through 5 of this act shall constitute a new chapter in Title 88 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 63.21.080; adding a new section to chapter 88.12 RCW; adding a new chapter to Title 88 RCW; and repealing RCW 88.12.370.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendments to Substitute Senate Bill No. 6000.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6000, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6000, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Hargrove, Niemi, Rinehart and Skratek - 4.

SUBSTITUTE SENATE BILL NO. 6000, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6023 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 38.52.005 and 1986 c 266 s 22 are each amended to read as follows:

The military department (~~(of community development)~~) shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52.070, may change their name and be called the department/division of emergency management.

Sec. 2. RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the military department (~~(of community development)~~) and holds an identification card issued by the local emergency management director or the military department (~~(of community development)~~) for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the (~~director of community development~~) adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department (~~(of community development)~~).

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

Sec. 3. RCW 38.52.090 and 1987 c 185 s 6 are each amended to read as follows:

(1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The (~~director of community development~~) adjutant general shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The (~~director of community development~~) adjutant general and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.

(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after June 7, 1984, the state may not enter into any additional compacts under this subsection (2)(a).

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information

and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

- (a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;
- (b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;
- (c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;
- (d) The effective screening or extinguishing of all lights and lighting devices and appliances;
- (e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.
2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.
3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.
4. The giving and receiving of aid by subdivisions of party States.
5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

(b) The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.

INTERSTATE MUTUAL AID COMPACT

Purpose

The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that over extends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained personnel or personnel in large numbers not locally available.

Authorization

Article I, Section 10 of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts.

Implementation

It is agreed by participating states that the following conditions will guide implementation of the Compact:

1. Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.
2. Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, personnel or other resources needed. Each request must be signed by an authorized official.
3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.
4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.
2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.
2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workers' compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.
3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.
4. Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.
5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.
6. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.
7. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal.

Sec. 4. RCW 38.52.420 and 1988 c 36 s 11 are each amended to read as follows:

(1) The military department (~~(of community development)~~), in consultation with appropriate federal agencies, the departments of natural resources, wildlife, fisheries, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage, treatment, disposal, and recycling of oil and other spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the military department (~~(of community development)~~) and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: PROVIDED, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

Sec. 5. RCW 38.54.010 and 1992 c 117 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "State fire marshal" means the assistant director of the division of fire protection services in the department of community, trade, and economic development.

(4) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(5) "Jurisdiction" means state, county, city, fire district, or port district (~~((fire))~~) fire fighting units, or other units covered by this chapter.

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent (~~(to fight a fire))~~ in response to an emergency or disaster situation that has (~~(or soon will exceed))~~ exceeded the capabilities of available local resources. During a large scale (~~(fire))~~ emergency, mobilization includes the redistribution of regional or state-wide fire fighting resources to either direct (~~(fire fighting))~~ emergency incident assignments or to assignment in communities where fire fighting resources are needed.

When mobilization is declared and authorized as provided in this chapter, all fire fighting resources except those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing fire fighting resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under (~~(and -an))~~) an agreement between jurisdictions under chapter 39.34 RCW.

Sec. 6. RCW 38.54.020 and 1992 c 117 s 10 are each amended to read as follows:

Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

(1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;

(2) Confer upon the director of the department of community, trade, and economic development the powers provided herein; and

(3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan.

It is the intent of the legislature that mutual aid and other interlocal agreements providing for enhanced emergency response be encouraged as essential to the public peace, safety, health, and welfare, and for the protection of the lives and property of the people of the state of Washington. If possible, mutual aid agreements should be without stated limitations as to resources available, time, or area. Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost fire protection authority for reimbursement of expenses incurred in providing fire fighting resources for mobilization.

Sec. 7. RCW 46.16.340 and 1986 c 266 s 49 are each amended to read as follows:

The director, from time to time, shall furnish the state military department, the department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

Sec. 8. RCW 88.46.100 and 1991 c 200 s 423 are each amended to read as follows:

(1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and

(b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The (~~(division of emergency management of the))~~ state military department (~~(of community development)~~) and the office shall request the coast guard to notify the (~~(division of emergency management))~~ state military department as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

(i) Any accidental or intentional grounding;

(ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;

(iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;

(iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.

(b) A barge is considered disabled if any of the following occur:

- (i) The towing mechanism becomes disabled;
 - (ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.
 - (c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.
- (5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

NEW SECTION. Sec. 9. A new section is added to chapter 38.52 RCW to read as follows:

All powers, duties, and functions of the department of community, trade, and economic development pertaining to emergency management are transferred to the state military department. All references to the director or the department of community development or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the adjutant general or the state military department when referring to the functions transferred in this section.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state military department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the state military department. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state military department.

Any appropriations made to the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state military department.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 11. All employees of the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state military department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state military department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All employees of the department of community, trade, and economic development exempted under chapter 41.06 RCW shall retain such exemption after transfer.

NEW SECTION. Sec. 12. All rules and all pending business before the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state military department. All existing contracts and obligations shall remain in full force and shall be performed by the state military department.

NEW SECTION. Sec. 13. The transfer of the powers, duties, functions, and personnel of the department of community, trade, and economic development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 14. If apportionments of budgeted funds are required because of the transfers directed by sections 10 through 13 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 15. Nothing contained in sections 9 through 14 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 16. This act shall take effect July 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Haugen moved that the Senate do concur in the House amendment to Senate Bill No. 6023.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate do concur in the House amendment to Senate Bill No. 6023.

The motion by Senator Haugen carried and the Senate concurred in the House amendment to Senate Bill No. 6023.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6023, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6023, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Hargrove, Niemi, Rinehart and Skratek - 4.

SENATE BILL NO. 6023, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6037 with the following amendment(s):

On page 1, line 8, after "or rule" strike all material through "or rule" on line 9 and insert "((adopted pursuant to any statute))", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6037.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6037, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6037, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Niemi, Rinehart and Skratek - 3.

ENGROSSED SENATE BILL NO. 6037, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Owen was excused.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6039 with the following amendment(s):

On page 9, line 9, after "on" strike "the effective date of this act" and insert "October 1, 1994", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Substitute Senate Bill No. 6039.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6039, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6039, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Gaspard, Hargrove, Hochstatter, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Drew, Fraser, Haugen, Loveland, Pelz, Talmadge and West - 7.

Absent: Senator Ludwig - 1.

Excused: Senators Niemi, Owen, Rinehart and Skratek - 4.

SUBSTITUTE SENATE BILL NO. 6039, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6045 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 6.17.020 and 1989 c 360 s 3 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the party in whose favor a judgment of a court of record of this state or a district court of this state has been or may be rendered, or the assignee, may have an execution issued for the collection or enforcement of the judgment at any time within ten years from entry of the judgment.

(2) After ((the effective date of this act)) July 23, 1989, a party who obtains a judgment or order of a court of record of any state, or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, may have an execution issued upon that judgment or order at any time within ten years of the eighteenth birthday of the youngest child named in the order for whom support is ordered.

(3) After the effective date of this act, a party in whose favor a judgment has been rendered pursuant to subsection (1) of this section may, within ninety days before the expiration of the original ten-year period, apply to the court that rendered the judgment for an order granting an additional ten years during which an execution may be issued. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court. When application is made to the court to grant an additional ten years, the application shall be accompanied by a current and updated judgment summary as outlined in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost.

Sec. 2. RCW 4.16.020 and 1989 c 360 s 1 are each amended to read as follows:

The period prescribed for the commencement of actions shall be as follows:

Within ten years:

(1) For actions for the recovery of real property, or for the recovery of the possession thereof; and no action shall be maintained for such recovery unless it appears that the plaintiff, his or her ancestor, predecessor or grantor was seized or possessed of the premises in question within ten years before the commencement of the action.

(2) For an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or of any territory or possession of the United States outside the boundaries thereof, or of any extraterritorial court of the United States, unless the ten-year period is extended in accordance with RCW 6.17.020(3).

(3) Of the eighteenth birthday of the youngest child named in the order for whom support is ordered for an action to collect past due child support that has accrued under an order entered after ~~((the effective date of this act))~~ July 23, 1989, by any of the above-named courts or that has accrued under an administrative order as defined in RCW 74.20A.020(6), which is issued after ~~((the effective date of this act))~~ July 23, 1989.

Sec. 3. RCW 4.56.190 and 1987 c 442 s 1103 and 1987 c 202 s 116 are each reenacted and amended to read as follows:

The real estate of any judgment debtor, and such as the judgment debtor may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state and any judgment of the supreme court, court of appeals, superior court, or district court of this state, and every such judgment shall be a lien thereupon to commence as provided in RCW 4.56.200 and to run for a period of not to exceed ten years from the day on which such judgment was entered unless the ten-year period is extended in accordance with RCW 6.17.020(3). As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after August 23, 1983. If a judgment debtor owns real estate, subject to execution, jointly or in common with any other person, the judgment shall be a lien on the interest of the defendant only.

Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 4. RCW 6.32.010 and 1985 c 215 s 1 are each amended to read as follows:

At any time within ten years after entry of a judgment for the sum of twenty-five dollars or over, unless the time is extended in accordance with RCW 6.17.020(3), upon application by the judgment creditor~~(s)~~ such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by ~~((him))~~ the judge, to answer concerning the same; and the judge to whom application is made under this chapter may, if it is made to appear to him or her by the affidavit of the judgment creditor, his or her agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him or her before the judge granting the order. Upon being brought before the judge, he or she may be ordered to enter into a bond, with sufficient sureties, that he or she will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof. If the judgment debtor or other persons against whom the special proceedings are instituted has been served with these proceedings, the plaintiff shall be entitled to costs of service, notary fees, and an appearance fee of twenty-five dollars. If the judgment debtor or other persons fail to answer or appear, the plaintiff shall additionally be entitled to reasonable attorney fees. If a plaintiff institutes special proceedings and fails to appear, a judgment debtor or other person against whom the proceeding was instituted who appears is entitled to an appearance fee of twenty-five dollars and reasonable attorney fees.

Sec. 5. RCW 6.32.015 and 1980 c 105 s 6 are each amended to read as follows:

At any time within ten years~~(s)~~ after entry of a judgment for a sum of twenty-five dollars or over, unless the time is extended in accordance with RCW 6.17.020(3), upon application by the judgment creditor~~(s)~~ such court or judge may, by order served on the judgment debtor, require such debtor to answer written interrogatories, under oath, in such form as may be approved by the court. No such creditor shall be required to proceed under this section nor shall he or she waive his or her rights to proceed under RCW 6.32.010 by proceeding under this section.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Substitute Senate Bill No. 6045.

MOTION

On motion of Senator Loveland, Senators Ludwig, Moore and Sheldon were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6045, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6045, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Ludwig, Moore, Niemi, Owen, Rinehart, Sheldon and Skratek - 7.

SUBSTITUTE SENATE BILL NO. 6045, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6061 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29.13.010 and 1992 c 37 s 1 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may, if it deems an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The ~~((first Tuesday after the first Monday))~~ fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

(3) In addition to the dates set forth in subsection (2) (a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from ~~((failure of a county to pass a special levy for the first time or from))~~ fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29.19 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 2. RCW 29.13.020 and 1992 c 37 s 2 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.280 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor at least forty-five days prior to the proposed election date, may, if the county auditor deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The ~~((first Tuesday after the first Monday))~~ fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

(3) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29.19 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(4) In addition to subsection (2) (a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from ~~((failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from))~~ fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2) (e) and (f) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. Sec. 3. This act shall take effect January 1, 1995.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Senate Bill No. 6061.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6061, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6061, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 3; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Bluechel, Erwin and Morton - 3.

Excused: Senators Ludwig, Moore, Niemi, Rinehart, Sheldon and Skratek - 6.

SENATE BILL NO. 6061, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Vognild was excused.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6063 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 29.81A.020 and 1984 c 106 s 4 are each amended to read as follows:

(1) ~~((Within five days of the adoption by the county legislative authority of an ordinance authorizing))~~ Not later than ninety days before the publication and distribution of a local voters' pamphlet by a county, the county auditor shall notify each city, town, or special taxing district located wholly within that county that a pamphlet will be produced. ~~((If the ordinance applies to future primaries or elections, the ordinance shall provide for such a notification prior to those primaries or elections.))~~

(2) If a voters' pamphlet is published by the county for a primary or general election, the pamphlet shall be published for the elective offices and ballot measures of the county and for the elective offices and ballot measures of each unit of local government located entirely within the county which will appear on the ballot at that primary or election. However, the offices and measures of a first class or code city shall not be included in the pamphlet if the city publishes and distributes its own voters' pamphlet for the primary or election for its offices and measures. The offices and measures of any other town or city are not required to appear in the county's pamphlet if the town or city is obligated by ordinance or charter to publish and distribute a voters' pamphlet for the primary or election for its offices and measures and it does so.

If the required appearance in a county's voters' pamphlet of the offices or measures of a unit of local government would create undue financial hardship for the unit of government, the legislative authority of the unit may petition the legislative authority of the county to waive this requirement. The legislative authority of the county may provide such a waiver if it does so not later than sixty days before the publication of the pamphlet and it finds that the requirement would create such hardship.

(3) If a city, town, or district is located within more than one county, the respective county auditors may enter into an interlocal agreement to permit the distribution of each county's local voters' pamphlet into those parts of the city, town, or district located outside of that county.

~~((2))~~ (4) If a first-class or code city authorizes the production and distribution of a local voters' pamphlet, the city clerk of that city shall notify any special taxing district located wholly within that city that a pamphlet will be produced. Notification shall be provided in the manner required or provided for in subsection (1) of this section.

~~((3) Upon receipt of the notification, the legislative authority of each city, town, or district shall determine whether it will include any information from that jurisdiction in the local voters' pamphlet for a specific primary, special election, or general election or for any future primaries or elections. If it chooses to participate, it shall include information on all measures from that jurisdiction, and may include information on candidates.))~~

(5) A unit of local government located within a county and the county may enter into an interlocal agreement for the publication of a voters' pamphlet for offices or measures not required by subsection (2) of this section to appear in a county's pamphlet.

Sec. 2. RCW 29.81A.080 and 1984 c 106 s 10 are each amended to read as follows:

For each measure from a ~~((jurisdiction))~~ unit of local government that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than forty-five days before the publication of the pamphlet, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure. The authority shall appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons. If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall whenever possible make the appointments.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6063.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6063, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6063, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 10; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Schow, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Bluechel, Deccio, Erwin, Morton, Moyer, Prince, Sellar and West - 10.
Excused: Senators Ludwig, Moore, Niemi, Rinehart, Sheldon, Skratek and Voghild - 7.
SUBSTITUTE SENATE BILL NO. 6063, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6082 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 76.56.020 and 1992 c 121 s 1 are each amended to read as follows:

The center shall:

(1) Coordinate the University of Washington's college of forest resources' faculty and staff expertise to assist in:

(a) The development of research and analysis for developing policies and strategies which will expand forest-based international trade, including a major focus on secondary manufacturing;

(b) The development of technology or commercialization support for manufactured products that will meet the evolving needs of international customers; ~~((and))~~

~~(c) The development of research and analysis on other factors critical to forest-based trade, including the quality and availability of raw wood resources; and~~

~~(d) The coordination, development, and dissemination of market and technical information relevant to international trade in forest products, ((especially)) including a major focus on secondary manufacturing;~~

(2) Further develop and maintain computer data bases on world-wide forest products production and trade in order to monitor and report on trends significant to the Northwest forest products industry and support the center's research functions; and coordinate this system with state, federal, and private sector efforts to insure a cost-effective information resource that will avoid unnecessary duplication;

(3) Monitor international forest products markets and assess the status of the state's forest products industry, including the competitiveness of small and medium-sized secondary manufacturing firms in the forest products industry, which for the purposes of this chapter shall be firms with annual revenues of twenty-five million or less, and including the increased exports of Washington-produced products of small and medium-sized secondary manufacturing firms;

(4) Provide high-quality research and graduate education and professional nondegree training in international trade in forest products in cooperation with the University of Washington's graduate school of business administration, the school of law, the Jackson school of international studies, the Northwest policy center of the graduate school of public administration, and other supporting academic units;

(5) Develop cooperative linkages with the international marketing program for agricultural commodities and trade at Washington State University, the international trade project of the United States forest service, the department of natural resources, the department of community trade, and economic development, the small business export finance assistance center, and other state and federal agencies to avoid duplication of effort and programs;

~~(6) Cooperate with personnel from the state's community and technical colleges in their development of wood products manufacturing and wood technology curriculum and offer periodic workshops on wood products manufacturing, wood technology, and trade opportunities to community colleges and private educators and trainers;~~

~~(7) Provide for public dissemination of research, analysis, and results of the center's programs to all groups, including direct assistance groups, through technical workshops, short courses, international and national symposia, cooperation with private sector networks and marketing associations, or other means, including appropriate publications;~~

~~((7))~~ (8) Establish an executive policy board, including representatives of small and medium-sized businesses, ~~((to))~~ with at least fifty percent of its business members representing small businesses with one hundred or fewer employees and medium-sized businesses with one hundred to five hundred employees. The executive policy board shall also include a representative of the community and technical colleges, representatives of state and federal agencies, and a representative of a wood products manufacturing network or trade association of small and medium-sized wood product manufacturers. The executive policy board shall provide advice on: Overall policy direction and program priorities, state and federal budget requests, securing additional research funds, identifying priority areas of focus for research efforts, selection of projects for research, and dissemination of results of research efforts; and

~~((8))~~ (9) Establish advisory or technical committees for each research program area, to advise on research program area priorities, consistent with the international trade opportunities achievable by the forest products sector of the state and region, to help ensure projects are relevant to industry needs, and to advise on and support effective dissemination of research results. Each advisory or technical committee shall include representatives of forest products industries that might benefit from this research.

Service on the committees and the executive policy board established in subsections ~~((7))~~ (8) and ~~((8))~~ (9) of this section shall be without compensation but actual travel expenses incurred in connection with service to the center may be reimbursed from appropriated funds in accordance with RCW 43.03.050 and 43.03.060.

Sec. 2. RCW 76.56.050 and 1987 c 505 s 74 are each amended to read as follows:

The center shall aggressively solicit financial contributions and support from the forest products industry, federal and state agencies, and other granting sources or through other arrangements to assist in conducting its activities. Subject to RCW 40.07.040, the center shall report ~~((biennially through 1994))~~ annually to the governor and the legislature on its success in obtaining funding from nonstate sources and on its accomplishments in meeting the provisions of this chapter. It may also use separately appropriated funds of the University of Washington for the center's activities.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community and technical colleges shall develop, in conjunction with the center for international trade in forest products, the Washington State University wood materials and engineering laboratory, and the department of community, trade, and economic development, a competency-based technical degree program in wood product manufacturing and wood technology and make it available in every college district that serves a timber impact area.

Sec. 4. RCW 43.131.333 and 1992 c 121 s 2 are each amended to read as follows:

The center for international trade in forest products in the college of forest resources at the University of Washington shall be terminated on June 30, ~~((1994))~~ 2000, as provided in RCW 43.131.334.

Sec. 5. RCW 43.131.334 and 1992 c 121 s 3 are each amended to read as follows:

~~((Sections 1 through 5, chapter 122, Laws of 1985 and chapter 76.56 RCW))~~ The following acts or parts of acts, as now existing or as hereafter amended, are each repealed, effective June 30, ((1995)) 2001:

(1) RCW 76.56.010 and 1985 c 122 s 1;

(2) RCW 76.56.020 and 1994 c --- s 1 (section 1 of this act), 1992 c 121 s 1, 1987 c 195 s 16, & 1985 c 122 s 2;

(3) RCW 76.56.030 and 1985 c 122 s 3;

(4) RCW 76.56.040 and 1985 c 122 s 4;
(5) RCW 76.56.050 and 1994 c --- s 2 (section 2 of this act), 1987 c 505 s 74, & 1985 c 122 s 5;
(6) RCW 76.56.900 and 1985 c 122 s 6; and
(7) RCW 28B.50 --- and 1994 c --- s 3 (section 3 of this act).

NEW SECTION. Sec. 6. This act shall take effect July 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate concurred in the House amendment to Substitute Senate Bill No. 6082.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6082, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Ludwig, Moore, Niemi, Rinehart, Sheldon, Skratek and Vognild - 7.

SUBSTITUTE SENATE BILL NO. 6082, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6089 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Collegiate license plates" means license plates that display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

Sec. 2. RCW 46.16.301 and 1990 c 250 s 1 are each amended to read as follows:

(1) The department may create, design, and issue special license plates(~~(, upon terms and conditions as may be established by the department,))~~) that may be used in lieu of regular or personalized license plates (~~(upon)~~) for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates may,

(a) Denote the age or type of vehicle; or ((may))

(b) Denote special activities or interests((-)); or

(c) Denote the status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle; or

(d) Display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

(2) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates and whether any ~~((activity,))~~ interest or status((- contribution, or sacrifice)) merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an ~~((activity or))~~ interest ((proposed)) or status contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the ~~((activity,))~~ interest((- contribution, or sacrifice)) or status is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

Effective January 1, 1995, a state university, regional university, or state college as defined in RCW 28B.10.016 may apply to the department, in a form prescribed by the department, and request the department to issue a series of collegiate license plates depicting the name and mascot or symbol of the college or university, as submitted and approved for use by the requesting institution.

Sec. 4. RCW 46.16.313 and 1990 c 250 s 4 are each amended to read as follows:

(1) The department may establish a fee for ~~((the issuance of))~~ each type of special license ~~((plate or))~~ plates issued under RCW 46.16.301(1) (a), (b), or (c) in an amount calculated to offset the cost of production of the special license ~~((plate or))~~ plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in section 6 of this act.

Sec. 5. RCW 46.16.332 and 1990 c 250 s 9 are each amended to read as follows:

(1) The director may adopt fees to be charged by the department for emblems issued by the department under RCW 46.16.319 ~~((and 46.16.323)).~~

(2) The fee for each remembrance emblem issued under RCW 46.16.319 shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans affairs, not

to exceed a total fee of twenty-five dollars per emblem. (~~The fee for each special vehicle license plate emblem issued under RCW 46.16.323 shall be an amount sufficient to offset the cost of production of the emblems and of administering the special vehicle license plate emblem program.~~)

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under RCW 46.16.319 shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

~~((4) The special vehicle license plate emblem account is established in the state treasury. Fees collected by the department for emblems issued under RCW 46.16.323 shall be deposited into the special vehicle license plate emblem account to be used only to offset the costs of administering the special vehicle license plate emblem program.))~~

NEW SECTION. Sec. 6. A new section is added to chapter 28B.10 RCW to read as follows:

A collegiate license plate fund is established in the custody of the state treasurer for each college or university with a collegiate license plate program approved by the department under section 3 of this act. All receipts from collegiate license plates authorized under RCW 46.16.301 shall be deposited in the appropriate local college or university nonappropriated, nonallotted fund. Expenditures from the funds may be used only for student scholarships. Only the president of the college or university or the president's designee may authorize expenditures from the fund.

NEW SECTION. Sec. 7. By January 1, 1996, the department of licensing shall report to the legislative transportation committee regarding the number of colleges or universities issued a collegiate license plate series, and the total number of collegiate plates issued for each participating college or university.

NEW SECTION. Sec. 8. RCW 46.16.323 and 1990 c 250 s 7 are each repealed.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Loveland moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6089 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Loveland that the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6089 and requests of the House a conference thereon.

The motion by Senator Loveland carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6089 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6089 and the House amendment thereto: Senators Sutherland, West and Loveland.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6093 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.16.100 and 1990 c 190 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself in his own name;

(c) Any person who in attempting to collect or in collecting his own claim uses a fictitious name or any name other than his own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer;

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks; ((or))

(d) Any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to that other person and no other collection efforts are made by the person preparing the statements of account; or

(e) An "out-of-state collection agency" as defined in this chapter.

(4) "Out-of-state collection agency" means a person whose activities within this state are limited to collecting debts from debtors located in this state by means of interstate communications, including telephone, mail, or facsimile transmission, from the person's location in another state on behalf of clients located outside of this state.

(5) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

~~((5))~~ (6) "Statement of account" means a report setting forth only amounts billed, invoices, credits allowed, or aged balance due.

~~((6))~~ (7) "Director" means the director of licensing.

~~((7))~~ (8) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

~~((8))~~ (9) "Licensee" means any person licensed under this chapter.

~~((9))~~ (10) "Board" means the Washington state collection agency board.

~~((10))~~ (11) "Debtor" means any person owing or alleged to owe a claim.

Sec. 2. RCW 19.16.110 and 1971 ex.s. c 253 s 2 are each amended to read as follows:

No person shall act, assume to act, or advertise as a collection agency or out-of-state collection agency as defined in this chapter, except as authorized by this chapter, without first having applied for and obtained a license from the director.

Nothing contained in this section shall be construed to require a regular employee of a collection agency or out-of-state collection agency duly licensed under this chapter to procure a collection agency license.

Sec. 3. RCW 19.16.120 and 1977 ex.s. c 194 s 1 are each amended to read as follows:

In addition to other provisions of this chapter, any license issued pursuant to this chapter or any application therefor may be denied, not renewed, revoked, or suspended, or in lieu of or in addition to suspension a licensee may be assessed a civil, monetary penalty in an amount not to exceed one thousand dollars:

(1) If an individual applicant or licensee is less than eighteen years of age or is not a resident of this state.

(2) If an applicant or licensee is not authorized to do business in this state.

(3) If the application or renewal forms required by this chapter are incomplete, fees required under RCW 19.16.140 and 19.16.150, if applicable, have not been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 19.16.190, if applicable, has not been filed or renewed or is canceled.

(4) If any individual applicant, owner, officer, director, or managing employee of a nonindividual applicant or licensee:

(a) Shall have knowingly made a false statement of a material fact in any application for a collection agency license or an out-of-state collection agency license or renewal thereof, or in any data attached thereto and two years have not elapsed since the date of such statement;

(b) Shall have had a license to engage in the business of a collection agency or out-of-state collection agency denied, not renewed, suspended, or revoked by this state, any other state, or foreign country, for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements: PROVIDED, That the terms of this subsection shall not apply if:

(i) Two years have elapsed since the time of any such denial, nonrenewal, or revocation; or

(ii) The terms of any such suspension have been fulfilled;

(c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and is incarcerated for that offense or five years have not elapsed since the date of such conviction;

(d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in said action: PROVIDED, That in no event shall a license be issued unless the judgment debt has been discharged;

(e) Has had his license to practice law suspended or revoked and two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state;

(f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of RCW 19.86.020 and two years have not elapsed since the entry of the final judgment: PROVIDED, That in no event shall a license be issued unless the terms of such judgment, if any, have been fully complied with: PROVIDED FURTHER, That said judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license unless the judgment arises out of and is based on acts of the applicant, owner, officer, director, managing employee, or licensee while acting for or as a collection agency or an out-of-state collection agency;

(g) Has petitioned for bankruptcy, and two years have not elapsed since the filing of said petition;

(h) Shall be insolvent in the sense that his or its liabilities exceed his or its assets or in the sense that he or it cannot meet his or its obligations as they mature;

(i) Has failed to pay any civil, monetary penalty assessed in accordance with RCW 19.16.351 or 19.16.360 within ten days after the assessment becomes final; ~~((i))~~

(j) Has knowingly failed to comply with, or violated any provisions of this chapter or any rule or regulation issued pursuant to this chapter, and two years have not elapsed since the occurrence of said noncompliance or violation; or

(k) Has been found by a court of competent jurisdiction to have violated the federal fair debt collection practices act, 15 U.S.C. Sec. 1692 et seq., or the Washington state consumer protection act, chapter 19.86 RCW, and two years have not elapsed since that finding.

Any person who is engaged in the collection agency business as of January 1, 1972 shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this chapter, be issued a license hereunder.

Sec. 4. RCW 19.16.140 and 1985 c 7 s 81 are each amended to read as follows:

Each applicant when submitting his application shall pay a licensing fee and an investigation fee determined by the director as provided in RCW 43.24.086. The licensing fee for an out-of-state collection agency shall not exceed fifty percent of the licensing fee for a collection agency. An out-of-state collection agency is exempt from the licensing fee if the agency is licensed or registered in a state that does not require payment of an initial fee by any person who collects debts in the state only by means of interstate communications from the person's location in another state. If a license is not issued in response to the application, the license fee shall be returned to the applicant.

An annual license fee determined by the director as provided in RCW 43.24.086 shall be paid to the director on or before January first of each year. The annual license fee for an out-of-state collection agency shall not exceed fifty percent of the annual license fee for a collection agency. An out-of-state collection agency is exempt from the annual license fee if the agency is licensed or registered in a state that does not require payment of an annual fee by any person who collects debts in the state only by means of interstate communications from the person's location in another state. If the annual license fee is not paid on or before January first, the licensee shall be assessed a penalty for late payment in an amount determined by the director as provided in RCW 43.24.086. If the fee and penalty are not paid by January thirty-first, it will be necessary for the licensee to submit a new application for a license: PROVIDED, That no license shall be issued upon such new application unless and until all fees and penalties previously accrued under this section have been paid.

Any license or branch office certificate issued under the provisions of this chapter shall expire on December thirty-first following the issuance thereof.

Sec. 5. RCW 19.16.190 and 1971 ex.s. c 253 s 10 are each amended to read as follows:

(1) Except as limited by subsection (7) of this section, each applicant shall, at the time of applying for a license, file with the director a surety bond in the sum of five thousand dollars. The bond shall be annually renewable on January first of each year, shall be approved by the director as to form and content, and shall be executed by the applicant as principal and by a surety company authorized to do business in this state as surety. Such bond shall run to the state of Washington as obligee for the benefit of the state and conditioned that the licensee shall faithfully and truly perform all agreements entered into with the licensee's clients or customers and shall, within thirty days after the close of each calendar month, account to and pay to his client or customer the net proceeds of all collections made during the preceding calendar month and due to each client or customer less any offsets due licensee under RCW 19.16.210 and 19.16.220. The bond required by this section shall remain in effect until canceled by action of the surety or the licensee or the director.

(2) An applicant for a license under this chapter may furnish, file, and deposit with the director, in lieu of the surety bond provided for herein, a cash deposit or other negotiable security acceptable to the director. The security deposited with the director in lieu of the surety bond shall be returned to the licensee at the expiration of one year after the collection agency's license has expired or been revoked if no legal action has been instituted against the licensee or on said security deposit at the expiration of said one year.

(3) A surety may file with the director notice of his or its withdrawal on the bond of the licensee. Upon filing a new bond or upon the revocation of the collection agency license or upon the expiration of sixty days after the filing of notice of withdrawal as surety by the surety, the liability of the former surety for all future acts of the licensee shall terminate.

(4) The director shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked.

(5) Upon the filing with the director of notice by a surety of his withdrawal as the surety on the bond of a licensee or upon the cancellation by the director of the bond of a surety as provided in this section, the director shall immediately give notice to the licensee of the withdrawal or cancellation. The notice shall be sent to the licensee by registered or certified mail with request for a return receipt and addressed to the licensee at his or its main office as shown by the records of the director. At the expiration of thirty days from the date of mailing the notice, the license of the licensee shall be terminated, unless the licensee has filed a new bond with a surety satisfactory to the director.

(6) All bonds given under this chapter shall be filed and held in the office of the director.

(7) An out-of-state collection agency need not fulfill the bonding requirements under this section if the out-of-state collection agency maintains an adequate bond or legal alternative as required by the state in which the out-of-state collection agency is located.

Sec. 6. RCW 19.16.230 and 1987 c 85 s 1 are each amended to read as follows:

(1) Every licensee required to keep and maintain records pursuant to this section, other than an out-of-state collection agency, shall establish and maintain a regular active business office in the state of Washington for the purpose of conducting his or its collection agency business. Said office must be open to the public during reasonable stated business hours, and must be managed by a resident of the state of Washington.

(2) Every licensee shall keep a record of all sums collected by him or it and all disbursements made by him or it. All such records shall be kept at the business office referred to in subsection (1) of this section, unless the licensee is an out-of-state collection agency, in which case the record shall be kept at the business office listed on the licensee's license.

(3) Licensees shall maintain and preserve accounting records of collections and payments to customers for a period of four years from the date of the last entry thereon.

Sec. 7. RCW 19.16.240 and 1971 ex.s. c 253 s 15 are each amended to read as follows:

Each licensee, other than an out-of-state collection agency, shall at all times maintain a separate bank account in this state in which all moneys collected by the licensee shall be deposited except that negotiable instruments received may be forwarded directly to a customer. Moneys received must be deposited within ten days after posting to the book of accounts. In no event shall moneys received be disposed of in any manner other than to deposit such moneys in said account or as provided in this section.

The bank account shall bear some title sufficient to distinguish it from the licensee's personal or general checking account, such as "Customer's Trust Fund Account". There shall be sufficient funds in said trust account at all times to pay all moneys due or owing to all customers and no disbursements shall be made from such account except to customers or to remit moneys collected from debtors on assigned claims and due licensee's attorney or to refund over payments except that a licensee may periodically withdraw therefrom such moneys as may accrue to licensee.

Any money in such trust account belonging to a licensee may be withdrawn for the purpose of transferring the same into the possession of licensee or into a personal or general account of licensee.

Sec. 8. RCW 19.16.260 and 1971 ex.s. c 253 s 17 are each amended to read as follows:

No collection agency or out-of-state collection agency may bring or maintain an action in any court of this state involving the collection of a claim of any third party without alleging and proving that he or it is duly licensed under this chapter and has satisfied the bonding requirements hereof, if applicable: PROVIDED, That in any case where judgment is to be entered by default, it shall not be necessary for the collection agency or out-of-state collection agency to prove such matters.

A copy of the current collection agency license or out-of-state collection agency license, certified by the director to be a true and correct copy of the original, shall be prima facie evidence of the licensing and bonding of such collection agency or out-of-state collection agency as required by this chapter.

Sec. 9. RCW 19.16.390 and 1971 ex.s. c 253 s 30 are each amended to read as follows:

Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has engaged in conduct in violation of this chapter which has had the impact in this state which this chapter rephends. Such persons shall be deemed to have thereby submitted themselves to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185. A holder of an out-of-state collection agency license is deemed to have appointed the director or the director's designee to be the licensee's true and lawful agent upon whom may be served any legal process against that licensee arising or growing out of any violation of this chapter.

Sec. 10. RCW 19.16.430 and 1973 1st ex.s. c 20 s 6 are each amended to read as follows:

(1) Any person who knowingly operates as a collection agency or out-of-state collection agency without a license or knowingly aids and abets such violation is punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year or both.

(2) Any person who operates as a collection agency or out-of-state collection agency in the state of Washington without a valid license issued pursuant to this chapter shall not charge or receive any fee or compensation on any moneys received or collected while operating without a license or on any moneys received or collected while operating with a license but received or collected as a result of his or its acts as a collection agency or out-of-state collection agency while not licensed hereunder. All such moneys collected or received shall be forthwith returned to the owners of the accounts on which the moneys were paid.

Sec. 11. RCW 19.16.440 and 1973 1st ex.s. c 20 s 7 are each amended to read as follows:

The operation of a collection agency or out-of-state collection agency without a license as prohibited by RCW 19.16.110 and the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 are declared to be unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in chapter 19.86 RCW.

Sec. 12. RCW 19.16.920 and 1971 ex.s. c 253 s 42 are each amended to read as follows:

(1) The provisions of this chapter relating to the licensing and regulation of collection agencies and out-of-state collection agencies shall be exclusive and no county, city, or other political subdivision of this state shall enact any laws or rules and regulations licensing or regulating collection agencies.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business and occupation tax upon collection agencies or out-of-state collection agencies maintaining an office within that political subdivision if a business and occupation tax is levied by it upon other types of businesses within its boundaries.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Substitute Senate Bill No. 6093.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6093, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6093, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Ludwig, Niemi, Rinehart, Skratek and Vognild - 5.

SUBSTITUTE SENATE BILL NO. 6093, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6100 with the following amendment(s):

On page 25, beginning on line 16, strike all of section 31

Re-number the sections consecutively and correct any internal references accordingly., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Substitute Senate Bill No. 6100.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6100, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6100, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Morton and Oke - 3.

Absent: Senator Loveland - 1.

Excused: Senators Ludwig, Niemi, Rinehart and Skratek - 4.

SUBSTITUTE SENATE BILL NO. 6100, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6125 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.32 RCW to read as follows:

The legislature finds that it is in the best interest of recreational hunters and fishers in the state of Washington to be able to purchase all recreational hunting and fishing licenses as a single document. Under the combined department of fish and wildlife, there is the opportunity to establish uniform license requirements and procedures.

There is created a sport recreational license, to be administered by the department of fish and wildlife. The sport recreational license shall include the personal use food fish, game fish, hunting, hound, and eastern Washington upland bird licenses, for residents and nonresidents. The license shall also include three-day game fish and food fish licenses, for residents and nonresidents. The license shall include a warm water game fish surcharge, the funds from which shall be deposited in the warm water game fish account created under section 18 of this act.

Sec. 2. RCW 75.08.011 and 1993 sp.s. c 2 s 20 and 1993 c 340 s 47 are each reenacted and amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations, including corporations and partnerships.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks

commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish," "to harvest," and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has (~~for the preceding ninety days~~) maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name Common Name

Oncorhynchus tshawytscha Chinook salmon

Oncorhynchus kisutch Coho salmon

Oncorhynchus keta Chum salmon

Oncorhynchus gorbuscha Pink salmon

Oncorhynchus nerka Sockeye salmon

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel (~~to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks~~).

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(20) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(21) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW.

(22) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

Sec. 3. RCW 75.25.091 and 1993 sp.s. c 17 s 2 are each amended to read as follows:

(1) A personal use food fish license is required for all persons other than residents under fifteen years of age (~~(or honorably discharged veterans with service-connected disabilities of thirty percent or more who have resided in the state for one year or more, or residents seventy years of age or older)~~) to fish for, take, or possess food fish for personal use from state waters or offshore waters. A personal use food fish license is not required under this section to fish for, take, or possess carp, smelt, or albacore.

(2) The fees for annual personal use food fish licenses include the one dollar regional fisheries enhancement surcharge imposed in RCW 75.50.100 and are as follows:

(a) For a resident fifteen years of age or older and under seventy years of age, (~~seven~~) eight dollars; (~~and~~)

(b) For a resident seventy years of age or older, three dollars; and

(c) For a nonresident, (~~nineteen~~) twenty dollars.

(3) The fee for a (~~two consecutive day~~) three-consecutive-day personal use food fish license is (~~four~~) five dollars, and includes the one-dollar regional fishery enhancement group surcharge imposed in RCW 75.50.100.

(4) An annual personal use food fish license is valid for a maximum catch of fifteen salmon, after which another annual personal use food fish license may be purchased.

(5) An annual personal use food fish license is valid for an annual maximum catch of fifteen sturgeon. No person may take more than fifteen sturgeon in any calendar year.

Sec. 4. RCW 75.25.092 and 1993 sp.s. c 17 s 3 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents under fifteen years of age (~~(or honorably discharged veterans with service-connected disabilities of thirty percent or more who have resided in the state for one year or more)~~) to fish for, take, dig for, or possess seaweed or shellfish except crawfish (*Pacifastacus sp.*) for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older and under seventy years of age, five dollars;

(b) For a resident seventy years of age or older, three dollars; and

(c) For a nonresident, twenty dollars.

(3) The fee for a (~~two consecutive day~~) three-consecutive-day personal use shellfish and seaweed license is five dollars.

Sec. 5. RCW 75.25.110 and 1993 sp.s. c 17 s 6 are each amended to read as follows:

(1) Any of the recreational fishing licenses required by this chapter shall, upon (~~request~~) written application, be issued without charge to the following individuals (upon request):

(a) (~~Residents under fifteen years of age;~~

(b)) Residents who (~~submit applications attesting that they~~) are (~~a person sixty-five years of age or older who is an~~) honorably discharged veterans of the United States armed forces and who are sixty-five years of age or older with a service-connected disability (~~and who has been a resident of this state for the preceding ninety days~~);

(b) Residents who are honorably discharged veterans of the United States armed forces with a thirty percent or more service-connected disability;

(c) A (~~blind~~) person who is blind;

(d) A person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services; and

(e) A person who is physically handicapped and confined to a wheelchair.

(2) A ~~((blind))~~ person who is blind or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license.

~~(3) Licenses issued at no charge under this section shall be issued from Olympia as provided by rule of the director.~~

Sec. 6. RCW 75.25.120 and 1993 sp.s. c 17 s 7 are each amended to read as follows:

In concurrent waters of the Columbia river and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington personal use food fish license or ~~((two-consecutive-day))~~ three-consecutive-day personal use food fish license is valid if Oregon recognizes as valid the Washington personal use food fish license or ~~((two-consecutive-day))~~ three-consecutive-day personal use food fish license in comparable Oregon waters.

If Oregon recognizes as valid the Washington personal use food fish license or ~~((two-consecutive-day))~~ three-consecutive-day personal use food fish license southward to Cape Falcon in the coastal territorial waters from the Washington-Oregon boundary and in concurrent waters of the Columbia river then Washington shall recognize a valid Oregon license comparable to the Washington personal use food fish license or ~~((two-consecutive-day))~~ three-consecutive-day personal use food fish license northward to Leadbetter Point.

Oregon licenses are not valid for the taking of food fish when angling in concurrent waters of the Columbia river from the Washington shore.

Sec. 7. RCW 75.25.150 and 1993 sp.s. c 17 s 9 are each amended to read as follows:

It is unlawful to dig for, fish for, harvest, or possess shellfish ~~((or)),~~ food fish, or seaweed without the licenses required by this chapter.

Sec. 8. RCW 75.25.180 and 1993 sp.s. c 17 s 10 and 1993 sp.s. c 2 s 44 are each reenacted and amended to read as follows:

Recreational licenses issued by the department under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid for a period of five years~~(=~~

~~(a) For blind persons;~~

~~(b) For the period of continued state residency for qualified disabled veterans;~~

~~(c) For persons with a developmental disability; and~~

~~(d) For handicapped persons confined to a wheelchair who have been issued a permanent disability card).~~

(2) ~~((Two-consecutive-day))~~ Three-consecutive-day personal use food fish and shellfish and seaweed licenses expire at midnight on the second day following the validation date written on the license by the license dealer, except ~~((two-consecutive-day))~~ three-consecutive-day personal use food fish and shellfish and seaweed licenses validated for December 30 or 31 expire at midnight on ~~((that date))~~ December 31.

~~(3) ((A personal use food fish license is valid for a maximum catch of fifteen salmon, after which another personal use food fish license may be purchased.—A))~~ An annual personal use food fish license or annual personal use shellfish and seaweed license is valid only for the calendar year for which it is issued.

~~((4) A personal use food fish license is valid for an annual maximum catch of fifteen sturgeon.~~

~~(5) Personal use shellfish licenses are valid for the calendar year for which they are issued.)~~

NEW SECTION. Sec. 9. A new section is added to chapter 75.25 RCW to read as follows:

The director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and catch record cards required by this chapter. The fee for a duplicate provided under this section is ten dollars for those licenses that are ten dollars and over, and for those licenses under ten dollars the duplicate fee is the value of the license.

Sec. 10. RCW 77.32.161 and 1991 sp.s. c 7 s 2 are each amended to read as follows:

A nonresident or resident may obtain a temporary fishing license, which allows the holder to fish for game fish throughout the state for either three ~~((consecutive))~~ days or for one day. The fee for ~~((this))~~ a three-day license is nine dollars for residents and seventeen dollars for nonresidents. The fee for a one-day license is three dollars for residents and seven dollars for nonresidents. The resident temporary fishing license is not valid for an eight consecutive day period beginning on the opening day of the lowland lake fishing season.

Sec. 11. RCW 77.32.101 and 1991 sp.s. c 7 s 1 are each amended to read as follows:

(1) A combination hunting and fishing license allows a resident holder to hunt, and to fish for game fish throughout the state. The fee for this license is twenty-nine dollars.

(2) A hunting license allows the holder to hunt throughout the state. The fee for this license is fifteen dollars for residents and one hundred fifty dollars for nonresidents.

(3) A fishing license allows the holder to fish for game fish throughout the state. The fee for this license is seventeen dollars for residents fifteen years of age or older and under seventy years of age, three dollars for residents seventy years of age or older, twenty dollars for nonresidents under fifteen years of age, and forty-eight dollars for nonresidents fifteen years of age or older.

(4) A steelhead fishing license allows the holder of a combination hunting and fishing license or a fishing license issued under this section to fish for steelhead throughout the state. The fee for this license is eighteen dollars.

(5) A juvenile steelhead license allows residents under fifteen years of age and nonresidents under fifteen years of age who hold a fishing license to fish for steelhead throughout the state. The fee for this license is six dollars and entitles the holder to take up to five steelhead at which time another juvenile steelhead license may be purchased. Any person who purchases a juvenile steelhead license is prohibited from purchasing a steelhead license for the same calendar year.

Sec. 12. RCW 77.32.230 and 1991 sp.s. c 7 s 5 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who ~~((has been))~~ is a resident ~~((for five years))~~ may receive upon written application a ~~((state))~~ hunting and fishing license free of charge.

(2) Residents who are honorably discharged veterans of the United States armed forces with a thirty percent or more service-connected disability may receive upon written application a hunting and fishing license free of charge.

(3) An honorably discharged veteran who is a resident and is confined to a wheelchair shall receive upon application a hunting license free of charge.

(4) A ~~((blind))~~ person who is blind, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon written application a fishing license free of charge.

~~((3))~~ (5) A ~~((blind))~~ person who is blind or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license ~~((unless tags, permits, stamps, or punchcards are required by this chapter)).~~

~~((4))~~ (6) A fishing license is not required for ~~((persons))~~ residents under the age of fifteen.

~~((5))~~ (7) Tags, permits, stamps, and ~~((punchcards))~~ steelhead licenses required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

(8) Licenses issued at no charge under this section shall be issued from Olympia as provided by rule of the director, and are valid for five years.

Sec. 13. RCW 77.32.256 and 1991 sp.s. c 7 s 7 are each amended to read as follows:

The director shall by rule establish the conditions for issuance of duplicate licenses, rebates, permits, tags, stamps, and ~~((punchcards))~~ catch record cards required by this chapter. The fee for a duplicate provided under this section is ten dollars for those licenses that are ten dollars and over, and for those licenses under ten dollars the duplicate fee is the value of the license.

NEW SECTION. Sec. 14. All licenses issued by the department of fisheries under Title 75 RCW or issued by the department of wildlife under Title 77 RCW shall be recognized as valid by the department of fish and wildlife until the stated expiration date.

NEW SECTION. Sec. 15. A warm water game fish enhancement program is created in the department to be funded from the sale of a warm water game fish surcharge and the revenue attributed to the sale of department fishing licenses that are purchased by fishers who fish for certain warm water game fish species. The enhancement program shall be designed to increase the opportunities to fish for and catch warm water game fish including: Largemouth black bass, smallmouth black bass, channel catfish, black crappie, white crappie, walleye, and tiger musky, and other species as defined by the department. The program shall be designed to use a practical applied approach to increasing warm water fishing. The department shall use the funds available efficiently to assure the greatest increase in the fishing for warm water fish at the lowest cost. This approach shall involve the minimization of overhead and administrative costs and the maximization of productive in-the-field activities.

NEW SECTION. Sec. 16. In order to fish throughout the state for warm water game fish, a person fifteen years of age or older shall pay to the department an annual warm water game fish surcharge. For the purposes of this section, "warm water game fish" means largemouth black bass, smallmouth black bass, walleye, black crappie, white crappie, channel catfish, and tiger musky. The department shall use the most cost-effective format in designing and administering the surcharge. Revenues from the surcharge shall be deposited in the warm water game fish account created under section 18 of this act. The annual surcharge shall be in the following amounts:

(1) For residents and nonresidents between fifteen and sixty-nine years of age and for nonresidents seventy years of age or older who hold an annual fishing license issued under RCW 77.32.101, five dollars;

(2) For residents seventy years of age or older who hold an annual fishing license issued under RCW 77.32.101, one dollar; and

(3) For residents and nonresidents between fifteen and sixty-nine years of age and nonresidents seventy years of age and older who hold a temporary fishing license under RCW 77.32.161, two dollars.

NEW SECTION. Sec. 17. The goals of the warm water game fish enhancement program are to improve the fishing for warm water game fish using cost-effective management. Development of new ponds and lakes shall be an important and integral part of the program. The department shall work with the department of natural resources to coordinate the reclamation of surface mines and the development of warm water game fish ponds. Improvement of warm water fishing shall be coordinated with the protection and conservation of cold water fish populations. This shall be accomplished by carefully designing the warm water projects to have minimal adverse effects upon the cold water fish populations. New pond and lake development should have beneficial effects upon wildlife due to the increase in lacustrine and wetland habitat that will accompany the improvement of warm water fish habitat. The department shall not develop projects that will increase the populations of undesirable or deleterious fish species such as carp, squawfish, walking catfish, and others.

Fish culture programs shall be used in conditions where they will prove to be cost-effective. Consideration should be made for development of urban area enhancement of fishing opportunity for put-and-take species, such as channel catfish, which are amenable to production by low-cost fish culture methods. Fish culture shall also be used for stocking of high value species, such as walleye, smallmouth bass, and tiger musky. Introduction of special genetic strains that show high potential for recreational fishing improvement, including Florida strain largemouth bass, shall be considered.

Transplantation and introduction of exotic warm water fish shall be carefully reviewed to assure that adverse effects to native fish and wildlife populations do not occur. This review shall include an analysis of consequences from disease and parasite introduction.

Population management through the use of fish toxicants, including rotenone or derris root, shall be considered as a management option in the warm water game fish enhancement program. However, any use of fish toxicants shall be subject to a thorough review to prevent adverse effects to cold water fish, desirable warm water fish, and other biota. Eradication of deleterious fish species shall be a goal of the program.

Habitat improvement shall be a major aspect of the warm water enhancement program. Habitat improvement opportunities shall be defined with scientific investigations, field surveys, and by using the extensive experience of other state management entities. Installation of cover, structure, water flow control structures, screens, spawning substrate, vegetation control, and other management techniques shall be fully used. The department shall work to gain access to privately owned waters that can be developed with habitat improvements to improve the warm water resource for public fishing. Habitat improvements shall be conducted in such a manner as to have secondary benefits to waterfowl, other wildlife, and cold water fish.

The program may include research if necessary to achieve overall program goals.

The department shall use the resources of cooperative groups to assist in the planning and implementation of the warm water game fish enhancement program. In the development of the program the department shall actively involve the organized fishing clubs that primarily fish for warm water fish.

NEW SECTION. Sec. 18. The warm water game fish account is hereby created in the state wildlife fund. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program under section 15 of this act. Revenues from the warm water game fish surcharge established under section 16 of this act shall be deposited into the account.

NEW SECTION. Sec. 19. The director shall make every effort to allocate funding among department fish management programs proportional to the revenues from the sale of fishing licenses issued under RCW 77.32.101 and attributable to fishing for the species managed within each of the programs.

NEW SECTION. Sec. 20. Sections 15 through 19 of this act shall constitute a new chapter in Title 77 RCW.

NEW SECTION. Sec. 21. (1) Sections 15 and 17 through 19 of this act shall take effect July 1, 1994.

(2) Section 16 of this act shall take effect January 1, 1995.

NEW SECTION. Sec. 22. Section 14 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 23. Sections 1 through 13 of this act shall take effect January 1, 1995.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6125.

MOTION

On motion of Senator Spanel, Senator Loveland was excused..

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6125, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6125, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, Cantu and Erwin - 3.

Excused: Senators Loveland, Ludwig, Niemi, Rinehart and Skratek - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6125, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6146 with the following amendment(s):

On page 3, after line 3, strike all of section 2 and insert:

"NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1994, in the omnibus appropriations act, this act is null and void."

Correct internal references accordingly., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Senate Bill No. 6146.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6146, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6146, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Niemi, Rinehart and Skratek - 3.

SENATE BILL NO. 6146, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6155 with the following amendment(s):

On page 2, line 14, after "student" strike "shall" and insert "may"

On page 2, line 25, after "action." strike "However, if" and insert "If"

On page 2, line 27, after "transcript" strike "and" and insert ", but shall", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Pelz moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6155.

POINT OF INQUIRY

Senator Anderson: "Senator Pelz, in our summaries, it says, 'Districts are permitted but not required to request information from students.' What type of information is this? Can you key us back in to the underlying bill, please?"

Senator Pelz: "This is a bill that deals with the transfer of records when a student moves from one school to another. The section that you are referring to says that when a student arrives at a new school, under the Senate version, it said that the district shall ask the parent and student a variety of questions. The questions deal with the past record of the student, any criminal problem, etc. Our language said that the district shall ask the parent and student this information. The House said they may, but if the district doesn't want to interview the parent and the student in this written format, they are not required to do it. I think it is a logical flexibility for the receiving school."

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6155.

The motion by Senator Pelz carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6155.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6155, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6155, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator McDonald - 1.

Excused: Senators Niemi, Rinehart and Skratek - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6155, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6158 with the following amendment(s):

On page 1, strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.28 RCW to read as follows:

(1) Tuberculosis has been and continues to be a threat to the public's health in the state of Washington.

(2) While it is important to respect the rights of individuals, the legitimate public interest in protecting the public health and welfare from the spread of a deadly infectious disease outweighs incidental curtailment of individual rights that may occur in implementing effective testing, treatment, and infection control strategies.

(3) To protect the public's health, it is the intent of the legislature that local health officials provide culturally sensitive and medically appropriate early diagnosis, treatment, education, and follow-up to prevent tuberculosis. Further, it is imperative that public health officials and their staff have the necessary authority and discretion to take actions as are necessary to protect the health and welfare of the public, subject to the constitutional protection required under the federal and state Constitutions. Nothing in this chapter shall be construed as in any way limiting the broad powers of health officials to act as necessary to protect the public health.

NEW SECTION. Sec. 2. A new section is added to chapter 70.28 RCW to read as follows:

(1) The state board of health shall adopt rules establishing the requirements for:

(a) Reporting confirmed or suspected cases of tuberculosis by health care providers and reporting of laboratory results consistent with tuberculosis by medical test sites;

(b) Due process standards for health officers exercising their authority to involuntarily detain, test, treat, or isolate persons with suspected or confirmed tuberculosis under RCW 70.28.031 and 70.05.070 that provide for release from any involuntary detention, testing, treatment, or isolation as soon as the health officer determines the patient no longer represents a risk to the public's health;

(c) Training of persons to perform tuberculosis skin testing and to administer tuberculosis medications.

(2) Notwithstanding any other provision of law, persons trained under subsection (1)(c) of this section may perform skin testing and administer medications if doing so as part of a program established by a state or local health officer to control tuberculosis.

(3) The board shall adopt rules under subsection (1) of this section by December 31, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6158.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6158, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6158, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Niemi, Rinehart and Skratek - 3.

ENGROSSED SENATE BILL NO. 6158, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6205 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.44 RCW to read as follows:

The switch that controls the raising and lowering of the retractable rear booster or tag axle on a ready-mix cement truck may be located within the reach of the driver's compartment as long as the variable control, used to adjust axle loadings by regulating air pressure or by other means, is out of the reach of the driver's compartment."and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Haugen moved that the Senate do concur in the House amendment to Senate Bill No. 6205.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate do concur in the House amendment to Senate Bill No. 6205.

The motion by Senator Haugen carried and the Senate concurred in the House amendment to Senate Bill No. 6205.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6205, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6205, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator McDonald - 1.

Excused: Senators Niemi and Skratek - 2.

SENATE BILL NO. 6205, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6188 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.64 RCW to read as follows:

Within fourteen days of the entry of a judgment of conviction of an individual for a felony, the clerk of the court shall send a notice of the conviction including the full name of the defendant and his or her residential address to the county auditor or custodian of voting records in the county of the defendant's residence.

Sec. 2. RCW 29.01.006 and 1990 c 59 s 2 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Special ballot" means a ballot issued to a voter at the polling place on election day by the precinct election board, for one of the following reasons:

(a) The voter's name does not appear in the poll book;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote.

Sec. 3. RCW 29.04.040 and 1986 c 167 s 2 are each amended to read as follows:

(1) No paper ballot precinct may contain more than three hundred active registered voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over-populated precincts shall contain no more than two hundred fifty active registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (5) of this section, no precinct boundaries may be changed during the period starting on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred active registered voters, but there shall be at least one voting machine or device for each three hundred active registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority may establish by ordinance a limitation on the maximum number of active registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty active registered voters or less and establish the boundaries of the precincts. The county auditor shall thereupon designate the voting place for each such precinct.

(6) In determining the number of active registered voters for the purposes of this section, persons who are ongoing absentee voters under RCW 29.36.013 shall not be counted. Nothing in this subsection may be construed as altering the vote tallying requirements of RCW 29.62.090.

Sec. 4. RCW 29.04.070 and 1965 c 9 s 29.04.070 are each amended to read as follows:

The secretary of state through ~~(his)~~ the election division shall be the chief election officer for all federal, state, county, city, town, and district elections and it shall be his or her duty to keep records of such elections held in the state and to make such records available to the public upon request, and to coordinate those state election activities required by federal law.

Sec. 5. RCW 29.04.100 and 1975-76 2nd ex.s. c 46 s 1 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the identity of the office at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. In the case of voter registration records received through an agency designated under section 26 of this act, the identity of the agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under section 26 of this act is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) All poll books or current lists of registered voters, except original voter registration forms or their images, shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish current lists or mailing labels of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information: PROVIDED, That such lists and labels shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, HOWEVER, That such lists and labels may be used for any political purpose. ~~((In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information.))~~

Sec. 6. RCW 29.04.110 and 1973 1st ex.s. c 111 s 3 are each amended to read as follows:

Except original voter registration forms or their images, a reproduction of any form of data storage, in the custody of the county auditor, ~~((for))~~ including poll books and precinct lists of registered voters, ~~((including))~~ magnetic tapes or discs, punched cards, and any other form of storage of such books and lists, shall at the written request of any person be furnished to him or her by the county auditor pursuant to such reasonable rules and regulations as the county auditor may prescribe, and at a cost equal to the county's actual cost in reproducing such form of data storage. Any data contained in a form of storage furnished under this section shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such data may be used for any political purpose. Whenever the county auditor furnishes any form of data storage under this section, he or she shall also furnish the person receiving the same with a copy of RCW 29.04.120.

NEW SECTION. Sec. 7. A new section is added to chapter 29.04 RCW to read as follows:

Each county auditor shall maintain for at least two years and shall make available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed.

Sec. 8. RCW 29.07.010 and 1984 c 211 s 3 are each amended to read as follows:

(1) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. ~~((He or she shall))~~ The auditor may appoint a ~~((deputy registrar))~~ registration assistant for each precinct or group of precincts and shall appoint city or town clerks as ~~((deputy registrars))~~ registration assistants to assist in registering persons residing in cities, towns, and rural precincts within the county.

(2) In addition, the auditor ~~((shall))~~ may appoint a ~~((deputy registrar))~~ registration assistant for each common school. ~~((A deputy registrar in a common school shall be a school official or school employee.))~~ The auditor ~~((shall))~~ may appoint a ~~((deputy registrar))~~ registration assistant for each fire station ~~((that he or she finds is convenient to the public for registration purposes and is adequately staffed so that registration would not be a great inconvenience for the fire station personnel. A fire station appointee shall be a person employed at the station)).~~ All common schools, fire stations, and public libraries shall make voter registration application forms available to the public.

~~(3) ((The auditor shall also appoint deputy registrars to provide voter registration services for each state office providing voter registration under RCW 29.07.025.~~

~~(4) A deputy registrar shall))~~ A registration assistant must be a registered voter. Except for city and town clerks, each ~~((registrar shall))~~ registration assistant holds office at the pleasure of the county auditor.

~~((5))~~ (4) The county auditor shall be the custodian of the official registration records of ~~((each precinct within))~~ that county.

NEW SECTION. Sec. 9. A new section is added to chapter 29.07 RCW to read as follows:

"Information required for voter registration" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes the applicant's name, complete residence address, date of birth, and a signature attesting to the truth of the information provided on the application. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

Sec. 10. RCW 29.07.025 and 1984 c 211 s 2 are each amended to read as follows:

(1) ~~((The director or chief administrative officer of))~~ Each state agency designated under section 26 of this act shall provide voter registration services for employees and the public within each office of that agency ~~((which is convenient to the public for registration purposes except where, or during such times as, the director or officer finds that there would be a great inconvenience to the public or to the operation of the agency due to inadequate staff time for this purpose)).~~

(2) The secretary of state shall design and provide a standard notice informing the public of the availability of voter registration, which notice shall be posted in each state agency where such services are available.

(3) The secretary of state shall design and provide standard voter registration forms for use by these state agencies.

Sec. 11. RCW 29.07.070 and 1990 c 143 s 7 are each amended to read as follows:

Except as provided under RCW 29.07.260, an applicant for voter registration shall ~~((provide a voter registrar with))~~ complete an application providing the following information concerning his or her qualifications as a voter in this state:

- (1) The address of the last former registration of the applicant as a voter in the state;
- (2) The applicant's full name;
- (3) The applicant's date of birth;
- (4) The address of the applicant's residence for voting purposes;
- (5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
- (6) The sex of the applicant;
- (7) A declaration that the applicant is a citizen of the United States; and
- (8) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The auditor shall not register the applicant until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the auditor shall not register the applicant to vote.

The following warning shall appear in a conspicuous place on the voter registration form:

"If you knowingly ~~((providing))~~ provide false information on this voter registration form or knowingly ~~((making))~~ make a false declaration about your qualifications for voter registration ~~((is))~~ you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine ~~((not to exceed))~~ of up to ten thousand dollars, or ~~((by))~~ both ~~((such))~~ imprisonment and fine."

Sec. 12. RCW 29.07.080 and 1990 c 143 s 8 are each amended to read as follows:

For voter registrations executed under ~~((this section))~~ RCW 29.07.070, the ~~((registrar))~~ registrant shall ~~((require the applicant to))~~ sign the following oath:

"I declare that the facts ~~((relating to my qualifications as a voter recorded))~~ on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of ~~((an infamous crime))~~ a felony, I will have lived in Washington at this ~~((state, county, and precinct))~~ address for thirty days immediately ~~((preceding))~~ before the next election at which I ~~((offer to))~~ vote, and I will be at least eighteen years ~~((of age at the time of voting))~~ old when I vote."

((The registration officer shall attest and date this oath in the following form:

"Subscribed and sworn to before me this day of, 19 Registration Officer.")

Sec. 13. RCW 29.07.090 and 1973 1st ex.s. c 21 s 5 are each amended to read as follows:

At the time of registering ~~((any))~~ a voter~~((each registration officer))~~ shall ~~((require him to))~~ sign his or her name upon a signature card ~~((containing spaces for his surname))~~ to be transmitted to the secretary of state. The voter shall also provide his or her first name followed by ((his given)) the last name or names and the name of the county ~~((and city or town, with post office and street address, and the name or number of the precinct,))~~ in which ~~((the voter))~~ he or she is registered.

Sec. 14. RCW 29.07.100 and 1971 ex.s. c 202 s 13 are each amended to read as follows:

~~((Registration officers in incorporated))~~ In cities and towns, clerks shall ~~((keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction of public business: PROVIDED, That in cities of the first class, the county auditor shall establish on a permanent basis at least one registration office in each legislative district that lies wholly or partially within the city limits by appointing persons as deputy registrars who may register any eligible elector of such city.~~

~~Each such deputy registrar, except for city and town clerks, shall hold office at the pleasure of the county auditor and shall maintain a fixed place, conveniently located, for the registration of voters but nothing in this section shall preclude door-to-door registration including registration from a portable office as in a trailer)~~ provide voter registration assistance during the normal business hours of the office.

Sec. 15. RCW 29.07.115 and 1971 ex.s. c 202 s 23 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a designee at least once weekly~~((the deputy registrars shall transmit all registration records properly completed to the county auditor))~~.

Sec. 16. RCW 29.07.120 and 1971 ex.s. c 202 s 16 are each amended to read as follows:

On each Monday next following the registration of any voter each county auditor shall transmit all cards required by RCW 29.07.090 ~~((which have been executed and))~~ received in ~~((his))~~ the auditor's office during the prior week to the secretary of state for filing ~~((in his office. Each lot must be accompanied by the certificate of the registrar that the cards so transmitted are the original cards, that they were signed by the voters whose names appear thereon and that the voters are registered in the precincts and from the addresses shown thereon)).~~ The secretary of state may exempt a county auditor who is providing electronic voter registration and electronic voter signature information to the secretary of state from the requirements of this section.

Sec. 17. RCW 29.07.130 and 1991 c 81 s 21 are each amended to read as follows:

(1) The cards required by RCW 29.07.090 shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. The secretary may maintain an automated file of voter registration information for any county or counties in lieu of filing or maintaining these voter registration cards if the automated file includes all of the information from the cards including, but not limited to, a retrievable facsimile of the signature of each voter of that county or counties. Such an automated file may be used only for the purpose authorized for the use of the cards.

(2) The county auditor shall have custody of the voter registration records for each county. The original voter registration form, as established by RCW 29.07.070, shall be filed alphabetically without regard to precinct and shall be considered confidential and unavailable for public inspection and copying. An automated file of all registered voters shall be maintained pursuant to RCW 29.07.220. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(3) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying: The voter's name, gender, voting record, date of registration, and registration number. The address of a registered voter or addresses of a group of voters are available for public inspection and copying except to the extent that the address of a particular voter is not so available under RCW 42.17.310(1)(bb). The political jurisdictions within which a voter or group of voters reside are also available for public inspection and copying except that the political jurisdictions within which a particular voter resides are not available for such inspection and copying if the address of the voter is not so available under RCW 42.17.310(1)(bb). No other information from voter registration records or files is available for public inspection or copying.

Sec. 18. RCW 29.07.140 and 1990 c 143 s 9 are each amended to read as follows:

(1) The secretary of state shall specify by rule the ~~((form))~~ format of ~~((the))~~ all voter registration ~~((records required under RCW 29.07.070 and 29.07.260))~~ applications. These ~~((forms))~~ applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one ~~((form))~~ application and to provide the required information other than his or her signature no more than one time. These ~~((forms))~~ applications shall also contain information for the voter to transfer his or her registration.

Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) for registering to vote in federal elections.

(2) The secretary of state shall adopt by rule a uniform data format for transferring voter registration records on machine-readable media.
(3) All registration ~~((forms))~~ applications required under RCW 29.07.070 and 29.07.260 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.
(4) The secretary of state shall produce and distribute any instructional material and other supplies needed to implement RCW 29.07.260 through 29.07.300 and 46.20.155.

(5) Any notice or statement that must be provided under the National Voter Registration Act of 1993 (P.L. 103-31) to prospective registrants concerning registering to vote in federal elections shall also be provided to prospective registrants concerning registering to vote under this title in state and local elections as well as federal elections.

Sec. 19. RCW 29.07.170 and 1971 ex.s. c 202 s 21 are each amended to read as follows:

~~((Immediately))~~ Upon closing ~~((his))~~ of the registration files preceding an election, the county auditor shall ~~((insert therein his certificate as to the authenticity thereof. He shall then))~~ deliver the ~~((registration records for each precinct thus certified))~~ precinct lists of registered voters to the inspector or one of the judges ~~((thereof at the proper))~~ of each precinct or group of precincts located at the polling place before the polls open.

Sec. 20. RCW 29.07.180 and 1971 ex.s. c 202 s 22 are each amended to read as follows:

The ~~((registration records of))~~ precinct list of registered voters for each precinct or group of precincts delivered to the precinct election officers for use on the day of an election held in that precinct shall be returned by them to the county auditor upon the completion of the count of the votes cast in the precinct at that election. While in possession of the county auditor they shall be open to public inspection under such reasonable rules and regulations as may be prescribed therefor.

Sec. 21. RCW 29.07.260 and 1990 c 143 s 1 are each amended to read as follows:

(1) A person may register to vote or transfer a voter registration when he or she applies for or renews a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote or transfer a voter registration under this section, the applicant shall provide the following:

- (a) His or her full name;
- (b) Whether the address in the driver's license file is the same as his or her residence for voting purposes;
- (c) The address of the residence for voting purposes if it is different from the address in the driver's license file;
- (d) His or her mailing address if it is not the same as the address in (c) of this subsection;
- (e) Additional information on the ~~((physical))~~ geographic location of that voting residence if it is only identified by route or box;
- (f) The last address at which he or she was registered to vote in this state;
- (g) A declaration that he or she is a citizen of the United States; and
- (h) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and to prevent duplicate or fraudulent voter registrations.

(3) The following warning shall appear in a conspicuous place on the voter registration form:

"If you knowingly ~~((providing))~~ provide false information on this voter registration form or knowingly ~~((making))~~ make a false declaration about your qualifications for voter registration ~~((is))~~ you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine ~~((not to exceed))~~ of up to ten thousand dollars, or ~~((by))~~ both ~~((such))~~ imprisonment and fine."

(4) The applicant shall sign a portion of the form that can be used as an initiative signature card for the verification of petition signatures by the secretary of state and shall sign and attest to the following oath:

"I declare that the facts ~~((relating to my qualifications as a voter recorded))~~ on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of ~~((an infamous crime))~~ a felony. I will have lived in ~~((this state, county, and precinct))~~ Washington at this address for thirty days ~~((immediately preceding))~~ before the next election at which I ~~((offer to))~~ vote, and I will be at least eighteen years ~~((of age at the time of voting))~~ old when I vote."

(5) The driver licensing agent shall record that the applicant has requested to register to vote or transfer a voter registration.

Sec. 22. RCW 29.07.270 and 1990 c 143 s 2 are each amended to read as follows:

(1) The secretary of state shall provide for the voter registration forms submitted under RCW 29.07.260 to be collected from each driver's licensing facility ~~((at least once each week))~~ within five days of their completion.

(2) The department of licensing shall produce and transmit to the secretary of state a machine-readable file containing the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility during each period for which forms are transmitted under subsection (1) of this section: The name, address, date of birth, and sex of the applicant and the driver's license number, the date on which the application for voter registration or transfer was submitted, and the location of the office at which the application was submitted.

(3) The department of licensing shall provide information on all persons changing their address on change of address forms submitted to the department unless the voter has indicated that the address change is not for voting purposes. This information will be transmitted to the secretary of state each week in a machine-readable file containing the following information on persons changing their address: The name, address, date of birth, and sex of the applicant, the applicant's driver's license number, the applicant's former address, the county code for the applicant's former address, and the date that the request for address change was received.

(4) The secretary of state shall forward this information to the appropriate county each week. When the information indicates that the voter has moved within the county, the county auditor shall use the change of address information to transfer the voter's registration and send the voter an acknowledgement notice of the transfer. If the information indicates that the new address is outside the voter's original county, the county auditor shall send the voter a registration by mail form at the voter's new address and advise the voter of the need to reregister in the new county. The auditor shall then place the voter on inactive status.

Sec. 23. RCW 29.07.300 and 1990 c 143 s 5 are each amended to read as follows:

(1) The secretary of state shall deliver the files and lists of voter registration information produced under RCW 29.07.290 to the county auditors no later than ten days after the date on which that information was to be transmitted under RCW 29.07.270(1). The county auditor shall process these records in the same manner as voter registrations executed under RCW 29.07.080.

(2) If a registrant has indicated on the voter registration application form that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

Sec. 24. RCW 29.07.400 and 1991 c 81 s 11 are each amended to read as follows:

If any ~~((registrar or deputy registrar))~~ county auditor or registration assistant:

- (1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or
- (2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or
- (3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law, he or she is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

Sec. 25. RCW 29.07.410 and 1991 c 81 s 12 are each amended to read as follows:

Any person who:

- (1) Knowingly provides false information on an application for voter registration under any provision of this title;
- (2) Knowingly makes or attests to a false declaration as to his or her qualifications as a voter;
- (3) Knowingly causes or permits himself or herself to be registered using the name of another person;
- (4) Knowingly causes himself or herself to be registered under two or more different names; ((or))
- (5) Knowingly causes himself or herself to be registered in two or more counties;
- (6) Offers to pay another person to assist in registering voters, where payment is based on a fixed amount of money per voter registration;
- (7) Accepts payment for assisting in registering voters, where payment is based on a fixed amount of money per voter registration; or
- (8) Knowingly causes any person to be registered or causes any registration to be transferred or canceled except as authorized under this

title,

is guilty of a class C felony punishable under RCW 9A.20.021.

NEW SECTION. Sec. 26. A new section is added to chapter 29.07 RCW to read as follows:

The governor, in consultation with the secretary of state, shall designate agencies to provide voter registration services in compliance with federal statutes.

NEW SECTION. Sec. 27. A new section is added to chapter 29.07 RCW to read as follows:

(1) A person may register to vote or transfer a voter registration when he or she applies for service or assistance and with each renewal, recertification, or change of address at agencies designated under section 26 of this act.

(2) A prospective applicant shall initially be offered a form adopted by the secretary of state that is designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to indicate that he or she declines to register.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by section 28 of this act.

NEW SECTION. Sec. 28. A new section is added to chapter 29.07 RCW to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents.

(3) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(4) Each designated agency shall provide for the voter registration application forms to be collected from each agency office at least once each week. The agency shall then forward the application forms to the secretary of state each week. The secretary of state shall forward the forms to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were received by the secretary of state.

NEW SECTION. Sec. 29. A new section is added to chapter 29.07 RCW to read as follows:

The secretary of state shall:

(1) Coordinate with the designated agencies and county auditors on the implementation of sections 27 and 28 of this act;

(2) Adopt rules governing the delivery and processing of voter registration application forms submitted under sections 27 and 28 of this act and ensuring the integrity of the voter registration process and of the integrity and confidentiality of data on registered voters collected under sections 27 and 28 of this act.

Sec. 30. RCW 29.08.010 and 1993 c 434 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise((;)).

(1) "By mail" means delivery of a completed original voter registration ~~((form))~~ application by mail((;)) or by personal delivery~~((, or by courier to a county auditor))~~. The secretary of state, in consultation with the county auditors, may adopt rules to develop a process to receive and distribute these applications.

(2) For voter registration applicants, "date of mailing" means the date of the postal cancellation on the voter registration application. This date will also be used as the date of application for the purpose of meeting the registration cutoff deadline. If the postal cancellation date is illegible then the date of receipt by the elections official is considered the date of application. If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration and the postal cancellation date is illegible, the application will be considered to have arrived by the cutoff date for voter registration.

Sec. 31. RCW 29.08.050 and 1993 c 434 s 5 are each amended to read as follows:

In addition to the information required under RCW 29.07.070, when registering to vote by mail under this chapter, the applicant shall sign a portion of the form that can be used as an initiative signature card for the verification of petition signatures by the secretary of state and shall sign and attest to the following oath: "I declare that the facts ~~((relating to my qualifications as a voter recorded))~~ on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of ~~((an infamous crime))~~ a felony. I will have lived in ~~((this state, county, and precinct))~~ Washington at this address for thirty days immediately ~~((preceding))~~ before the next election at which I ~~((offer to))~~ vote, and I will be at least eighteen years ~~((of age at the time of voting))~~ old when I vote."

The voter registration by mail form shall provide, in a conspicuous place, the following warning: "If you knowingly ~~((providing))~~ provide false information on this voter registration form or knowingly ~~((making))~~ make a false declaration about your qualifications for voter registration ~~((is))~~ you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine ~~((not to exceed))~~ of up to ten thousand dollars, or ~~((by))~~ both ~~((such))~~ imprisonment and fine."

Sec. 32. RCW 29.08.060 and 1993 c 434 s 6 are each amended to read as follows:

(1) On receipt of an application for voter registration under this chapter, the county auditor shall review the application to determine whether the information supplied is complete. An application that contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided on the application is complete. If it is not complete, the auditor shall promptly ~~((send))~~ mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant or is returned as undeliverable the auditor shall not place the name of the applicant on the county voter list. If the applicant provides the required information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application.

(2) If the information is complete, the applicant is considered to be registered to vote as of the date of ~~((the application's postmark. If there is no postmark or if the postmark is illegible, the applicant is registered on the date the complete and correct application was received by the auditor))~~ mailing. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, ~~((a voter registration card))~~ an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. If the applicant has indicated that he or she is registered to

vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

(3) If ~~(a voter registration)~~ an acknowledgement notice card is properly mailed as required by this section to the address listed by the ~~((applicant))~~ voter as being the ~~((applicant's))~~ voter's mailing address and the ~~((eard))~~ notice is subsequently returned to the auditor by the postal service as being undeliverable to the ~~((applicant))~~ voter at that address, the auditor shall ~~((immediately cancel the voter registration of the applicant. The auditor shall))~~ promptly send the ~~((applicant))~~ voter a confirmation notice ~~((and explanation of the cancellation, and a registration application form. The postal service shall be requested to forward this notice as applicable)).~~ The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

NEW SECTION. Sec. 33. A new section is added to chapter 29.10 RCW to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed so that the voter may update his or her current residence address.

NEW SECTION. Sec. 34. A new section is added to chapter 29.10 RCW to read as follows:

Registered voters are divided into two categories, "active" and "inactive." All registered voters are classified as active, unless assigned to inactive status by the county auditor.

Sec. 35. RCW 29.10.020 and 1991 c 81 s 23 are each amended to read as follows:

To maintain a valid voter registration, a registered voter who changes his or her residence from one address to another within the same county shall ~~((to maintain a valid voter registration,))~~ transfer his or her registration to the new address in one of the following ways: (1) Sending to the county auditor a signed request stating the voter's present address ~~((and precinct))~~ and the address ~~((and precinct))~~ from which the voter was last registered; (2) appearing in person before the auditor and signing such a request; (3) transferring the registration in the manner provided by RCW 29.10.170; or (4) telephoning the county auditor to transfer the registration. The telephone call transferring a registration by telephone must be received by the auditor before the precinct registration files are closed to new registrations for the next primary or special or general election in which the voter participates.

The secretary of state ~~((shall))~~ may adopt rules facilitating the transfer of a registration by telephone authorized by this section. ~~((The rules shall include, but need not be limited to, those establishing the form which must be signed by a voter subsequent to transferring a registration by telephone.))~~

Sec. 36. RCW 29.10.040 and 1991 c 81 s 24 are each amended to read as follows:

~~((Except as provided in RCW 29.10.170,))~~ A registered voter who changes his or her residence from one county to another county, shall be required to register anew. Before registering anew, the voter shall sign an authorization to cancel his or her present registration. The authorization shall be on a form prescribed by the secretary of state by rule. The authorization shall be forwarded promptly to the county auditor of the county in which the voter was previously registered. The county auditor of the county where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration record and on the cancellation authorization form were made by the same person.

Sec. 37. RCW 29.10.051 and 1991 c 81 s 25 are each amended to read as follows:

To maintain a valid voter registration, a person who changes his or her name shall notify the county auditor regarding the name change in one of the following ways: (1) By sending the auditor a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence. Such a notice must be signed by the voter using both this former name and the voter's new name; (2) by appearing in person before the auditor or a ~~((deputy registrar))~~ registration assistant and signing such a change-of-name notice; ~~((or))~~ (3) by signing such a change-of-name notice at the voter's precinct polling place on the day of a primary or special or general election; ~~((4))~~ (4) by properly executing a name change on a mail-in registration application or a prescribed state agency application.

A properly registered voter who files a change-of-name notice at the voter's precinct polling place during a primary or election and who desires to vote at that primary or election shall sign the poll book using the voter's former and new names in the same manner as is required for the change-of-name notice.

The secretary of state may adopt rules facilitating the implementation of this section.

NEW SECTION. Sec. 38. A new section is added to chapter 29.10 RCW to read as follows:

(1) A county auditor shall assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:

- (a) An acknowledgement of registration;
- (b) An acknowledgement of transfer to a new address;
- (c) A vote-by-mail ballot, absentee ballot, or application for a ballot;
- (d) Notification to a voter after precinct reassignment;
- (e) Notification to serve on jury duty; or
- (f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter.

(2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice:

- (a) Whenever change of address information received from the department of licensing under RCW 29.07.270, or by any other agency designated to provide voter registration services under section 26 of this act, indicates that the voter has moved to an address outside the county; or
- (b) If the auditor receives postal change of address information under RCW 29.10.180, indicating that the voter has moved out of the county.

NEW SECTION. Sec. 39. A new section is added to chapter 29.10 RCW to read as follows:

The county auditor shall return an inactive voter to active voter status if, during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office that occurs after the date that the voter was sent a confirmation notice, the voter: Notifies the auditor of a change of address within the county; responds to a confirmation notice with information that the voter continues to reside at the registration address; votes or attempts to vote in a primary or a special or general election and resides within the county; or signs any petition authorized by statute for which the signatures are required by law to be verified by the county auditor. If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

NEW SECTION. Sec. 40. A new section is added to chapter 29.10 RCW to read as follows:

(1) Except as otherwise specified by this title, registered voters include those assigned to active and inactive status by the county auditor.

(2) Election officials shall not include inactive voters in the count of registered voters for the purpose of dividing precincts, creating vote-by-mail precincts, determining voter turnout, or other purposes in law for which the determining factor is the number of registered voters. Election officials shall not include persons who are ongoing absentee voters under RCW 29.36.013 in determining the maximum permissible size of vote-by-mail precincts or in determining the maximum permissible size of precincts. Nothing in this subsection may be construed as altering the vote tallying requirements of RCW 29.62.090.

Sec. 41. RCW 29.10.090 and 1983 c 110 s 1 are each amended to read as follows:

The local registrar of vital statistics in cities of the first class shall submit monthly to the county auditor a list of the names and addresses, if known, of all persons over eighteen years of age who have died.

The registrar of vital statistics of the state shall supply such monthly lists for each county of the state, exclusive of cities of the first class, to the county auditor thereof. The county auditors shall compare such lists with the registration records and cancel the registrations of deceased voters. The county auditor may also use newspaper obituary articles as a source of information in order to cancel a voter's registration. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the obituary in the cancellation records.

In addition to the above manner of canceling registration records of deceased voters, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with ~~((any registration officer and the deputy registrar shall promptly forward such statement to))~~ the county auditor. Upon the receipt of such signed statement, the county auditor shall cancel the registration records concerned and so notify the secretary of state. Upon receipt of such notice, the secretary of state shall in turn cancel his or her copy of said registration record.

The secretary of state as chief elections officer shall cause such form to be designed to carry out the provisions of this section. The county auditors shall have such forms available for public use. Further, each such public officer having jurisdiction of an election shall make available a reasonable supply of such forms for the use of the precinct election officers at each polling place on the day of an election.

NEW SECTION. Sec. 42. A new section is added to chapter 29.10 RCW to read as follows:

Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration.

Sec. 43. RCW 29.10.100 and 1971 ex.s. c 202 s 31 are each amended to read as follows:

On the Monday next following the ~~((transfer or))~~ cancellation of the registration of any voter or the change of name of a voter, each county auditor must certify to all ~~((transfers or))~~ cancellations or name changes made during the prior week to the secretary of state. The certificate shall set forth the name of each voter whose registration has been ~~((transferred or))~~ canceled or whose name was changed, and the county, city or town, and precinct in which ~~((he))~~ the voter was registered ~~((and, in case of a transfer, also the name of the county and city or town, the name or number of the precinct and the post office address (including street and number) to which the registration of the voter was transferred))~~.

Sec. 44. RCW 29.10.180 and 1993 c 434 s 10 and 1993 c 417 s 8 are each reenacted and amended to read as follows:

In addition to the case-by-case maintenance required under sections 38 and 39 of this act, the county auditor shall establish a general program of voter registration list maintenance. This program must be applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed not later than ninety days before the date of a primary or general election for federal office. The county may fulfill its obligations under this section in one of the following ways:

(1) The county auditor may enter into one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor ~~((finds that information received under such a contract gives the appearance))~~ receives change of address information from the United States postal service that indicates that a voter has changed his or her residence address ~~((the auditor shall notify the voter concerning the requirements of state and federal laws governing voter registration and residence))~~ within the county, the auditor shall transfer the registration of that voter and send an acknowledgement notice of the transfer to the new address. If the auditor receives postal change of address information indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter, send the voter a registration-by-mail form at the voter's new address, and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status;

(2) ~~((Whenever any vote-by-mail ballot, notification to voters following reprecincting of the county, notification to voters of selection to serve on jury duty, notification under subsection (1) of this section, or voter identification card other than a voter identification card issued under RCW 29.08.060 is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.~~

(3) ~~The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The notice shall also contain a warning that the county auditor must receive a response within ninety days from the date of mailing the notice of inquiry in a case resulting from a returned vote-by-mail ballot or forty-five days from the date of mailing in all other cases or the individual's voter registration will be canceled.~~

(4) ~~The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the address information on the permanent registration record no later than the ninetieth day or forty-fifth day, as appropriate, after the date of mailing the inquiry.~~

(5) ~~Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make any address corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within ninety days after the date of mailing the notice in a case resulting from a returned vote-by-mail ballot, or, in all other cases, within forty-five days after the date of mailing.~~

(6) ~~The county auditor shall notify any voter whose registration has been canceled by sending, by first class mail, a written notice to the address indicated on the voter's permanent registration record and to any other address to which the original inquiry was sent. Upon receipt of a satisfactory voter response, the auditor shall reinstate the voter.~~

(7) ~~A voter whose registration has been canceled under this section and who offers to vote at the next ensuing election shall be issued a questioned ballot. Upon receipt of such a questioned ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration shall be immediately reinstated, and the voter's questioned ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's questioned ballot shall not be counted.) A direct, nonforwardable, first-class, return if undeliverable, address correction requested, mailing to every registered voter within the county. If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice.~~

~~(3) Any other method approved by the secretary of state.~~

NEW SECTION. Sec. 45. A new section is added to chapter 29.10 RCW to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter confirm that he or she continues to reside at the address of record and desires to continue to use that address for voting purposes. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be canceled.

NEW SECTION. Sec. 46. A new section is added to chapter 29.10 RCW to read as follows:

If the response to the confirmation notice provides the county auditor with the information indicating that the voter has moved within the county, the auditor shall transfer the voter's registration. If the response indicates that the voter has left the county, the auditor shall cancel the voter's registration.

NEW SECTION. Sec. 47. A new section is added to chapter 29.10 RCW to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who offers to vote at an ensuing election before two federal elections have been held shall be allowed to vote a regular ballot and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a special ballot. The voter shall mark the special ballot in secrecy, the ballot shall be placed in a security envelope, the security envelope placed in a special ballot envelope, and the reasons for the use of the special ballot noted.

(3) Upon receipt of such a voted special ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration shall be immediately reinstated, and the voter's special ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's special ballot shall not be counted.

Sec. 48. RCW 29.36.120 and 1993 c 417 s 1 are each amended to read as follows:

At any primary or election, general or special, the county auditor may, in any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29.07.160, conduct the voting in that precinct by mail ballot. For any precinct having fewer than two hundred active registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. ~~((Such application is valid))~~ For all subsequent mail ballot elections in that precinct the application is valid so long as the voter remains active and qualified to vote. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29.36.013 shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29.62.090.

At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

In no instance shall any special election be conducted by mail ballot in any precinct with two hundred or more active registered voters if candidates for partisan office are to be voted upon.

For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each active registered voter a mail ballot and an envelope, preaddressed to the issuing officer. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active.

Sec. 49. RCW 29.36.121 and 1993 c 417 s 2 are each amended to read as follows:

(1) At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

(2) In an odd-numbered year, the county auditor may conduct by mail ballot a primary or a special election concurrently with the primary:

- (a) For any office or ballot measure of a special purpose district which is entirely within the county;
- (b) For any office or ballot measure of a special purpose district which lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and
- (c) For any ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

A primary in an odd-numbered year may not be conducted by mail ballot in any precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

(3) For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days before the date of such election, mail or deliver to each registered voter a mail ballot and an envelope, preaddressed to the issuing officer. The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

(4) To the extent they are not inconsistent with subsections (1) through (3) of this section, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

Sec. 50. RCW 29.36.122 and 1993 c 417 s 3 are each amended to read as follows:

For any special election conducted by mail, the county auditor shall send a mail ballot with a return identification envelope to each active registered voter of the district in which the special election is being conducted not sooner than the twenty-fifth day before the date of the election and not later than the fifteenth day before the date of the election. The envelope in which the ballot is mailed must clearly indicate that the ballot is not to be forwarded and is to be returned to the sender with return postage guaranteed. The auditor shall send an application to receive a ballot to all inactive voters of the district. Upon receipt of a completed application the auditor shall send a ballot and restore the voter's status to active.

Sec. 51. RCW 29.48.010 and 1990 c 59 s 35 are each amended to read as follows:

The county auditor shall provide in each polling place a sufficient number of voting booths or voting devices along with any supplies necessary to enable the voter to mark or register his or her choices on the ballot and within which the voters may cast their votes in secrecy. Where paper ballots are used for voting, the number of voting booths shall be at least one for every fifty active registered voters in the precinct.

Sec. 52. RCW 46.20.205 and 1989 c 337 s 6 are each amended to read as follows:

Whenever any person after applying for or receiving a driver's license or identicard moves from the address named in the application or in the license or identicard issued to him or her or when the name of a licensee or holder of an identicard is changed by marriage or otherwise, the person shall within ten days thereafter notify the department in writing on a form provided by the department of his or her old and new addresses or of such former and new names and of the number of any license then held by him or her. The written notification is the exclusive means by which the address of record maintained by the department concerning the licensee or identicard holder may be changed. The form must contain a place for the person to indicate that the address change is not for voting purposes. The department of licensing shall notify the secretary of state by the means described in RCW 29.07.270(3) of all change of address information received by means of this form except information on persons indicating that the change is not for voting purposes. Any notice regarding the cancellation, suspension, revocation, probation, or nonrenewal of the driver's license, driving privilege, or identicard mailed to the address of record of the licensee or identicard holder is effective notwithstanding the licensee's or identicard holder's failure to receive the notice.

NEW SECTION. Sec. 53. The following acts or parts of acts are each repealed:

- (1) RCW 29.07.015 and 1985 c 205 s 15;
- (2) RCW 29.07.020 and 1971 ex.s. c 202 s 5 & 1965 c 9 s 29.07.020;
- (3) RCW 29.07.050 and 1971 ex.s. c 202 s 7 & 1965 c 9 s 29.07.050;
- (4) RCW 29.07.060 and 1973 1st ex.s. c 21 s 1, 1971 ex.s. c 202 s 8, & 1965 c 9 s 29.07.060;
- (5) RCW 29.07.065 and 1986 c 167 s 4 & 1973 1st ex.s. c 21 s 2;
- (6) RCW 29.07.095 and 1973 1st ex.s. c 21 s 6, 1971 ex.s. c 202 s 12, & 1965 c 9 s 29.07.095;
- (7) RCW 29.07.105 and 1971 ex.s. c 202 s 14 & 1965 c 9 s 29.07.105; and
- (8) RCW 29.10.095 and 1971 ex.s. c 202 s 30 & 1965 c 9 s 29.10.095.

NEW SECTION. Sec. 54. RCW 29.10.080 and 1977 ex.s. c 361 s 27, 1971 ex.s. c 202 s 28, 1967 ex.s. c 109 s 3, & 1965 c 9 s 29.10.080 are each repealed.

NEW SECTION. Sec. 55. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 56. Sections 1 through 3, 7, 10 through 12, 21, 22, 25, 27, 28, 31 through 34, 37 through 40, 42, 44 through 52, and 54 of this act take effect January 1, 1995.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6188.

MOTIONS

On motion of Senator McCaslin, Senator Rinehart was excused.

On motion of Senator Loveland, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6188, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6188, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 43.

Absent: Senators Haugen and Snyder - 2.

Excused: Senators Moore, Niemi, Rinehart and Skratek - 4.

SUBSTITUTE SENATE BILL NO. 6188, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6220 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.330 RCW to read as follows:

The Washington quality award council shall be organized as a part of the private, nonprofit corporation quality for Washington state foundation, with the assistance of the department, in accordance with chapter 24.03 RCW and this section.

(1) The council shall oversee the governor's Washington state quality achievement award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The program shall annually recognize organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations.

(2) The council shall consist of the governor and the director, as chair and vice-chair, respectively, and recognized professionals who shall have backgrounds in or experience with effective quality improvement techniques, employee involvement quality of work life initiatives, and development of innovative labor-management relations. The initial membership of the board beyond the chair and vice-chair shall be appointed by the governor from a list of nominees submitted by the quality for Washington state foundation. The list of nominees shall include representatives from the governor's small business improvement council, the Washington state efficiency commission, the Washington state productivity board, the Washington state service quality network, the association for quality and participation, the American society for quality control, business and labor associations, educational institutions, elected officials, and representatives from former recipients of international, national, or state quality awards.

(3) The council shall establish a board of examiners, a recognition committee, and such other subcouncil groups as it deems appropriate to carry out its responsibilities. Subcouncil groups established by the council may be composed of noncouncilmembers.

(4) The council shall receive its administrative support and operational expenses from the quality for Washington state foundation.

(5) The council shall, in conjunction with the quality for Washington state foundation, compile a list of resources available for organizations interested in productivity improvement, quality techniques, effective methods of work organization, and upgrading work force skills as a part of the quality for Washington state foundation's ongoing educational programs. The council shall make the list of resources available to the general public, including labor, business, nonprofit and public agencies, and the department.

(6) The council, in conjunction with the quality for Washington state foundation, may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington.

(7) The council shall:

(a) Approve and announce achievement award recipients;

(b) Approve guidelines to examine applicant organizations;

(c) Approve appointment of judges and examiners;

(d) Arrange appropriate annual awards and recognition for recipients, in conjunction with the quality for Washington state foundation;

(e) Formulate recommendations for change in the nomination form or award categories, in cooperation with the quality for Washington state foundation; and

(f) Review related education, training, technology transfer, and research initiatives proposed by the quality for Washington state foundation.

(8) By January 1st of each even-numbered year, the council shall report to the governor and the appropriate committees of the legislature on its activities in the preceding two years and on any recommendations in state policies or programs that could encourage quality improvement and the development of high-performance work organizations.

(9) The council shall cease to exist on July 1, 2004, unless otherwise extended by law.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Sheldon, the Senate concurred in the House amendment to Senate Bill No. 6220.

MOTION

On motion of Senator Loveland, Senator Snyder was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6220, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6220, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 43.

Absent: Senator Williams - 1.

Excused: Senators Moore, Niemi, Rinehart, Skratek and Snyder - 5.

SENATE BILL NO. 6220, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:37 p.m., on motion of Senator Spanel, the Senate adjourned until 1:00 p.m., Sunday, March 6, 1994.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIFTH DAY, MARCH 5, 1994

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

FIFTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, March 6, 1994

The Senate was called to order at 1:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bluechel, Erwin, Haugen, Ludwig, McDonald, Niemi, Pelz, Rinehart, Talmadge and Vognild. On motion of Senator Oke, Senators Bluechel, Erwin and McDonald were excused. On motion of Senator Drew, Senators Haugen, Ludwig, Pelz and Rinehart were excused. On motion of Senator Snyder, Senator Vognild was excused.

The Sergeant at Arms Color Guard, consisting of Pages Alex Tuttle and Mikko Laukkanen, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1122,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182,
SUBSTITUTE HOUSE BILL NO. 1928,
SUBSTITUTE HOUSE BILL NO. 2235,
HOUSE BILL NO. 2275,
HOUSE BILL NO. 2300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2401,
HOUSE BILL NO. 2583,
SUBSTITUTE HOUSE BILL NO. 2629,
HOUSE BILL NO. 2645,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863,
SUBSTITUTE HOUSE BILL NO. 2865,
HOUSE BILL NO. 2867,
SUBSTITUTE HOUSE BILL NO. 2891.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6228 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to identify and provide long-term conservation of those productive natural resource lands that are critical to and can be managed economically and practically for long-term commercial production of food, fiber, and minerals. Successful achievement of the natural resource industries' goal set forth in RCW 36.70A.020 requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible to the management of designated lands. The 1994 amendment to RCW 36.70A.030(8) (section 2(8) of this act) is intended to clarify legislative intent regarding the designation of forest lands and is not intended to require every county that has already complied with the interim forest land designation requirement of RCW 36.70A.170 to review its actions until the adoption of its comprehensive plans and development regulations as provided in RCW 36.70A.060(3).

Sec. 2. RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(8) "Forest land" means land primarily ((useful for)) devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, ((for commercial purposes,)) and that has long-term commercial significance ((for growing trees commercially)). In determining whether forest

land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(15) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6228.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6228, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6228, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 3; Excused, 8.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 38.

Absent: Senators Bauer, Niemi and Talmadge - 3.

Excused: Senators Bluechel, Erwin, Haugen, Ludwig, McDonald, Pelz, Rinehart and Vognild - 8.

ENGGROSSED SUBSTITUTE SENATE BILL NO. 6228, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Senators Bauer and Niemi were excused.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6266 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 56.32.110 and 1975 1st ex.s. c 86 s 8 are each amended to read as follows:

If at the election a majority of the voters of the merging sewer district shall vote in favor of the merger, the county canvassing board of the county the auditor of which conducted the election shall so declare in its canvass and the return of the election shall be made within ten days after the date thereof. Upon the return the merger shall be effective and the merging sewer district shall cease to exist and shall become a part of the merger sewer district. The sewer commissioners of the merging district shall (~~cease to hold office and the affairs of the merged districts shall be managed by the sewer commissioners of the merger district.~~) hold office as commissioners of the new consolidated sewer district until their respective terms of office expire or until they resign from office or these positions otherwise become vacant. If such a resignation or vacancy occurs, a person shall not be appointed to fill the vacancy., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Senate Bill No. 6266.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6266, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Bauer, Bluechel, Haugen, Ludwig, McDonald, Niemi, Pelz and Rinehart - 8.

SENATE BILL NO. 6266, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6283 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter applies only to residential real property. For purposes of this chapter, residential real property means:

- (1) Real property consisting of, or improved by, one to four dwelling units;
- (2) A residential condominium as defined in RCW 64.34.020(9), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW; or
- (3) A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the Washington timeshare act, chapter 64.36 RCW.

NEW SECTION. Sec. 2. This chapter does not apply to the following transfers of residential real property:

- (1) A foreclosure, deed-in-lieu of foreclosure, or a sale by a lienholder who acquired the residential real property through foreclosure or deed-in-lieu of foreclosure;
- (2) A gift or other transfer to a parent, spouse, or child of a transferor or child of any parent or spouse of a transferor;
- (3) A transfer between spouses in connection with a marital dissolution;
- (4) A transfer where a buyer had an ownership interest in the property within two years of the date of the transfer including, but not limited to, an ownership interest as a partner in a partnership, a limited partner in a limited partnership, a shareholder in a corporation, a leasehold interest, or transfers to and from a facilitator pursuant to a tax deferred exchange;
- (5) A transfer of an interest that is less than fee simple, except that the transfer of a vendee's interest under a real estate contract is subject to the requirements of this chapter; and
- (6) A transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy.

NEW SECTION. Sec. 3. (1) In a transaction for the sale of residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under section 2 of this act, deliver to the buyer a completed real property transfer disclosure statement in the following form:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than . . . days (or five days if not filled in) of mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT ..("THE PROPERTY"), LEGALLY DESCRIBED ON ATTACHED EXHIBIT A. DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE . . . BUSINESS DAYS, OR THREE BUSINESS DAYS IF NOT FILLED IN, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER. FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

*If "Yes" attach a copy or explain. If necessary use an attached sheet.

1. TITLE

- Yes No Don't know *A. Do you have legal authority to sell the property?
 Yes No Don't know *B. Is title to the property subject to any of the following?
(1) First right of refusal
(2) Option
(3) Lease or rental agreement
(4) Life estate?
 Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?
 Yes No Don't know *D. Are there any rights of way, easements, or access limitations that may affect the owner's use of the property?
 Yes No Don't know *E. Are there any written agreements for joint maintenance of an easement or right of way?
 Yes No Don't know *F. Is there any study, survey project, or notice that would adversely affect the property?
 Yes No Don't know *G. Are there any pending or existing assessments against the property?
 Yes No Don't know *H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?
 Yes No Don't know *I. Is there a boundary survey for the property?
 Yes No Don't know *J. Are there any covenants, conditions, or restrictions which affect the property?

2. WATER

A. Household Water

- (1) The source of the water is Public Community Private Shared
(2) Water source information:

- Yes No Don't know *a. Are there any written agreements for shared water source?
 Yes No Don't know *b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
 Yes No Don't know *c. Are any known problems or repairs needed?
 Yes No Don't know *d. Does the source provide an adequate year round supply of potable water?
 Yes No Don't know *(3) Are there any water treatment systems for the property? Leased Owned

B. Irrigation

- Yes No Don't know (1) Are there any water rights for the property?
 Yes No Don't know *(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?
 Yes No Don't know *(3) If so, is the certificate available?

C. Outdoor Sprinkler System

- Yes No Don't know (1) Is there an outdoor sprinkler system for the property?
 Yes No Don't know *(2) Are there any defects in the outdoor sprinkler system?

3. SEWER/SEPTIC SYSTEM

A. The property is served by: Public sewer main, Septic tank system Other disposal system

(describe)

- Yes No Don't know B. If the property is served by a public or community sewer main, is the house connected to the main?

C. If the property is connected to a septic system:

- Yes No Don't know (1) Was a permit issued for its construction, and was it approved by the city or county following its construction?
(2) When was it last pumped:

Yes No Don't know *3) Are there any defects in the operation of the septic system?

Don't know (4) When was it last inspected?

, 19. . .

By Whom:

Don't know (5) How many bedrooms was the system approved for?

bedrooms

Yes No Don't know *D. Do all plumbing fixtures, including laundry drain, go to the septic/sewer system? If no, explain:

Yes No Don't know *E. Are you aware of any changes or repairs to the septic system?

Yes No Don't know F. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

4. STRUCTURAL

Yes No Don't know *A. Has the roof leaked?

Yes No Don't know If yes, has it been repaired?

Yes No Don't know *B. Have there been any conversions, additions, or remodeling?

Yes No Don't know *1. If yes, were all building permits obtained?

Yes No Don't know *2. If yes, were all final inspections obtained?

Yes No Don't know C. Do you know the age of the house? If yes, year of original construction:

Yes No Don't know *D. Do you know of any settling, slippage, or sliding of the house or other improvements? If yes, explain:

Yes No Don't know *E. Do you know of any defects with the following: (Please check applicable items)

- Foundations Decks Exterior Walls
- Chimneys Interior Walls Fire Alarm
- Doors Windows Patio
- Ceilings Slab Floors Driveways
- Pools Hot Tub Sauna
- Sidewalks Outbuildings Fireplaces
- Garage Floors Walkways
- Other Wood Stoves

Yes No Don't know *F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?

Yes No Don't know *G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

5. SYSTEMS AND FIXTURES

If the following systems or fixtures are included with the transfer, do they have any existing defects:

Yes No Don't know *A. Electrical system, including wiring, switches, outlets, and service

Yes No Don't know *B. Plumbing system, including pipes, faucets, fixtures, and toilets

Yes No Don't know *C. Hot water tank

Yes No Don't know *D. Garbage disposal

Yes No Don't know *E. Appliances

Yes No Don't know *F. Sump pump

Yes No Don't know *G. Heating and cooling systems

Yes No Don't know *H. Security system Owned Leased

*I. Other

6. COMMON INTEREST

Yes No Don't know A. Is there a Home Owners' Association? Name of Association

Yes No Don't know B. Are there regular periodic assessments:

\$ per Month Year

Other

Yes No Don't know *C. Are there any pending special assessments?

Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. GENERAL

Yes No Don't know *A. Is there any settling, soil, standing water, or drainage problems on the property?

Yes No Don't know *B. Does the property contain fill material?

Yes No Don't know *C. Is there any material damage to the property or any of the structure from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know D. Is the property in a designated flood plain?

Yes No Don't know E. Is the property in a designated flood hazard zone?

Yes No Don't know *F. Are there any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?

Yes No Don't know *G. Are there any tanks or underground storage tanks (e.g., chemical, fuel, etc.) on the property?

Yes No Don't know *H. Has the property ever been used as an illegal drug manufacturing site?

8. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know *Are there any other material defects affecting this property or its value that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

II. BUYER'S ACKNOWLEDGMENT

A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects which are known to me/us or can be known to me/us by utilizing diligent attention and observation.

B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller.

C. Buyer (which term includes all persons signing the "buyer's acceptance" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. YOU, THE BUYER, HAVE . . . BUSINESS DAYS (OR THREE BUSINESS DAYS IF NOT FILLED IN) FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER UNLESS YOU WAIVE THIS RIGHT OF REVOCATION. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

NEW SECTION. Sec. 4. Unless the buyer has expressly waived the right to receive the disclosure statement, within five business days or as otherwise agreed to, of mutual acceptance of a written agreement between a buyer and a seller for the purchase and sale of residential real property, the seller shall deliver to the buyer a completed, signed, and dated real property transfer disclosure statement. Within three business days, or as otherwise agreed to, of receipt of the real property transfer disclosure statement, the buyer shall have the right to exercise one of the following two options: (1) Approving and accepting the real property transfer disclosure statement; or (2) rescinding the agreement for the purchase and sale of the property, which decision may be made by the buyer in the buyer's sole discretion. If the buyer elects to rescind the agreement, the buyer must

deliver written notice of rescission to the seller within the three-business-day period, or as otherwise agreed to, and upon delivery of the written rescission notice the buyer shall be entitled to immediate return of all deposits and other considerations less any agreed disbursements paid to the seller, or to the seller's agent or an escrow agent for the seller's account, and the agreement for purchase and sale shall be void. If the buyer does not deliver a written rescission notice to seller within the three-business-day period, or as otherwise agreed to, the real property transfer disclosure statement will be deemed approved and accepted by the buyer.

NEW SECTION. Sec. 5. (1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller becomes aware of additional information, or an adverse change occurs which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored at least three days prior to the closing date. Unless the adverse change is corrected or repaired by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in section 4 of this act. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

NEW SECTION. Sec. 6. (1) The seller of residential real property shall not be liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the seller had no personal knowledge of the error, inaccuracy, or omission. Unless the seller of residential real property has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the seller shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

(2) Any licensed real estate salesperson or broker involved in a residential real property transaction is not liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the licensee had no personal knowledge of the error, inaccuracy, or omission. Unless the salesperson or broker has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the salesperson or broker shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

NEW SECTION. Sec. 7. The legislature finds that the practices covered by this chapter are not matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 8. Nothing in this chapter shall extinguish or impair any rights or remedies of a buyer of real estate against the seller or against any agent acting for the seller otherwise existing pursuant to common law, statute, or contract; nor shall anything in this chapter create any new right or remedy for a buyer of residential real property other than the right of rescission exercised on the basis and within the time limits provided in this chapter.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 64 RCW.

NEW SECTION. Sec. 10. This act shall take effect on January 1, 1995.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Substitute Senate Bill No. 6283.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6283, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6283, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Bauer, Bluechel, Haugen, Ludwig, McDonald, Niemi, Pelz and Rinehart - 8.

SUBSTITUTE SENATE BILL NO. 6283, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6284 with the following amendment(s):

On page 2, line 30, after "(d)" strike "Has" and insert "Except as provided in RCW 18.85.097, has"

On page 3, line 27, after "(b)" strike "Has" and insert "Except as provided in RCW 18.85.097, has"

On page 5, strike all of lines 1 and 2, and insert the following:

"Sec. 4. RCW 18.85.097 and 1987 c 332 s 18 are each amended to read as follows:

~~((The director may waive the thirty clock-hour requirements in RCW 18.85.095 and 18.85.215 if the director makes a determination that the individual is otherwise and similarly qualified by reason of practical experience in a business allied with or related to real estate))~~ The director may allow for substitution of the clock-hour requirements in RCW 18.85.090(1)(d) and RCW 18.85.095(1)(b), if the director makes a determination that the individual is otherwise and similarly qualified by reason of completion of equivalent educational coursework in any institution of higher education as defined in RCW 28B.10.016 or any degree-granting institution as defined in RCW 28B.85.010 approved by the director. The director shall establish by rule, guidelines for determining equivalent educational coursework.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6284.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6284, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6284, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Bauer, Bluechel, Haugen, McDonald, Niemi, Pelz and Rinehart - 7.

ENGROSSED SENATE BILL NO. 6284, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6298 with the following amendment(s):

On page 2, beginning on line 11, strike all of section 2

Renumber the remaining sections consecutively and correct internal references accordingly., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 6298.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6298, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6298, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Deccio - 1.

Excused: Senators Bluechel, Haugen, Niemi and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 6298, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6356 with the following amendment(s):

On page 1, strike everything after the enacting clause and insert

"Sec. 1. RCW 70.155.030 and 1993 c 507 s 4 are each amended to read as follows:

No person shall sell or permit to be sold any tobacco product through any device that mechanically dispenses tobacco products unless the device is located fully within premises from which minors are prohibited or in industrial worksites where minors are not employed and not less than ten feet from all entrance or exit ways to and from each premise(s). The board shall adopt rules that allow an exception to the requirement that a device be located not less than ten feet from all entrance or exit ways to and from a premise if it is architecturally impractical for the device to be located not less than ten feet from all entrance and exit ways.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6356.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6356, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6356, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Bluechel, Haugen, Niemi and Rinehart - 4.

ENGROSSED SENATE BILL NO. 6356, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6377 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.17.270 and 1993 c 455 s 1 are each amended to read as follows:

(1) A licensed agent may be licensed as a broker and be a broker as to insurers for which the licensee is not then appointed as agent. A licensed broker may be licensed as and be an agent as to insurers appointing such agent. The sole relationship between a broker and an insurer as to which the licensee is appointed as an agent shall, as to transactions arising during the existence of such agency appointment, be that of insurer and agent. ~~((In a situation where an insurer has a special arrangement with respect to a particular insurance policy whereby it deals with brokers only, its appointed agents who are also licensed brokers may, with the approval of the insurer, participate in the arrangement and receive a broker's fee therefor, provided there is full disclosure of the facts to the insured or applicant for the insurance.))~~

(2) Unless the agency-insurer agreement provides to the contrary, an insurance agent licensed as a broker may, with respect to property and casualty insurance, receive the following compensation:

(a) A commission paid by the insurer;

(b) A fee paid by the insured; or

(c) A combination of commission paid by the insurer and a fee paid by the insured from which a broker may offset or reimburse the insured for all or part of the fee.

If the compensation received by an agent who is also licensed as a broker and who is dealing directly with the insured includes a fee, the full amount of compensation, including an explanation of any offset or reimbursement, must be disclosed in writing, signed by the broker and the insured, and the writing must be retained by the broker for not less than five years.

Sec. 2. RCW 48.18.180 and 1947 c 79 s .18.18 are each amended to read as follows:

(1) The premium stated in the policy shall be inclusive of all fees, charges, premiums, or other consideration charged for the insurance or for the procurement thereof.

(2) No insurer or its officer, employee, agent, solicitor, or other representative shall charge or receive any fee, compensation, or consideration for insurance which is not included in the premium specified in the policy.

(3) Each violation of this section is a gross misdemeanor.

(4) This section does not apply to a fee paid to a broker by an insured as provided in RCW 48.17.270.

Sec. 3. RCW 48.30.140 and 1990 1st ex.s. c 3 s 8 are each amended to read as follows:

(1) Except to the extent provided for in an applicable filing with the commissioner then in effect, no insurer, general agent, agent, broker, or solicitor shall, as an inducement to insurance, or after insurance has been effected, directly or indirectly, offer, promise, allow, give, set off, or pay to the insured or to any employee of the insured, any rebate, discount, abatement, or reduction of premium or any part thereof named in any insurance contract, or any commission thereon, or earnings, profits, dividends, or other benefit, or any other valuable consideration or inducement whatsoever which is not expressly provided for in the policy.

(2) Subsection (1) of this section shall not apply as to commissions paid to a licensed agent, general agent, broker, or solicitor for insurance placed on that person's own property or risks.

(3) This section shall not apply to the allowance by any marine insurer, or marine insurance agent, general agent, broker, or solicitor, to any insured, in connection with marine insurance, of such discount as is sanctioned by custom among marine insurers as being additional to the agent's or broker's commission.

(4) This section shall not apply to advertising or promotional programs conducted by insurers, agents, or brokers whereby prizes, goods, wares, or merchandise, not exceeding twenty-five dollars in value per person in the aggregate in any twelve month period, are given to all insureds or prospective insureds under similar qualifying circumstances.

(5) This section does not apply to an offset or reimbursement of all or part of a fee paid to a broker as provided in RCW 48.17.270.

Sec. 4. RCW 48.30.170 and 1947 c 79 s .30.17 are each amended to read as follows:

(1) No insured person shall receive or accept, directly or indirectly, any rebate of premium or part thereof, or any favor, advantage, share in dividends, or other benefits, or any valuable consideration or inducement not specified or provided for in the policy, or any commission on any insurance policy to which he or she is not lawfully entitled as a licensed agent, broker, or solicitor.

The retention by the nominal policyholder in any group life insurance contract of any part of any dividend or reduction of premium thereon contrary to the provisions of RCW 48.24.260, shall be deemed the acceptance and receipt of a rebate and shall be punishable as provided by this code.

(2) The amount of insurance whereon the insured has so received or accepted any such rebate or any such commission, other than as to life or disability insurances, shall be reduced in the proportion that the amount or value of the rebate or commission bears to the premium for such insurance. In addition to such reduction of insurance, if any, any such insured shall be liable to a fine of not more than two hundred dollars.

(3) This section shall not apply to an offset or reimbursement of all or part of a fee paid to a broker as provided in RCW 48.17.270.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Senate Bill No. 6377.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6377, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6377, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 43.

Absent: Senators Amondson and Winsley - 2.

Excused: Senators Bluechel, Haugen, Niemi and Rinehart - 4.

SENATE BILL NO. 6377, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6408 with the following amendment(s):

On page 6, line 27, strike "includes" and insert "means", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 6408.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6408, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Bluechel, Haugen, McCaslin, Niemi and Rinehart - 5.

SENATE BILL NO. 6408, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6447 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.225.225 and 1990 1st ex.s. c 9 s 203 are each amended to read as follows:

(1) All districts accepting applications from nonresident students for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of nonresident students if acceptance of these students would result in the district experiencing a financial hardship.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

NEW SECTION. Sec. 2. The education committees of the senate and house of representatives shall analyze issues associated with the payment of transfer fees for students who transfer to nonresident school districts under RCW 28A.225.200. The committees shall report their findings, with recommendations, to the legislature prior to December 31, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendment to Substitute Senate Bill No. 6447.

POINT OF INQUIRY

Senator Anderson: "Senator Pelz, just from the summary, I am very concerned about some of the wording in here. It says, 'School districts accepting nonresident students may adopt policies to refuse admission to nonresident students if admitting the student would be a financial hardship to the district.' That seems like a very clear statement where the districts now will easily say with no backup, 'It's a financial hardship, we will not accept these students.' Therefore, the whole notion of CHOICE for parents in this state is invalidated. What type of information does the district have to put forward to show that indeed it is a financial hardship and just not an easy way out of killing the whole CHOICE issue?"

Senator Pelz: "Well, I would like to congratulate Senator Anderson again for her diligence in reading the reports. Again, this issue came up in our caucus--the same question--and we raced out to once again read the bill. The answer to your question is that current law and I will read two sentences from current law--'All districts accepting applications from nonresident students for admission in to the district schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair and equitable standards for acceptance and rejection of an application.' Our current CHOICE law does not require a district to accept students. They have said that the accepting districts should have a policy establishing rational, fair and equitable standards.

"This amendment just clarifies that one of those standards could be a rejection of a student if acceptance of a student would result in the district experiencing financial hardship. I would argue in some sense, Senator Anderson, that this language is not totally necessary, because I think that right currently exists for a district. However, I think it does give the receiving district a little

bit more confidence in their ruling. The CHOICE program never mandated that schools accept students and this bill does not change that."

Further debate ensued.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6447, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6447, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, McDonald, Morton, Oke and Schow - 5.

Excused: Senators Amondson, Bluechel and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 6447, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 1:58 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 3:14 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6493 with the following amendment(s):

On page 4, line 24, after "and the" insert "appropriate committees of the"

On page 5, line 5, after "of an advisory committee." strike "The" and insert "For each review, an"

On page 5, line 6, after "established" strike all material through "RCW 43.21F.047(1)" on line 7 and insert "with a membership resembling as closely as possible the original energy strategy advisory committee specified under section 1, chapter 201, Laws of 1991"

On page 5, line 11, after "committees." insert "Any advisory committee established under this section shall be dissolved within three months after their written report is conveyed.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6493.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6493, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6493, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Hochstatter, Newhouse, Oke, Roach, Schow and Smith, L. - 7.

Absent: Senators Hargrove and Rinehart - 2.

Excused: Senator Niemi - 1.

ENGROSSED SENATE BILL NO. 6493, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6516 with the following amendment(s):

On page 1, strike everything after the enacting clause and insert

"NEW SECTION. Sec. 1. The legislature recognizes the critical importance of ensuring that all Washington residents have access to quality and affordable health care. The legislature further recognizes that substantial improvements can be made in health care delivery when providers, including health care facilities, are encouraged to continuously strive for excellence in quality management practices, value, and consumer satisfaction. The legislature finds that when centers of quality are highlighted and honored publicly they become examples for other health care providers to emulate, thereby further promoting the implementation of improved health care delivery processes.

NEW SECTION. Sec. 2. There is created an award to honor and recognize cost-effective and quality health care services. This award shall be known as the "Warren Featherstone Reid Award for Excellence in Health Care."

NEW SECTION. Sec. 3. The governor, in conjunction with the secretary of health, shall identify and honor health care providers and facilities in Washington state who exhibit exceptional quality and value in the delivery of health services. The award shall be given annually consistent with the availability of qualified nominees. The secretary may appoint an advisory committee to assist in the selection of nominees, if necessary., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 6516.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6516, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6516, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Niemi and Rinehart - 2.

SENATE BILL NO. 6516, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6307 with the following amendment(s):

On page 12, line 10, after "Sec. 7." strike everything through line 21 and insert "If a court in a permanent injunction, permanent order, or final decision determines that the amendments made by sections 5 and 6 of this act must be submitted to the people for their adoption and ratification, or rejection, as a result of section 13, chapter 2, Laws of 1994, the amendments made by sections 5 and 6 of this act shall be null and void.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Substitute Senate Bill No. 6307.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6307, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6307, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, McCaslin, McDonald, Morton, Nelson, Newhouse, Sellar and Smith, L. - 11.

Excused: Senators Niemi and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 6307, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6556 with the following amendment(s):

On page 1, after line 15, strike all of section 2 and insert the following:

"**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act referencing this act by bill number is not provided by June 30, 1994, in the omnibus appropriations act, this act is null and void.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6556.

MOTION

On motion of Senator Oke, Senator Roach was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6556, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6556, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Niemi, Rinehart and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6556, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6571 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Lender" means any person doing business under the laws of this state or the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, insurance companies, real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof, and all other persons who make residential mortgage loans.

(2) "Residential mortgage loan" means any loan used for the purchase of a single-family dwelling or multiple-family dwelling of four or less units secured by a mortgage or deed of trust on the residential real estate.

NEW SECTION. Sec. 2. A lender shall provide to the borrower, prior to the closing of a residential mortgage loan, true and complete copies of all appraisals or other documents relied upon by the lender in evaluating the value of the dwelling to be financed. A borrower may waive in writing the lender's duty to provide the appraisals or other documents prior to closing. This written waiver may not be construed to in any way limit the lender's duty to provide the information to the borrower at a reasonable later date. This section shall only apply to purchase money residential mortgage loans.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 19 RCW.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 6571.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6571, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6571, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Anderson and Oke - 2.

Excused: Senators Niemi, Rinehart and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6571, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6585 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.620 and 1993 sp.s. c 18 s 24 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations from the payment of all or a portion of any increase in tuition and fees (~~(otherwise applicable to any other resident or nonresident student. In such cases, the veteran shall not be required to pay more than the total amount of tuition and fees paid by veterans of the Vietnam conflict on)~~) that occur after October 1, 1977 (~~(: PROVIDED, That for the purposes of this exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975, and who qualify)~~) , if the veteran qualifies as a resident student under RCW 28B.15.012. ((and who) was enrolled in state institutions of higher education on or before May 7, 1990, and meets the requirements of subsection 2 of this section.

(2) Beginning with the fall academic term of 1994, veterans receiving the exemption under subsection 1 of this section must meet these additional requirements:

(a) Remain continuously enrolled for seven or more quarter credits per academic term or their equivalent, except summer term and not including community service courses;

(b) Have an adjusted gross family income as most recently reported to the internal revenue service that does not exceed Washington state's median family income as established by the federal bureau of the census; and

(c) Have exhausted all entitlement to federal vocational or educational benefits conferred by virtue of their military service.

(3) For the purposes of this section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or navel forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975.

(4) This section shall expire June 30, ((1995)) 1997.

Sec. 2. RCW 28B.15.628 and 1993 sp.s. c 18 s 25 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Persian Gulf combat zone from all or a portion of increases in tuition and fees that occur (~~(during and after their period of service. In such cases, the veteran shall not be required to pay more than the total amount of tuition and fees established for)~~) after the 1990-91 academic year, if:

(a) The veteran could have qualified as a Washington resident student under RCW 28B.15.012(2), had he or she been enrolled as a student on August 1, 1990((:);

(b) The veteran is enrolled for seven or more quarter credits per academic term or their equivalent, except summer term and not including community service courses; and ((#)

(c) The veteran's adjusted gross family income as most recently reported to the internal revenue service does not exceed Washington state's median family income as established by the federal bureau of the census.

(2) For the purposes of this section, "a veteran of the Persian Gulf combat zone" means a person who during any portion of calendar year 1991, served in active federal service as a member of the armed military or naval forces of the United States in a combat zone as designated by the president of the United States by executive order.

Sec. 3. 1991 c 164 s 11 (uncodified) is amended to read as follows:

Section 2 of this act shall expire June 30, ((1995)) 1997.

Sec. 4. 1991 c 228 s 15 (uncodified) is amended to read as follows:

Sections 13 and 14 of this act shall expire on June 30, ((1994)) 1997.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Bauer moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6585. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6585.

The motion by Senator Bauer carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6585 on a rising vote.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6585, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6585, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Niemi and Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6585, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on the following measures: Senate Joint Memorial No. 8030, as amended by the House; Engrossed Senate Bill No. 5920, as amended by the House; Substitute Senate Bill No. 6018, as amended by the House; Engrossed Senate Bill No. 6044, as amended by the House; Second Substitute Senate Bill No. 6053, as amended by the House; Substitute Senate Bill No. 6070, as amended by the House; Senate Bill No. 6203, as amended by the House; Substitute Senate Bill No. 6217, as amended by the House; Engrossed Substitute Senate Bill No. 6339, as amended by the House; Substitute Senate Bill No. 6466, as amended by the House; Substitute Senate Bill No. 6487, as amended by the House; and Engrossed Substitute Senate Bill No. 6123, as amended by the House.

I would have voted 'yes' on all the measures.

SENATOR ADAM SMITH, 33rd District

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on the following measures: Senate Joint Memorial No. 8030, as amended by the House; Engrossed Senate Bill No. 5920, as amended by the House; Substitute Senate Bill No. 6018, as amended by the House; Engrossed Senate Bill No. 6044, as amended by the House; Second Substitute Senate Bill No. 6053, as amended by the House; Substitute Senate Bill No. 6070, as amended by the House; Senate Bill No. 6203, as amended by the House; Substitute Senate Bill No. 6217, as amended by the House; Engrossed Substitute Senate Bill No. 6339, as amended by the House; Substitute Senate Bill No. 6466, as amended by the House; Substitute Senate Bill No. 6487, as amended by the House; and Engrossed Substitute Senate Bill No. 6123, as amended by the House.

I would have voted 'yes' on all the measures except Senate Joint Memorial No. 8030, as amended by the House, and Substitute Senate Bill No. 6070, as amended by the House.

SENATOR PHIL TALMADGE, 34th District

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed SENATE JOINT MEMORIAL NO. 8030 with the following amendment(s):

On page 1, line 10, strike "Federal Marine Mammals" and insert "federal Marine Mammal"

On page 2, line 5, strike "Federal Marine Mammals" and insert "federal Marine Mammal", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Senate Joint Memorial No. 8030.

MOTIONS

On motion of Senator Oke, Senators McCaslin and Roach were excused.

On motion of Senator Drew, Senators Talmadge and Adam Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8030, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8030, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 43.

Excused: Senators McCaslin, Niemi, Rinehart, Roach, Smith, A. and Talmadge - 6.

SENATE JOINT MEMORIAL NO. 8030, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5372 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 3.02.045 and 1987 c 266 s 1 are each amended to read as follows:

(1) Courts of limited jurisdiction may use collection agencies under chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the courts. Courts of limited jurisdiction may enter into agreements with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate.

(2) Courts of limited jurisdiction may use credit cards or debit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures so imposed. Courts of limited jurisdiction may enter into agreements with one or more financial institutions for the purpose of the collection of penalties, fines, costs, assessments, and forfeitures. The agreements may specify conditions, remuneration for services, and other charges deemed appropriate.

(3) Servicing of delinquencies by collection agencies or by collecting attorneys in which the court retains control of its delinquencies shall not constitute assignment of debt.

(4) For purposes of this section, the term debt shall include penalties, fines, costs, assessments, or forfeitures imposed by the courts.

(5) The court may assess as court costs the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.

Sec. 2. RCW 9.46.110 and 1991 c 161 s 1 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as

prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross income from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount paid for as prizes. No tax shall be imposed on the first ten thousand dollars of net proceeds from raffles conducted by any bona fide charitable or nonprofit organization as defined in this chapter. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games.

Taxes imposed under this chapter become a lien upon personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010. The lien shall attach on the date the tax becomes due and shall relate back and have priority against real and personal property to the same extent as ad valorem taxes.

Sec. 3. RCW 28A.315.440 and 1975 1st ex.s. c 275 s 99 are each amended to read as follows:

Upon receipt of the aforesaid certificate, it shall be the duty of the ~~((board of county commissioners))~~ county legislative authority of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the educational service district superintendent of the district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded ~~((quarterly))~~ monthly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district.

Sec. 4. RCW 35.49.130 and 1965 c 7 s 35.49.130 are each amended to read as follows:

~~((In county foreclosures for delinquency in the payment of general taxes, the county treasurer shall mail a copy of the published summons to the treasurer of every city and town within which any property involved in the foreclosure proceeding is situated. The copy of the summons shall be mailed within fifteen days after the first publication thereof, but the county treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed.))~~

If any property situated in a local improvement district or utility local improvement district created by a city or town is offered for sale for general taxes by the county treasurer, the city or town shall have power to protect the lien or liens of any local improvement assessments outstanding against the whole or portion of such property by purchase ~~((thereof or otherwise))~~ at the treasurer's foreclosure sale.

Sec. 5. RCW 36.17.042 and 1977 c 42 s 1 are each amended to read as follows:

In addition to the pay periods permitted under RCW 36.17.040, the legislative authority of any county may establish a biweekly pay period where county officers and employees receive their compensation not later than seven days following the end of each two week pay period for services rendered during that pay period.

However, in a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW, the county legislative authority may establish a biweekly pay period where the county officers and employees receive their compensation not later than thirteen days following the end of each two-week pay period for services rendered during that pay period.

Sec. 6. RCW 36.21.011 and 1973 1st ex.s. c 11 s 1 are each amended to read as follows:

Any assessor who deems it necessary to enable him or her to complete the listing and the valuation of the property of his or her county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as ~~((his))~~ assistants or deputies who shall not engage in the private practice of appraising within the county ~~((in which he is))~~ where employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

~~((#))~~ An assessor who intends to put such plan into effect ~~((in his county, he))~~ shall inform the department of revenue and the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of this intent in writing. The department of revenue and the ~~((board))~~ authority may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the ~~((board))~~ legislative authority, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of ~~((his))~~ the four next succeeding annual budget estimates, for as many positions as are established in such determination. Each ~~((board of))~~ county ~~((commissioners))~~ legislative authority to which such a budget estimate is

submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

Sec. 7. RCW 36.29.010 and 1991 c 245 s 4 are each amended to read as follows:

The county treasurer:

- (1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor;
- (2) Shall issue a receipt in duplicate for all money received other than taxes; the treasurer shall deliver immediately to the person making the payment the original receipt and the duplicate shall be retained by the treasurer;
- (3) Shall affix on the face of all paid warrants the date of redemption or, in the case of proper contract between the treasurer and a qualified public depository, the treasurer may consider the date affixed by the financial institution as the date of redemption;
- (4) Shall indorse before the date of issue by the county or by any taxing district for whom the county treasurer acts as treasurer, on the face of all warrants for which there are not sufficient funds for payment, "interest bearing warrant." ((and)) When there are funds to redeem outstanding warrants, the county treasurer shall give notice:
 - (a) By publication in a legal newspaper published or circulated in the county; or
 - (b) By posting at three public places in the county if there is no such newspaper; or
 - (c) By notification to the financial institution holding the warrant;
- (5) Shall pay interest on all interest-bearing warrants from the date of issue to the date of notification;
- (6) Shall maintain financial records reflecting receipts and disbursement by fund in accordance with generally accepted accounting principles;
- (7) Shall account for and pay all bonded indebtedness for the county and all special districts for which the county treasurer acts as treasurer;
- (8) Shall invest all funds of the county or any special district in the treasurer's custody, not needed for immediate expenditure, in a manner consistent with appropriate statutes. If cash is needed to redeem warrants issued from any fund in the custody of the treasurer, the treasurer shall liquidate investments in an amount sufficient to cover such warrant redemptions; and
- (9) May provide certain collection services for county departments.

The treasurer, at the expiration of the term of office, shall make a complete settlement with the county legislative authority, and shall deliver to the successor all public money, books, and papers in the treasurer's possession.

Sec. 8. RCW 36.32.120 and 1993 c 83 s 9 are each amended to read as follows:

The legislative authorities of the several counties shall:

- (1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;
- (2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;
- (3) License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;
- (4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law(~~(: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of the state or any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited));~~
- (5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;
- (6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;
- (7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those

provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime and no act that is a state crime may be made a civil violation. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges.

Sec. 9. RCW 39.44.130 and 1985 c 84 s 2 are each amended to read as follows:

(1) The duties prescribed in this chapter as to the registration of bonds of any city or town shall be performed by the treasurer thereof, and as to those of any county, port or school district by the county treasurer of the county in which such port or school district lies; but any ~~((county, city, town, port or school district may designate by resolution any other officer for the performance of such duties, and any county, city, town, port or school district))~~ treasurer as defined in RCW 39.46.020 may designate ~~((by resolution))~~ its legally designated fiscal agency or agencies for the performance of such duties, after making arrangements with such fiscal agency therefor, which arrangements may include provision for the payment by the bond owner of a fee for each registration.

(2) ~~((Local government units for which the county treasurer serves as ex officio treasurer of the district may, with the consent of the county treasurer, appoint the county treasurer to serve as the fiscal agency. If such local government units decide to utilize the services of a fiscal agency other than the county treasurer, the county treasurer shall be notified at the time the decision is made.))~~ The county treasurer as ex officio treasurer of a special district shall act as fiscal agent or may appoint the fiscal agent to be used by the county.

Sec. 10. RCW 39.46.020 and 1983 c 167 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bond" means any agreement which may or may not be represented by a physical instrument, including notes, warrants, or certificates of indebtedness, that evidences an indebtedness of the state or a local government or a fund thereof, where the state or local government agrees to pay a specified amount of money, with or without interest, at a designated time or times to either registered owners or bearers.

(2) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi municipal corporation, including any public corporation created by such an entity.

(3) "Obligation" means an agreement that evidences an indebtedness of the state or a local government, other than a bond, and includes, but is not limited to, conditional sales contracts, lease obligations, and promissory notes.

(4) "State" includes the state, agencies of the state, and ~~(by public corporations created by the state or agencies of the state.~~

(5) "Treasurer" means the state treasurer, county treasurer, city treasurer, or treasurer of any other municipal corporation.

Sec. 11. RCW 39.46.030 and 1985 c 84 s 1 are each amended to read as follows:

(1) The state and local governments are authorized to establish a system of registering the ownership of their bonds or other obligations as to principal and interest, or principal only. Registration may include, without limitation: (a) A book entry system of recording the ownership of a bond or other obligation whether or not a physical instrument is issued; or (b) recording the ownership of a bond or other obligation together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond or other obligation and either the reissuance of the old bond or other obligation or the issuance of a new bond or other obligation to the new owner.

(2) The system of registration shall define the method or methods by which transfer of the registered bonds or other obligations shall be effective, and by which payment of principal and any interest shall be made. The system of registration may permit the issuance of bonds or other obligations in any denomination to represent several registered bonds or other obligations of smaller denominations. The system of registration may also provide for any writing relating to a bond or other obligation that is not issued as a physical instrument, for identifying numbers or other designations, for a sufficient supply of certificates for subsequent transfers, for record and payment dates, for varying denominations, for communications to the owners of bonds or other obligations, for accounting, canceled certificate destruction, registration and release of securing interests, and for such other incidental matters pertaining to the registration of bonds or other obligations as the issuer may deem to be necessary or appropriate.

(3)(a) The state treasurer or a local ~~((government))~~ treasurer may appoint (i) one or more of the fiscal agencies appointed from time to time by the state finance committee in accordance with chapter 43.80 RCW or (ii) other fiscal agents to act with respect to an issue of its bonds or other obligations as authenticating trustee, transfer agent, registrar, and paying or other agent and specify the rights and duties and means of compensation of any such fiscal agency so acting. The state ~~((and))~~ treasurer or local ((governments)) treasurers may also enter into agreements with the fiscal agency or agencies in connection with the establishment and maintenance by such fiscal agency or agencies of a central depository system for the transfer or pledge of bonds or other obligations.

(b) (~~Local government units for which the county treasurer serves as ex officio treasurer of the district may, with the consent of the county treasurer, appoint the county treasurer to serve as the fiscal agency. If such local government units decide to utilize the services of a fiscal agency other than the county treasurer, the county treasurer shall be notified at the time the decision is made.;~~) The county treasurer as ex officio treasurer of a special district shall act as fiscal agent for such special district, unless the county treasurer appoints either one or more of the fiscal agencies appointed from time to time by the state finance committee in accordance with chapter 43.80 RCW or other fiscal agents selected in a manner consistent with RCW 43.80.120 to act with respect to an issue of its bonds or other obligations as authenticating trustee, transfer agent, registrar, and paying or other agent and specify the rights and duties and means of compensation of any such fiscal agency.

(4) Nothing in this section precludes the issuer, or a trustee appointed by the issuer pursuant to any other provision of law, from itself performing, either alone or jointly with other issuers, fiscal agencies, or trustees, any transfer, registration, authentication, payment, or other function described in this section.

Sec. 12. RCW 39.46.110 and 1984 c 186 s 2 are each amended to read as follows:

(1) General obligation bonds of local governments shall be subject to this section. Unless otherwise stated in law, the maximum term of any general obligation bond issue shall be forty years.

(2) General obligation bonds constitute an indebtedness of the local government issuing the bonds that are subject to the indebtedness limitations provided in Article VIII, section 6 of the state Constitution and are payable from tax revenues of the local government and such other money lawfully available and pledged or provided by the governing body of the local government for that purpose. Such governing body may pledge the full faith, credit and resources of the local government for the payment of general obligation bonds. The payment of such bonds shall be enforceable in mandamus against the local government and its officials. The officials now or hereafter charged by law with the duty of levying taxes pledged for the payment of general obligation bonds and interest thereon shall, in the manner provided by law, make an annual levy of such taxes sufficient together with other moneys lawfully available and pledge therefor to meet the payments of principal and interest on said bonds as they come due.

(3) General obligation bonds issued as physical instruments shall be executed in the manner determined by the governing body or legislative body of the issuer. If the issuer is a special district for which the county treasurer is the treasurer, the issuer shall notify the county treasurer at least thirty days in advance of authorizing the issuance of bonds or the incurrence of other certificates of indebtedness.

(4) Unless another statute specifically provides otherwise, the owner of a general obligation bond, or the owner of an interest coupon, issued by a local government shall not have any claim against the state arising from the general obligation bond or interest coupon.

(5) As used in this section, the term "local government" means every unit of local government, including municipal corporations, quasi municipal corporations, and political subdivisions, where property ownership is not a prerequisite to vote in the local government's elections.

Sec. 13. RCW 39.50.030 and 1985 c 71 s 1 are each amended to read as follows:

(1) The issuance of short-term obligations shall be authorized by ordinance of the governing body which ordinance shall fix the maximum amount of the obligations to be issued or, if applicable, the maximum amount which may be outstanding at any time, the maximum term and interest rate or rates to be borne thereby, the manner of sale, maximum price, form including bearer or registered as provided in RCW 39.46.030, terms, conditions, and the covenants thereof. The ordinance may provide for designation and employment of a paying agent for the short-term obligations and may authorize a designated representative of the municipal corporation, or if the county, the county treasurer to act on its behalf and subject to the terms of the ordinance in selling and delivering short-term obligations authorized and fixing the dates, price, interest rates, and other details as may be specified in the ordinance. Short-term obligations issued under this section shall bear such fixed or variable rate or rates of interest as the governing body considers to be in the best interests of the municipal corporation. Variable rates of interest may be fixed in relationship to such standard or index as the governing body designates.

The governing body may make contracts for the future sale of short-term obligations pursuant to which the purchasers are committed to purchase the short-term obligations from time to time on the terms and conditions stated in the contract, and may pay such consideration as it considers proper for the commitments. Short-term obligations issued in anticipation of the receipt of taxes shall be paid within six months from the end of the fiscal year in which they are issued. For the purpose of this subsection, short-term obligations issued in anticipation of the sale of general obligation bonds shall not be considered to be obligations issued in anticipation of the receipt of taxes.

(2) Notwithstanding subsection (1) of this section, such short-term obligations may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 14. RCW 43.80.125 and 1985 c 84 s 3 are each amended to read as follows:

(1) The fiscal agencies designated pursuant to RCW 43.80.110 and 43.80.120 may be appointed by the state treasurer or a local ~~((government))~~ treasurer to act as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the issuance by the state or local government of registered bonds or other obligations pursuant to a system of registration as provided by RCW 39.46.030 and may establish and maintain on behalf of the state or local government a central depository system for the transfer or pledge of bonds or other obligations. The term "local government" shall be as defined in RCW 39.46.020.

(2) Whenever in the judgment of the fiscal agencies, certain services as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the establishment and maintenance of a central depository system for the transfer or pledge of registered public obligations, or in connection with the issuance by any public entity of registered public obligations pursuant to a system of registration as provided in

chapter 39.46 RCW, can be secured from private sources more economically than by carrying out such duties themselves, they may contract out all or any of such services to such private entities as such fiscal agencies deem capable of carrying out such duties in a responsible manner.

~~((3) Local government units for which the county treasurer serves as ex officio treasurer of the district may, with the consent of the county treasurer, appoint the county treasurer to serve as the fiscal agency. If such local government units decide to utilize the services of a fiscal agency other than the county treasurer, the county treasurer shall be notified at the time the decision is made.))~~

Sec. 15. RCW 46.44.175 and 1985 c 22 s 2 are each amended to read as follows:

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a penalty of not less than one hundred dollars or more than five hundred dollars shall be assessed. In addition to the above penalty, the department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person who shall alter, re-use, transfer, or forge the decal required by RCW 46.44.170, or who shall display a decal knowing it to have been forged, re-used, transferred, or altered, shall be guilty of a gross misdemeanor.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the department of transportation or the local authority having jurisdiction. The department or the local authority after such hearing may revise its previous action.

Sec. 16. RCW 58.08.040 and 1991 c 245 s 14 are each amended to read as follows:

Any person filing a plat, replat, altered plat, or binding site plan subsequent to May 31st in any year and prior to the date of the collection of taxes in the ensuing year, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the ~~((unimproved))~~ property less improvements in such subdivision multiplied by the current year's dollar rate increased by twenty-five percent on the property platted. The treasurer's receipt shall be evidence of the payment. The treasurer shall appropriate so much of the deposit as will pay the taxes on the property when the ~~((tax rolls))~~ levy rates are certified by the assessor ~~((for collection))~~ using the value of the property at the time of filing a plat, replat, altered plat, or binding site plan, and in case the sum deposited is in excess of the amount necessary for the payment of the taxes, the treasurer shall return, to the party depositing, the amount of excess.

NEW SECTION. **Sec. 17.** A new section is added to chapter 82.03 RCW to read as follows:

In all appeals taken pursuant to RCW 84.08.130 the assessor or taxpayer shall submit evidence of comparable sales to be used in a hearing to the board and to all parties at least ten business days in advance of such hearing. Failure to comply with the requirements set forth in this section shall be grounds for the board, upon objection, to continue the hearing or refuse to consider evidence not timely submitted.

Sec. 18. RCW 84.08.130 and 1992 c 206 s 10 are each amended to read as follows:

(1) Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the ~~((county auditor))~~ board of tax appeals a notice of appeal ~~((in duplicate))~~ within thirty days after the mailing of the decision of such board of equalization, which notice shall specify the actions complained of ~~((, and said auditor shall forthwith transmit one of said notices to the board of tax appeals))~~; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. There shall be no fee charged for the filing of an appeal. The petitioner shall ~~((provide))~~ serve a copy of the notice of appeal ~~((to))~~ on all named parties within the same thirty-day time period ~~((provided in the rules of practice and procedure of the board of tax appeals))~~. Appeals which are not filed and served as provided in this section shall be ~~((continued or))~~ dismissed. The board of tax appeals shall require the board appealed from to file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper. An appeal of an action by a county board of equalization shall be deemed to have been filed and served within the thirty-day period if it is postmarked on or before the thirtieth day after the mailing of the decision of the board of equalization.

(2) The board of tax appeals may enter an order, pursuant to subsection (1) of this section, that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the value during that time.

Sec. 19. RCW 84.08.140 and 1975 1st ex.s. c 278 s 157 are each amended to read as follows:

Any taxpayer feeling aggrieved by the levy or levies of any taxing district except levies authorized by a vote of the ~~((people))~~ voters of the district may appeal therefrom to the department of revenue as hereinafter provided. Such taxpayer, upon the execution of a bond, with two or more sufficient sureties to be approved by the county auditor, payable to the state of Washington, in the penal sum of two hundred dollars and conditioned that if the petitioner shall fail in his appeal for a reduction of said levy or levies ~~((he))~~ the taxpayer will pay the taxable costs of the hearings hereinafter provided, not exceeding the amount of such bond, may file a written complaint with the county auditor wherein such taxing district is located not later than ten days after the making and entering of such levy or levies, setting forth in such form and detail as the department of revenue shall by general rule prescribe, ~~((his))~~ the taxpayer's objections to such levy or levies. Upon the filing of such complaint, the county auditor shall immediately transmit a certified copy thereof, together with a copy of the budget or estimates of such taxing district as finally adopted, including estimated revenues and such other information as the department of revenue shall by rule require, to the department of revenue. The department of revenue shall fix a date for a hearing on said complaint at the earliest convenient time after receipt of said record, which hearing shall be held in the county in which said taxing district is located, and notice of such hearing shall be given to the officials of such taxing district, charged with determining the amount of its levies, and to the taxpayer on said complaint by registered mail at least five days prior to the date of said hearing. At such hearings all interested parties may be

heard and the department of revenue shall receive all competent evidence. After such hearing, the department of revenue shall either affirm or decrease the levy or levies complained of, in accordance with the evidence, and shall thereupon certify its action with respect thereto to the county auditor, who, in turn, shall certify it to the taxing district or districts affected, and the action of the department of revenue with respect to such levy or levies shall be final and conclusive.

Sec. 20. RCW 84.12.270 and 1975 1st ex.s. c 278 s 165 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true ~~((cash))~~ and fair value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true ~~((cash))~~ and fair value of such property the department of revenue may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating or nonoperating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and true ~~((cash))~~ and fair value of the operating property of such company.

Sec. 21. RCW 84.12.310 and 1975 1st ex.s. c 278 s 167 are each amended to read as follows:

For the purpose of determining the system value of the operating property of any such company, the department of revenue shall deduct from the ~~((actual-cash))~~ true and fair value of the total assets of such company, the actual cash value of all nonoperating property owned by such company. For such purpose the department of revenue may require of the assessors of the various counties within this state a detailed list of such company's properties assessed by them, together with the assessable or assessed value thereof: PROVIDED, That such assessed or assessable value shall be advisory only and not conclusive on the department of revenue as to the value thereof.

Sec. 22. RCW 84.12.330 and 1975 1st ex.s. c 278 s 168 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision (17) of RCW 84.12.200, as applied to said company, following which shall be entered the ~~((actual-cash))~~ true and fair value of the operating property as determined by the department of revenue. No assessment shall be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((actual-cash))~~ true and fair value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll.

Sec. 23. RCW 84.12.350 and 1967 ex.s. c 26 s 17 are each amended to read as follows:

Upon determination by the department of revenue of the true and ~~((correct-actual-cash))~~ fair value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized assessed valuation of such property in each such county and in the several taxing districts therein, by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property in such county: PROVIDED, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than two hundred fifty dollars, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district.

Sec. 24. RCW 84.12.360 and 1987 c 153 s 3 are each amended to read as follows:

The ~~((actual-cash))~~ true and fair value of the operating property assessed to a company, as fixed and determined by the ~~((state-board))~~ department of ~~((equalization))~~ revenue, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of ~~((steam, suburban, and interurban))~~ all railroad companies other than street railroad companies, telegraph companies and pipe line companies--upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies), and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies--upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies--upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies--upon the basis set forth in ~~((subdivision))~~ subsection (2) ~~((hereof))~~ of this section.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Sec. 25. RCW 84.12.370 and 1975 1st ex.s. c 278 s 171 are each amended to read as follows:

When the ~~((state board))~~ department of ~~((equalization))~~ revenue shall have determined the equalized assessed value of the operating property of each company in each of the respective counties and in the taxing districts thereof, as hereinabove provided, the department of revenue shall certify such equalized assessed value to the county assessor of the proper county. The county assessor shall enter the company's real operating property upon the real property tax rolls and the company's personal operating property upon the personal property tax rolls of ~~((his))~~ the county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating property of the company in such county and the taxing districts therein for that year, upon which taxes shall be levied and collected in the same manner as on the general property of such county.

Sec. 26. RCW 84.16.040 and 1975 1st ex.s. c 278 s 179 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true ~~((cash))~~ and fair value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true ~~((cash))~~ and fair value of such property the department of revenue may take into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and true ~~((cash))~~ and fair value of the operating property of such company.

Sec. 27. RCW 84.16.050 and 1975 1st ex.s. c 278 s 180 are each amended to read as follows:

The department of revenue may, in determining the ~~((actual-cash))~~ true and fair value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property partly within and partly without the state, the department of revenue may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the department of revenue may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the department of revenue may use any other reasonable and fair method to determine the value of the operating property of the company within this state.

Sec. 28. RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of ~~((subdivision))~~ subsection (3) of RCW 84.16.010 or otherwise, following which shall be entered the ~~((actual-cash))~~ true and fair value of the operating property as determined by the department of revenue. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((actual-cash))~~ true and fair value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll; and thereupon such valuation shall become the ~~((actual-cash))~~ true and fair value of the operating property of the company, subject to revision or correction by the ~~((state board))~~ department of ~~((equalization))~~ revenue as hereinafter provided; and shall be the valuation upon which, after equalization by the ~~((state board))~~ department of ~~((equalization))~~ revenue as hereinafter provided, the taxes of such company shall be based and computed.

Sec. 29. RCW 84.16.110 and 1967 ex.s. c 26 s 18 are each amended to read as follows:

Upon determination by the department of revenue of the true and ~~((correct actual-cash))~~ fair value of the property appearing on such rolls the department shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property of the respective counties: PROVIDED, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county shall be less than two hundred fifty dollars, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county.

Sec. 30. RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended to read as follows:

The ~~((actual-cash))~~ true and fair value of the property of each company as fixed and determined by the ~~((state-board))~~ department of ~~((equalization))~~ revenue as herein provided shall be apportioned to the respective counties in the following manner:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is situate, located and operated.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

Sec. 31. RCW 84.16.130 and 1975 1st ex.s. c 278 s 183 are each amended to read as follows:

When the ~~((state-board))~~ department of ~~((equalization))~~ revenue shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, the department of revenue shall certify such equalized or assessed value to the county assessor of the proper county; and the county assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of ~~((his))~~ the county entitled to a proportionate value thereof in the manner prescribed in RCW 84.16.120 for apportionment of values between counties. The county assessor shall enter such assessment upon the personal property tax rolls of ~~((his))~~ the county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

Sec. 32. RCW 84.33.130 and 1986 c 100 s 57 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year ~~((commencing with 1972))~~ shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

- (a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;
- (b) The date or dates of acquisition of such land;
- (c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;
- (d) Whether there is a forest management plan for such land;
- (e) If so, the nature and extent of implementation of such plan;
- (f) Whether such land is used for grazing;
- (g) Whether such land has been subdivided or a plat filed with respect thereto;
- (h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;
- (i) Whether such land is subject to forest fire protection assessments pursuant to RCW 76.04.610;
- (j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;
- (k) A summary of the past experience and activity of the applicant in growing and harvesting timber;
- (l) A summary of current and continuing activity of the applicant in growing and harvesting timber;
- (m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;
- (n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined ~~((in RCW 76.09.010, or any laws or regulations adopted to replace such minimum standards))~~ by rule adopted by the forest practices board, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, ~~((he))~~ the assessor shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his or her application has been denied may appeal such denial to the county board of equalization.

Sec. 33. RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW ~~((84.52.050 and))~~ 84.52.043.

Sec. 34. RCW 84.38.040 and 1984 c 220 s 22 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW ~~((84.64.030 or))~~ 84.64.050, whichever is later: PROVIDED, That for good cause shown, the department may waive this requirement.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter ~~((9-72))~~ 9A.72 RCW for ~~((the))~~ false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

Sec. 35. RCW 84.40.0301 and 1971 ex.s. c 288 s 2 are each amended to read as follows:

~~((4))~~ Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence.

~~((2)) In any administrative or judicial proceeding pending upon May 21, 1971 or arising from the property revaluation under the provisions of section 4, chapter 282, Laws of 1969 ex. sess., and section 1, chapter 95, Laws of 1970 ex. sess., the provisions of this section will apply. This paragraph shall not be construed so as to limit in any way the provisions of subsection (1) of this section.~~

Sec. 36. RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended to read as follows:

The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a maximum civil penalty of five ~~((dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five))~~ thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

Sec. 37. RCW 84.40.080 and 1973 2nd ex.s. c 8 s 1 are each amended to read as follows:

~~((The))~~ An assessor ~~((, upon his own motion, or upon the application of any taxpayer,))~~ shall enter ~~((in the detail and assessment list of the current))~~ on the assessment roll in any year any property shown to have been omitted from the assessment ~~((list))~~ roll of any preceding year, at the ~~((valuation of that))~~ value for the preceding year, or if not then valued, at such ~~((valuation))~~ value as the assessor shall determine ~~((from))~~ for the preceding year, and such ~~((valuation))~~ value shall be stated ~~((in a separate line))~~ separately from the ~~((valuation))~~ value of ~~((the current))~~ any other

year. Where improvements have not been valued and assessed as a part of the real estate upon which the same may be located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property under this section: PROVIDED, That no such assessment shall be made in any case where a bona fide purchaser, encumbrancer, or contract buyer has acquired any interest in said property prior to the time such improvements are assessed. When such an omitted assessment is made, the taxes levied thereon may be paid within one year of the due date of the taxes for the year in which the assessment is made without penalty or interest: AND PROVIDED FURTHER, That in the assessment of personal property, the assessor shall assess the omitted value not reported by the taxpayer as evidenced by an inspection of either the property or the books and records of said taxpayer by the assessor.

Sec. 38. RCW 84.40.090 and 1961 c 15 s 84.40.090 are each amended to read as follows:

It shall be the duty of assessors, when assessing real or personal property, to designate the name or number of each taxing ~~((and read))~~ district in which each person and each description of property assessed is liable for taxes ~~((, which designation shall be made by writing the name or number of the districts opposite each assessment in the column provided for that purpose in the detail and assessment list))~~. When the real and personal property of any person is assessable in several taxing districts ~~((and/or road districts))~~, the amount in each shall be assessed ~~((on separate detail and assessment lists, and all property assessable in incorporated cities or towns shall be assessed in consecutive books, where more than one book is necessary, separate from outside property and separately, and the name of the owner, if known, together with his post office address, placed opposite each amount))~~ separately.

Sec. 39. RCW 84.40.170 and 1961 c 15 s 84.40.170 are each amended to read as follows:

(1) In all cases of irregular subdivided tracts or lots of land other than any regular government subdivision the county assessor shall outline a plat of such tracts or lots and notify the owner or owners thereof with a request to have the same surveyed by the county engineer, and cause the same to be platted into numbered (or lettered) lots or tracts: PROVIDED, HOWEVER, That where any county has in its possession the correct field notes of any such tract or lot of land a new survey shall not be necessary, but such tracts may be mapped from such field notes. In case the owner of such tracts or lots neglects or refuses to have the same surveyed or platted, the county assessor shall notify the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in and for the county, who may order and direct the county engineer to make the proper survey and plat of the tracts and lots. A plat shall be made on which said tracts or lots of land shall be accurately described by lines, and numbered (or lettered), which numbers (or letters) together with number of the section, township and range shall be distinctly marked on such plat, and the field notes of all such tracts or lots of land shall describe each tract or lot according to the survey, and such tract or lot shall be numbered (or lettered) to correspond with its number (or letter) on the map. The plat shall be given a designated name by the surveyor thereof. When the survey, plat, field notes and name of plat, shall have been approved by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, the plat and field notes shall be filed and recorded in the office of the county auditor, and the description of any tract or lot of land described in said plats by number (or letter), section, township and range, shall be a sufficient and legal description for revenue and all other purposes.

(2) Upon the request of eighty percent of the owners of the property to be surveyed and the approval of the county legislative authority, the county assessor may charge for actual costs and file a lien against the subject property if the costs are not repaid within ninety days of notice of completion, which may be collected as if such charges had been levied as a property tax.

Sec. 40. RCW 84.41.070 and 1975 1st ex.s. c 278 s 198 are each amended to read as follows:

If the department of revenue finds upon its own investigation, or upon a showing by others, that the revaluation program for any county is not proceeding for any reason as herein directed, ~~((or is not proceeding for any reason with sufficient rapidity to be completed before June 1, 1958,))~~ the department of revenue shall advise both the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and the county assessor of such finding. Within thirty days after receiving such advice, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, at regular or special session, either (1) shall authorize such expenditures as will enable the assessor to complete the revaluation program as herein directed, or (2) shall direct the assessor to request special assistance from the department of revenue for aid in effectuating the county's revaluation program.

Sec. 41. RCW 84.44.010 and 1961 c 15 s 84.44.010 are each amended to read as follows:

Personal property, except such as is required in this title to be listed and assessed otherwise, shall be listed and assessed in the county where it is situated. ~~((The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or place where his business is carried on.))~~

Sec. 42. RCW 84.48.050 and 1961 c 15 s 84.48.050 are each amended to read as follows:

The county assessor shall, on or before the fifteenth day of January in each year, make out and transmit to the state auditor, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres ~~((of land))~~ that have been assessed ~~((, the))~~ and the total value of ~~((such land))~~ the real property, including the structures ~~((thereon; the value of town and city lots, including structures))~~ on the real property; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized and the total amount of taxes levied in the county for state, county, city and other taxing district purposes, for that year. Should the assessor of any county fail to transmit to the ~~((state board))~~ department of ~~((equalization))~~ revenue the abstract provided for in RCW 84.48.010 by the ~~((time the state board of equalization convenes))~~ eighteenth of August, and if, by reason of such failure to transmit such abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the ~~((state board))~~ department of ~~((equalization))~~ revenue shall, at its next annual session, ascertain what amount of state tax said county has failed to collect, and certify the same to the state auditor, who shall charge the amount to

the proper county and notify the auditor of said county of the amount of said charge; said sum shall be due and payable immediately by warrant in favor of the state on the current expense fund of said county.

Sec. 43. RCW 84.48.080 and 1990 c 283 s 1 are each amended to read as follows:

Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 44. RCW 84.48.110 and 1987 c 168 s 1 are each amended to read as follows:

Within three days after the record of the proceedings of the ~~((state board))~~ department of ~~((equalization))~~ revenue is certified by the director of the department, the department shall transmit to each county assessor a copy of the record of the proceedings of the ~~((board))~~ department, specifying the amount to be levied and collected ~~((on said assessment books))~~ for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the fifth preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The department shall close the account of each county for the fifth preceding year and charge the amount of such delinquency to the tax levy of the current year. These delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the fifth preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

Sec. 45. RCW 84.48.120 and 1987 c 168 s 2 are each amended to read as follows:

It shall be the duty of the county assessor of each county, when he shall have received from the state department of revenue the assessed valuation of the property of railroad and other companies assessed by the department of revenue and apportioned to the county, and placed the same on the tax rolls, and received the report of the department of revenue of the amount of taxes levied for state purposes, to compute the required percent on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: PROVIDED, That the rates so computed shall not be such as to raise a surplus of more than five percent over the total amount required by the ~~((state board))~~ department of ~~((equalization))~~ revenue: PROVIDED FURTHER, That any surplus raised shall be remitted to the state in accordance with RCW 84.56.280.

Sec. 46. RCW 84.48.150 and 1973 1st ex.s. c 30 s 1 are each amended to read as follows:

The assessor shall, upon the request of any taxpayer who petitions the board of equalization for review of a tax claim or valuation dispute, make available to said taxpayer a compilation of comparable sales utilized by the assessor in establishing such taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall furnish the taxpayer with such other factors and the addresses of such other property used in making the determination of value.

The assessor shall within ~~((thirty))~~ sixty days of such request but at least ~~((ten))~~ fourteen business days, excluding legal holidays, prior to such taxpayer's appearance before the board of equalization make available to the taxpayer the valuation criteria and/or comparable(s) sales which shall not be subsequently changed ~~((or modified))~~ by the assessor ~~((during review or appeal proceedings))~~ unless the assessor has found new

evidence supporting the assessor's valuation, in which situation the assessor shall provide such additional evidence to the taxpayer and the board of equalization at least ~~((ten))~~ fourteen business days prior to the hearing ~~((on appeal or review proceedings))~~ at the board of equalization. A taxpayer who lists comparable sales on ~~((his))~~ a notice of appeal ~~((shall not thereafter use other comparables during the review of appeal proceedings:~~ PROVIDED, That the taxpayer may change the comparable sales he is using in proceedings subsequent to the county board of equalization only if he provides a listing of such different comparables to the assessor at least five business days prior to such subsequent proceedings: PROVIDED FURTHER, That the board of equalization may waive the requirements contained in the preceding proviso or allow the assessor a continuance of reasonable duration to check the comparables furnished by the taxpayer)) shall not subsequently change such sales unless the taxpayer has found new evidence supporting the taxpayer's proposed valuation in which case the taxpayer shall provide such additional evidence to the assessor and board of equalization at least seven business days, excluding legal holidays, prior to the hearing. If either the assessor or taxpayer does not meet the requirements of this section the board of equalization may continue the hearing to provide the parties an opportunity to review all evidence or, upon objection, refuse to consider sales not submitted in a timely manner.

NEW SECTION. Sec. 47. A new section is added to chapter 84.48 RCW to read as follows:

The board of equalization may enter an order that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the value during that time.

NEW SECTION. Sec. 48. A new section is added to chapter 84.56 RCW to read as follows:

Each tax statement shall show the amount of taxes directly approved by the voters at a general election, including but not limited to those under Article VII, section 2 of the state Constitution or chapter 84.55 RCW. The amount of taxes directly approved by the voters at a general election may be shown either as a dollar amount or as a percentage of the total amount of taxes.

Sec. 49. RCW 84.55.005 and 1983 1st ex.s. c 62 s 11 are each amended to read as follows:

As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes ~~((under RCW 84.09.080)).~~

Sec. 50. RCW 84.56.010 and 1975-76 2nd ex.s. c 10 s 1 are each amended to read as follows:

On or before the first Monday in January next succeeding the date of levy of taxes the ~~((county auditor shall issue to the))~~ county treasurer ~~((his warrant authorizing the collection of taxes listed on the))~~ shall establish tax rolls of his or her county as certified by the county assessor for such assessment year, and said rolls shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax roll account" for and said rolls ~~((with the warrants for collection))~~ shall be full and sufficient authority for the county treasurer to receive and collect all taxes therein levied: PROVIDED, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the fifteenth day of February following.

Sec. 51. RCW 84.56.160 and 1961 c 15 s 84.56.160 are each amended to read as follows:

The treasurer of any county of this state shall have the power to certify a statement of taxes and delinquencies of any person, firm, company or corporation, or of any tax on personal property together with all penalties and delinquencies, which statement shall be under seal and contain a transcript of the ~~((warrant of))~~ tax collection records and so much of the tax roll as shall affect the person, firm, company or corporation or personal property to the treasurer of any county of this state, wherein any such person, firm, company or corporation has any real or personal property.

Sec. 52. RCW 84.56.170 and 1961 c 15 s 84.56.170 are each amended to read as follows:

The treasurer of any county of this state receiving the certified statement provided for in RCW 84.56.150 and 84.56.160, shall have the same power to collect the taxes, penalties and delinquencies so certified as ~~((he))~~ the treasurer has to collect the personal taxes levied on personal property in his or her own county, and as soon as the said taxes are collected they shall be remitted, less the cost of collecting same, to the treasurer of the county to which said taxes belong, by the treasurer collecting them ~~((, and he shall return a certified copy of the certified statement to the auditor of the county to which the taxes belong, together with a certified statement of the amount remitted to the said treasurer)).~~

Sec. 53. RCW 84.56.340 and 1985 c 395 s 4 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use, or where a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise, no segregation of property for tax purposes shall be made unless all delinquent taxes and assessments on the entire tract have been paid in full ~~((: AND PROVIDED FURTHER, That where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from date of notice.))~~. The county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county ~~((commissioners at their))~~ legislative authority at its next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by the county ~~((commissioners))~~ legislative authority. Any person desiring to pay on an undivided

interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Sec. 54. RCW 84.60.050 and 1971 ex.s. c 260 s 2 are each amended to read as follows:

(1) When real property is acquired by purchase or condemnation by the state of Washington, any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such property shall continue to be subject to the tax lien for the years prior to the year in which the property is so acquired or placed under such agreement or order, of any tax levied by the state, county, municipal corporation or other tax levying public body, except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real property being acquired or placed under immediate possession and use for the year in which such real property is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such property allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as provided in RCW ~~((84.56.400))~~ 84.48.065. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he or she shall be entitled to a pro rata refund of the amount paid on the property so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede February 15th of the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW ~~((84.56.400))~~ 84.48.065.

Sec. 55. RCW 84.69.020 and 1991 c 245 s 31 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
 - (2) Paid as a result of manifest error in description; or
 - (3) Paid as a result of a clerical error in extending the tax rolls; or
 - (4) Paid as a result of other clerical errors in listing property; or
 - (5) Paid with respect to improvements which did not exist on assessment date; or
 - (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
 - (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
 - (8) Paid ~~((or overpaid))~~ as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person ~~((paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same))~~ with respect to real property in which the person paying the same has no legal interest; or
 - (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;
- or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
 - (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 ~~((Amendment 59))~~ of the state Constitution equal one percent of the assessed value established by the board;
 - (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or
 - (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

Sec. 56. RCW 84.70.010 and 1987 c 319 s 6 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than

twenty percent as a result of a natural disaster, the true ~~((eash))~~ and fair value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true ~~((eash))~~ and fair value of such taxable property before destruction or reduction in value and deduct therefrom the true ~~((eash))~~ and fair value of the remaining property after destruction or reduction in value.

(b) Then divide any amount remaining by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property.

(2) No reduction in the true ~~((eash))~~ and fair value shall be made more than three years after the date of destruction or reduction in value.

(3) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(4) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July ~~((45th))~~ 1st of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal.

NEW SECTION. Sec. 57. The following acts or parts of acts are each repealed:

(1) RCW 35.49.120 and 1965 c 7 s 35.49.120;

(2) RCW 36.21.020 and 1963 c 4 s 36.21.020;

(3) RCW 36.21.030 and 1963 c 4 s 36.21.030;

(4) RCW 84.56.023 and 1989 c 378 s 38;

(5) RCW 36.18.140 and 1963 c 4 s 36.18.140; and

(6) RCW 84.56.180 and 1973 1st ex.s. c 195 s 110, 1969 ex.s. c 124 s 5, & 1961 c 15 s 84.56.180.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5372 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5372 and the House amendment thereto: Senators Haugen, Winsley and Loveland.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6055 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.17.020 and 1991 c 363 s 52 are each amended to read as follows:

The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, thirty thousand three hundred dollars;

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, ~~((sixteen))~~ seventeen thousand ~~((five))~~ six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, ~~((eight))~~ sixteen thousand ~~((eight hundred))~~ dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, ~~((five))~~ fourteen thousand ~~((five))~~ nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, ~~((four))~~ thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; and members of the county legislative authority, eleven thousand dollars;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; and members of the county legislative authority, nine thousand four hundred dollars;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the county legislative authority, seven thousand dollars;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the county legislative authority, six thousand five hundred dollars;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the county legislative authority, six thousand five hundred dollars.

NEW SECTION. Sec. 2. A new section is added to chapter 36.17 RCW to read as follows:

The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. This section shall take effect on January 1, 1996.

Sec. 3. RCW 36.17.042 and 1977 c 42 s 1 are each amended to read as follows:

In addition to the pay periods permitted under RCW 36.17.040, the legislative authority of any county may establish a biweekly pay period where county officers and employees receive their compensation not later than seven days following the end of each two week pay period for services rendered during that pay period.

However, in a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW, the county legislative authority may establish a biweekly pay period where the county officers and employees receive their compensation not later than thirteen days following the end of each two-week pay period for services rendered during that pay period.

Sec. 4. RCW 65.04.090 and Code 1881 s 2732 are each amended to read as follows:

~~((He))~~ The auditor must also endorse upon such instrument, paper, or notice, the time when and the book and page in which it is recorded, and must thereafter ~~((deliver it)),~~ upon request of the person delivering the document, return the document, at the auditor's discretion, to either the party leaving the same for record~~((;))~~ or to ~~((his order))~~ that party's designee.

Sec. 5. RCW 70.08.040 and 1985 c 124 s 4 are each amended to read as follows:

Notwithstanding any provisions to the contrary contained in any city or county charter, where a combined department is established under this chapter, the director of public health under this chapter shall be appointed by the county executive of the county and the mayor of the city ~~((for a term of four years and until a successor is appointed and confirmed. The director of public health may be reappointed by the county executive of the county and the mayor of the city for additional four-year terms)).~~ The appointment shall be effective only upon a majority vote confirmation of the legislative authority of the county and the legislative authority of the city. The director may be removed by the county executive of the county, after consultation with the mayor of the city, upon filing a statement of reasons therefor with the legislative authorities of the county and the city.

NEW SECTION. Sec. 6. RCW 36.17.020 and 1994 c . . . s 1 (section 1 of this act), 1991 c 363 s 52, 1973 1st ex.s. c 88 s 2, 1971 ex.s. c 237 s 1, 1969 ex.s. c 226 s 1, 1967 ex.s. c 77 s 2, 1967 c 218 s 3, 1963 c 164 s 1, & 1963 c 4 s 36.17.020 are each repealed on January 1, 1996.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Senate Bill No. 6055 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6055 and the House amendment thereto: Senators Haugen, Winsley and Loveland.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6068 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.58.170 and 1988 c 128 s 76 are each amended to read as follows:

A shorelines hearings board sitting as a quasi judicial body is hereby established within the environmental hearings office under RCW 43.21B.005. The shorelines hearings board shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the commissioner of public lands or his or her designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. Except as provided in section 2 of this act, a decision must be agreed to by at least four members of the board to be final. The members of the shorelines ((appeals)) board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) In the case of an appeal involving a single family residence or appurtenance to a single family residence, including a dock or pier designed to serve a single family residence, the request for review may be heard by a panel of three board members, at least one and not more than two of whom shall be members of the pollution control hearings board. Two members of the three must agree to issue a final decision of the board.

(2) The board shall define by rule alternative processes to expedite appeals. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

Sec. 3. RCW 90.58.180 and 1989 c 175 s 183 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6).

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his or her request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor(~~(- PROVIDED, That)~~). The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the

end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board (~~may be had as provided in~~) is governed by chapter 34.05 RCW.

(4) A local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or
- (e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

(5) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW (~~34.05.538: PROVIDED;~~ ~~That~~) 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

Sec. 4. RCW 43.21C.075 and 1983 c 117 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement), consistent with any state statutory requirements for appeals to local legislative bodies. The appeal proceeding on a determination of significance/nonsignificance may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) by providing for simultaneous appeal of an agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the threshold determination appeal as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this (~~paragraph~~) subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). This section does not modify any such time periods. This

section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within thirty days. The agency shall give official notice stating the date and place for commencing an appeal. If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.

(b) A notice of action under RCW 43.21C.080 may be used. If a notice of action is used, judicial appeals shall be commenced within the time period specified by RCW 43.21C.080, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period.

(6)(a) Judicial review of an appeal decision made by an agency under RCW 43.21C.075(5) shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) and (3)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. The word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

NEW SECTION. Sec. 5. A new section is added to chapter 43.21B RCW to read as follows:

With the consent of all parties, an appeal may be heard by one member of the board. The decision of the member shall be the final decision of the board. The board shall define by rule alternative procedures to expedite appeals. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

Sec. 6. RCW 43.21B.180 and 1989 c 175 s 104 are each amended to read as follows:

Judicial review of a decision of the hearings board (~~shall be de novo except when the decision has been rendered pursuant to a formal hearing elected under the provisions of this chapter, in which event judicial review~~) may be obtained only pursuant to RCW 34.05.510 through 34.05.598. The director shall have the same right of review from a decision made pursuant to RCW 43.21B.110 as does any person.

Sec. 7. RCW 43.21B.190 and 1988 c 202 s 43 are each amended to read as follows:

Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, (~~or within thirty days after an appeal has been denied after an informal hearing~~;) such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court. In all appeals involving a decision or an order of the hearings board after an informal hearing, the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. Such appeal may be perfected by filing with the clerk of the superior court a notice of appeal, and by serving a copy thereof by mail, or personally on the director, the air pollution control boards or authorities, established pursuant to chapter 70.94 RCW or on the board as the case may be. The hearings board shall serve upon the appealing party, the director, the air pollution control board or authorities established pursuant to chapter 70.94 RCW, or the board, as the case may be, and on any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's decision and order. Appellate review of a decision of the superior

court may be sought as in other civil cases. No bond shall be required on appeals to the superior court or on review by the supreme court unless specifically required by the judge of the superior court.

Sec. 8. RCW 43.21B.230 and 1990 c 65 s 6 are each amended to read as follows:

Any person having received notice of a denial of a petition, a notice of determination, notice of or an order made by the department may appeal, within thirty days from the date of the notice of such denial, order, or determination to the hearings board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board. ~~((If the person intends that the hearing before the hearings board be a formal one, the notice of appeal shall so state. In the event that the notice of appeal does not so state, the hearing shall be an informal one. PROVIDED, HOWEVER, That nothing shall prevent the department or the air pollution authority, as the case may be, within ten days from the date of its receipt of the notice of appeal, from filing with the clerk of the hearings board notice of its intention that the hearing be a formal one.))~~

Sec. 9. RCW 76.09.230 and 1992 c 52 s 23 are each amended to read as follows:

~~(1) ((In all appeals over which the appeals board has jurisdiction, a party taking an appeal may elect either a formal or an informal hearing, unless such party has had an informal hearing with the department. Such election shall be made according to the rules of practice and procedure to be promulgated by the appeals board. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.~~

~~(2))~~ (2)) In all appeals over which the appeals board has jurisdiction, upon request of one or more parties and with the consent of all parties, the appeals board shall promptly schedule a conference for the purpose of attempting to mediate the case. The mediation conference shall be held prior to the hearing on not less than seven days' advance written notice to all parties. All other proceedings pertaining to the appeal shall be stayed until completion of mediation, which shall continue so long as all parties consent: PROVIDED, That this shall not prevent the appeals board from deciding motions filed by the parties while mediation is ongoing: PROVIDED, FURTHER, That discovery may be conducted while mediation is ongoing if agreed to by all parties. Mediation shall be conducted by an administrative appeals judge or other duly authorized agent of the appeals board who has received training in dispute resolution techniques or has a demonstrated history of successfully resolving disputes, as determined by the appeals board. A person who mediates in a particular appeal shall not participate in a hearing on that appeal or in writing the decision and order in the appeal. Documentary and other physical evidence presented and evidence of conduct or statements made during the course of mediation shall be treated by the mediator and the parties in a confidential manner and shall not be admissible in subsequent proceedings in the appeal except in accordance with the provisions of the Washington rules of evidence pertaining to compromise negotiations.

~~((3))~~ (2) In all appeals the appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions, but such powers shall be exercised in conformity with chapter 34.05 RCW.

~~((4))~~ (3) In all appeals ~~((involving formal hearing))~~ the appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings.

~~((5))~~ (4) All proceedings ~~((, including both formal and informal hearings,))~~ before the appeals board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. The appeals board shall publish such rules and arrange for the reasonable distribution thereof.

~~((6))~~ (5) Judicial review of a decision of the appeals board ~~((shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review))~~ may be obtained only pursuant to RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 10. The office of the administrator for the courts, under the direction of the appellate courts, shall conduct a study to expedite appeals from administrative hearings. The study shall be conducted in close cooperation with the environmental hearings office. Recommendations from the study shall be made to the appropriate standing committees of the legislature by September 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6068 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6068 and the House amendment thereto: Senators Fraser, Morton and Talmadge.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6080 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

(1) Every person who goes onto the land of another and who removes timber, crops, minerals, or other similar valuable property from the land, or wrongfully causes waste or injury to the land, or wrongfully injures personal property or improvements to real estate on the land, is liable to the injured party for treble the amount of the damages caused by the removal, waste, or injury. For purposes of this section, a person acts "wrongfully" if the person intentionally and unreasonably commits the act or acts while knowing, or having reason to know, that he or she lacks authorization to so act. Damages recoverable under this section include, but are not limited to, damages for the market value of the property removed or injured, and for injury to the land, including the costs of restoration. In addition, the person is liable for reimbursing the injured party for the party's reasonable costs, including but not limited to investigative costs and reasonable attorneys' fees and other litigation-related costs.

(2) This section does not apply in any case where liability for damages is provided under RCW 64.12.030, 79.01.756, 79.01.760, or 79.40.070.

Sec. 2. RCW 79.01.760 and 1993 c 266 s 1 are each amended to read as follows:

(1) Every person who, without authorization, uses or occupies public lands, removes ~~((anything of value))~~ any valuable material as defined in RCW 79.01.038 from public lands, or causes waste or damage to public lands, or injures publicly owned personal property or publicly owned improvements to real property on public lands, is liable to the state for treble the amount of the damages. However, liability shall be for single damages if the department of natural resources determines, or the person proves upon trial, that the person, at time of the unauthorized act or acts, did not know, or have reason to know, that he or she lacked authorization. Damages recoverable under this section include, but are not limited to, the market value of the use, occupancy, or things removed, had the use, occupancy, or removal been authorized; and any damages caused by injury to the land, publicly owned personal property or publicly owned improvement, including the costs of restoration. In addition, the person is liable for reimbursing the state for its reasonable costs, including but not limited to, its administrative costs, survey costs to the extent they are not included in damages awarded for restoration costs, and its reasonable attorneys' fees and other legal costs.

(2) This section does not apply in any case where liability for damages is provided under RCW 64.12.030, section 1 of this act, 79.01.756, or 79.40.070.

(3) The department of natural resources is authorized and directed to investigate all trespasses and wastes upon, and damages to, public lands of the state, and to cause prosecutions for, and/or actions for the recovery of, the same, to be commenced as is provided by law.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate refuses to concur in the House amendment to Senate Bill No. 6080 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6438 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.600.300 and 1990 1st ex.s. c 9 s 401 are each amended to read as follows:

~~((As used in RCW 28A.600.300 through 28A.600.390, community college means a public community college as defined in chapter 28B.50 RCW))~~ For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(1) A community or technical college as defined in RCW 28B.50.030; and

(2) Central Washington University if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400.

Sec. 2. RCW 28A.600.310 and 1993 c 222 s 1 are each amended to read as follows:

(1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a ~~((community college or technical college))~~ participating institution of higher education to enroll in courses or programs offered by the ~~((community college or technical college))~~ institution of higher education. If ~~((a community college or technical college))~~ the institution of higher education accepts a secondary school pupil for enrollment under this section, the ~~((community college or technical college))~~ institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the ~~((community college or technical college))~~ institution of higher education an amount per each full-time equivalent college student at state-wide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated state-wide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The ~~((community college or technical college))~~ institution of higher education shall not require the pupil to pay any other fees. The funds received by the ~~((community college or technical college))~~ institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the ~~((community college or technical college))~~ institution of higher education. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the ~~((community colleges))~~ institution of higher education.

Sec. 3. RCW 28A.600.320 and 1990 1st ex.s. c 9 s 403 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten ~~((and)),~~ eleven, and twelve and the parents and guardians of those pupils. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in ~~((community college or a vocational-technical institute))~~ courses at an institution of higher education for credit. Students are responsible for applying for admission to the ~~((community college or vocational-technical institute))~~ institution of higher education.

Sec. 4. RCW 28A.600.330 and 1990 1st ex.s. c 9 s 404 are each amended to read as follows:

A pupil who enrolls in ~~((a community college or a vocational-technical institute))~~ an institution of higher education in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and ~~((community college or vocational-technical institute))~~ postsecondary credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in ~~((a community college or vocational-technical institute))~~ an institution of higher education in grade twelve may not enroll in postsecondary courses under this section for high school credit and ~~((community college or vocational-technical institute))~~ postsecondary credit for more than the equivalent of the course work for one academic year.

Sec. 5. RCW 28A.600.340 and 1990 1st ex.s. c 9 s 405 are each amended to read as follows:

Once a pupil has been enrolled in a postsecondary course~~(s)~~ or program~~(s)~~ ~~((or vocational-technical institute))~~ under ~~((this section))~~ RCW 28A.600.300 through 28A.600.400, the pupil shall not be displaced by another student.

Sec. 6. RCW 28A.600.350 and 1990 1st ex.s. c 9 s 406 are each amended to read as follows:

A pupil may enroll in a course under RCW 28A.600.300 through 28A.600.390 for both high school credit and ~~((college level academic and vocational or vocational-technical institute))~~ postsecondary credit.

Sec. 7. RCW 28A.600.360 and 1990 1st ex.s. c 9 s 407 are each amended to read as follows:

A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in ~~((a community college or vocational-technical institute))~~ an institution of higher education shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at ~~((a community college or vocational-technical institute))~~ an institution of higher education.

Sec. 8. RCW 28A.600.370 and 1990 1st ex.s. c 9 s 408 are each amended to read as follows:

Any state institution of higher education may award postsecondary credit for college level academic and vocational ~~((or vocational-technical institute))~~ courses successfully completed by a student while in high school and taken at ~~((a community college or vocational-technical institute))~~ an institution of higher education. The state institution of higher education shall not charge a fee for the award of the credits.

Sec. 9. RCW 28A.600.380 and 1990 1st ex.s. c 9 s 409 are each amended to read as follows:

Transportation to and from the ((community college or vocational-technical institute)) institution of higher education is not the responsibility of the school district.

Sec. 10. RCW 28A.600.390 and 1990 1st ex.s. c 9 s 410 are each amended to read as follows:

The superintendent of public instruction, the state board for community and technical colleges ~~((education))~~, and the higher education coordinating board shall jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380.

Sec. 11. RCW 28A.600.400 and 1990 1st ex.s. c 9 s 412 are each amended to read as follows:

RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and ~~((community college districts or vocational-technical institutes))~~ institutions of higher education in effect on April 11, 1990, and in the future.

NEW SECTION. **Sec. 12.** RCW 28A.600.395 and 1990 1st ex.s. c 9 s 411 are each repealed.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate refuses to concur in the House amendment to Senate Bill No. 6438 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6480 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 50.20 RCW to read as follows:

The employment security department shall report to the appropriate standing committees of the legislature no later than July 1, 1995, regarding any updating of the department's computer technology that is necessary to or could address eliminating or reducing the need to make conditional payments.

Sec. 2. RCW 50.16.094 and 1993 c 226 s 6 are each amended to read as follows:

An individual may be eligible for applicable employment security benefits while participating in work force training. Eligibility is at the discretion of the commissioner of employment security after submitting a commissioner-approved training waiver and developing a detailed individualized training plan.

~~((Benefits paid under this section may not be charged to the experience rating accounts of individual employers.))~~

The commissioner shall adopt rules as necessary to implement this section.

Sec. 3. RCW 50.22.090 and 1993 c 316 s 10 are each amended to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after July 1, 1991, and for the forest products industry beginning with the third week after the first Sunday after July 1, 1991. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 1, 1995, but for claims established on or before July 1, 1995, weeks of unemployment occurring after July 1, 1995, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be one hundred four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than two years beyond the end of the benefit year of the regular claim for an individual whose benefit year ends on or after July 27, 1991, and

shall not be payable for weeks ending on or after two years after March 26, 1992, for individuals who become eligible as a result of chapter 47, Laws of 1992.

(c) Notwithstanding the provisions of (b) of this subsection, individuals will be entitled to up to five additional weeks of benefits following the completion or termination of training.

(d) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(e) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits (~~and shall not be charged to the experience rating account of individual employers~~). The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(f) The amendments in chapter 316, Laws of 1993 affecting subsection (3) (b) and (c) of this section shall apply in the case of all individuals determined to be monetarily eligible under this section without regard to the date eligibility was determined.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section;

or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b)(i) Has received notice of termination or layoff; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i)(A) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after July 1, 1991, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(B) Is unemployed as the result of a plant closure that occurs after November 1, 1992, in a county identified under subsection (2) of this section, did not comply with the requirements of (c)(i)(A) of this subsection due to good cause as demonstrated to the department, such as ambiguity over possible sale of the plant, develops a training program that is submitted to the commissioner for approval not later than sixty days from a date determined by the department to accommodate the good cause, and enters the approved training program not later than ninety days after the revised date established by the department, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

(7) For the purpose of this section, an individual who has a benefit year beginning after January 1, 1989, and ending before July 27, 1991, shall be treated as if his or her benefit year ended on July 27, 1991.

Sec. 4. RCW 50.29.020 and 1993 c 483 s 19 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW

50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

~~(b) Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.~~

~~(e))~~ Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

~~((#))~~ ~~(c)~~ Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

~~((e))~~ ~~(d)~~ In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

~~((#))~~ ~~(e)~~ In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

~~((g) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 may not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.)~~

(3)(a) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, work site, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 5. RCW 50.29.025 and 1993 c 483 s 21 and 1993 c 226 s 13 are each reenacted and amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year, except that during rate year 1995 tax schedule AA shall be in effect. The intervals for determining the effective tax schedule shall be:

| Interval of the Fund Balance Ratio | Effective Expressed as a Percentage | Tax Schedule |
|---------------------------------------|--|--------------|
|---------------------------------------|--|--------------|

3.90 and above AA
 3.40 to 3.89 A
 2.90 to 3.39 B
 2.40 to 2.89 C
 1.90 to 2.39 D
 1.40 to 1.89 E
 Less than 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
 Cumulative Schedule of Contribution Rates
 Taxable Payrolls for Effective Tax Schedule
 ((Rate

| From | To | Class | AA | A | B | C | D | E | F |
|-------|--------|-------|------|------|------|------|------|------|--------|
| 0.00 | 5.00 | 1 | 0.48 | 0.36 | 0.46 | 0.86 | 1.36 | 1.76 | 2.36 |
| 5.01 | 10.00 | 2 | 0.48 | 0.36 | 0.66 | 1.06 | 1.56 | 1.96 | 2.56 |
| 10.01 | 15.00 | 3 | 0.58 | 0.46 | 0.86 | 1.26 | 1.66 | 2.16 | 2.76 |
| 15.01 | 20.00 | 4 | 0.58 | 0.66 | 1.06 | 1.46 | 1.86 | 2.36 | 2.96 |
| 20.01 | 25.00 | 5 | 0.78 | 0.86 | 1.26 | 1.66 | 2.06 | 2.56 | 3.06 |
| 25.01 | 30.00 | 6 | 0.98 | 1.06 | 1.46 | 1.86 | 2.26 | 2.66 | 3.16 |
| 30.01 | 35.00 | 7 | 1.08 | 1.26 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 |
| 35.01 | 40.00 | 8 | 1.28 | 1.46 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 |
| 40.01 | 45.00 | 9 | 1.48 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 | 3.66 |
| 45.01 | 50.00 | 10 | 1.68 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 | 3.86 |
| 50.01 | 55.00 | 11 | 1.98 | 2.16 | 2.46 | 2.86 | 3.26 | 3.66 | 3.96 |
| 55.01 | 60.00 | 12 | 2.18 | 2.36 | 2.66 | 3.06 | 3.46 | 3.86 | 4.16 |
| 60.01 | 65.00 | 13 | 2.38 | 2.56 | 2.86 | 3.26 | 3.66 | 4.06 | 4.36 |
| 65.01 | 70.00 | 14 | 2.58 | 2.76 | 3.06 | 3.46 | 3.86 | 4.26 | 4.56 |
| 70.01 | 75.00 | 15 | 2.88 | 2.96 | 3.26 | 3.66 | 4.06 | 4.46 | 4.66 |
| 75.01 | 80.00 | 16 | 3.08 | 3.16 | 3.46 | 3.86 | 4.26 | 4.56 | 4.76 |
| 80.01 | 85.00 | 17 | 3.28 | 3.36 | 3.66 | 4.06 | 4.46 | 4.76 | 4.86 |
| 85.01 | 90.00 | 18 | 3.68 | 3.76 | 4.06 | 4.46 | 4.76 | 4.86 | 5.06 |
| 90.01 | 95.00 | 19 | 4.08 | 4.16 | 4.46 | 4.86 | 4.96 | 5.06 | 5.26 |
| 95.01 | 100.00 | 20 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40)) |

Rate

| From | To | Class | AA | A | B | C | D | E | F |
|-------|-------|-------|------|------|------|------|------|------|------|
| 0.00 | 5.00 | 1 | 0.36 | 0.36 | 0.46 | 0.86 | 1.36 | 1.76 | 2.36 |
| 5.01 | 10.00 | 2 | 0.36 | 0.36 | 0.66 | 1.06 | 1.56 | 1.96 | 2.56 |
| 10.01 | 15.00 | 3 | 0.46 | 0.46 | 0.86 | 1.26 | 1.66 | 2.16 | 2.76 |
| 15.01 | 20.00 | 4 | 0.46 | 0.66 | 1.06 | 1.46 | 1.86 | 2.36 | 2.96 |
| 20.01 | 25.00 | 5 | 0.66 | 0.86 | 1.26 | 1.66 | 2.06 | 2.56 | 3.06 |
| 25.01 | 30.00 | 6 | 0.86 | 1.06 | 1.46 | 1.86 | 2.26 | 2.66 | 3.16 |

30.01 35.00 7 0.96 1.26 1.66 2.06 2.46 2.86 3.26
35.01 40.00 8 1.16 1.46 1.86 2.26 2.66 3.06 3.46
40.01 45.00 9 1.36 1.66 2.06 2.46 2.86 3.26 3.66
45.01 50.00 10 1.56 1.86 2.26 2.66 3.06 3.46 3.86
50.01 55.00 11 1.86 2.16 2.46 2.86 3.26 3.66 3.96
55.01 60.00 12 2.06 2.36 2.66 3.06 3.46 3.86 4.16
60.01 65.00 13 2.26 2.56 2.86 3.26 3.66 4.06 4.36
65.01 70.00 14 2.46 2.76 3.06 3.46 3.86 4.26 4.56
70.01 75.00 15 2.76 2.96 3.26 3.66 4.06 4.46 4.66
75.01 80.00 16 2.96 3.16 3.46 3.86 4.26 4.56 4.76
80.01 85.00 17 3.16 3.36 3.66 4.06 4.46 4.76 4.86
85.01 90.00 18 3.56 3.76 4.06 4.46 4.76 4.86 5.06
90.01 95.00 19 3.96 4.16 4.46 4.86 4.96 5.06 5.26
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 6. RCW 50.29.025 and 1994 c ... s 5 (section 5 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year (~~except that during rate year 1995 tax schedule AA shall be in effect~~). The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

3.90 and above AA
3.40 to 3.89 A
2.90 to 3.39 B
2.40 to 2.89 C
1.90 to 2.39 D
1.40 to 1.89 E
Less than 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
Cumulative Schedule of Contribution Rates
Taxable Payrolls for Effective Tax Schedule
(Rate

| From | To | Class | AA | A | B | C | D | E | F |
|-------|--------|-------|------|------|------|------|------|------|--------|
| 0.00 | 5.00 | 1 | 0.36 | 0.36 | 0.46 | 0.86 | 1.36 | 1.76 | 2.36 |
| 5.01 | 10.00 | 2 | 0.36 | 0.36 | 0.66 | 1.06 | 1.56 | 1.96 | 2.56 |
| 10.01 | 15.00 | 3 | 0.46 | 0.46 | 0.86 | 1.26 | 1.66 | 2.16 | 2.76 |
| 15.01 | 20.00 | 4 | 0.46 | 0.66 | 1.06 | 1.46 | 1.86 | 2.36 | 2.96 |
| 20.01 | 25.00 | 5 | 0.66 | 0.86 | 1.26 | 1.66 | 2.06 | 2.56 | 3.06 |
| 25.01 | 30.00 | 6 | 0.86 | 1.06 | 1.46 | 1.86 | 2.26 | 2.66 | 3.16 |
| 30.01 | 35.00 | 7 | 0.96 | 1.26 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 |
| 35.01 | 40.00 | 8 | 1.16 | 1.46 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 |
| 40.01 | 45.00 | 9 | 1.36 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 | 3.66 |
| 45.01 | 50.00 | 10 | 1.56 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 | 3.86 |
| 50.01 | 55.00 | 11 | 1.86 | 2.16 | 2.46 | 2.86 | 3.26 | 3.66 | 3.96 |
| 55.01 | 60.00 | 12 | 2.06 | 2.36 | 2.66 | 3.06 | 3.46 | 3.86 | 4.16 |
| 60.01 | 65.00 | 13 | 2.26 | 2.56 | 2.86 | 3.26 | 3.66 | 4.06 | 4.36 |
| 65.01 | 70.00 | 14 | 2.46 | 2.76 | 3.06 | 3.46 | 3.86 | 4.26 | 4.56 |
| 70.01 | 75.00 | 15 | 2.76 | 2.96 | 3.26 | 3.66 | 4.06 | 4.46 | 4.66 |
| 75.01 | 80.00 | 16 | 2.96 | 3.16 | 3.46 | 3.86 | 4.26 | 4.56 | 4.76 |
| 80.01 | 85.00 | 17 | 3.16 | 3.36 | 3.66 | 4.06 | 4.46 | 4.76 | 4.86 |
| 85.01 | 90.00 | 18 | 3.56 | 3.76 | 4.06 | 4.46 | 4.76 | 4.86 | 5.06 |
| 90.01 | 95.00 | 19 | 3.96 | 4.16 | 4.46 | 4.86 | 4.96 | 5.06 | 5.26 |
| 95.01 | 100.00 | 20 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40)) |

Rate

| From | To | Class | AA | A | B | C | D | E | F |
|-------|-------|-------|------|------|------|------|------|------|------|
| 0.00 | 5.00 | 1 | 0.48 | 0.48 | 0.58 | 0.98 | 1.48 | 1.88 | 2.48 |
| 5.01 | 10.00 | 2 | 0.48 | 0.48 | 0.78 | 1.18 | 1.68 | 2.08 | 2.68 |
| 10.01 | 15.00 | 3 | 0.58 | 0.58 | 0.98 | 1.38 | 1.78 | 2.28 | 2.88 |
| 15.01 | 20.00 | 4 | 0.58 | 0.78 | 1.18 | 1.58 | 1.98 | 2.48 | 3.08 |
| 20.01 | 25.00 | 5 | 0.78 | 0.98 | 1.38 | 1.78 | 2.18 | 2.68 | 3.18 |
| 25.01 | 30.00 | 6 | 0.98 | 1.18 | 1.58 | 1.98 | 2.38 | 2.78 | 3.28 |
| 30.01 | 35.00 | 7 | 1.08 | 1.38 | 1.78 | 2.18 | 2.58 | 2.98 | 3.38 |
| 35.01 | 40.00 | 8 | 1.28 | 1.58 | 1.98 | 2.38 | 2.78 | 3.18 | 3.58 |
| 40.01 | 45.00 | 9 | 1.48 | 1.78 | 2.18 | 2.58 | 2.98 | 3.38 | 3.78 |
| 45.01 | 50.00 | 10 | 1.68 | 1.98 | 2.38 | 2.78 | 3.18 | 3.58 | 3.98 |
| 50.01 | 55.00 | 11 | 1.98 | 2.28 | 2.58 | 2.98 | 3.38 | 3.78 | 4.08 |
| 55.01 | 60.00 | 12 | 2.18 | 2.48 | 2.78 | 3.18 | 3.58 | 3.98 | 4.28 |
| 60.01 | 65.00 | 13 | 2.38 | 2.68 | 2.98 | 3.38 | 3.78 | 4.18 | 4.48 |
| 65.01 | 70.00 | 14 | 2.58 | 2.88 | 3.18 | 3.58 | 3.98 | 4.38 | 4.68 |
| 70.01 | 75.00 | 15 | 2.88 | 3.08 | 3.38 | 3.78 | 4.18 | 4.58 | 4.78 |
| 75.01 | 80.00 | 16 | 3.08 | 3.28 | 3.58 | 3.98 | 4.38 | 4.68 | 4.88 |
| 80.01 | 85.00 | 17 | 3.28 | 3.48 | 3.78 | 4.18 | 4.58 | 4.88 | 4.98 |

85.01 90.00 18 3.68 3.88 4.18 4.58 4.88 4.98 5.18
90.01 95.00 19 4.08 4.28 4.58 4.98 5.08 5.18 5.38
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 7. RCW 50.29.062 and 1989 c 380 s 81 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer, ~~((his or her))~~ its contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on ~~((his or her))~~ its experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) If the successor is not an employer at the time of the transfer, ~~((he or she))~~ it shall pay contributions at the ~~((rate class assigned to the predecessor employer at the time of the transfer for the remainder for that rate year and continuing until such time as he or she qualifies for a different rate in his or her own right))~~ lowest rate as determined by either of the following manners:

(a) At the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year and continuing until the successor qualifies for a different rate in its own right. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor; or

(b) At the contribution rate equal to the average industry rate as determined by the commissioner and continuing until the successor qualifies for a different rate in its own right. However, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code.

(3) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, ~~((his or her))~~ its rate from the date the transfer occurred until the end of that rate year and until ~~((he or she))~~ it qualifies in ~~((his or her))~~ its own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition.

(4) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(5) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on ~~((his or her))~~ its experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until ~~((he or she))~~ it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

NEW SECTION. Sec. 8. The joint task force on unemployment insurance created by section 22, chapter 483, Laws of 1993 (uncodified) shall evaluate, in addition to the issues required for study in chapter . . . (Substitute Senate Bill No. 6217), Laws of 1994, the adequacy of the unemployment insurance trust fund balance, including the effectiveness of the mechanisms that determine the tax schedule each rate year, and report recommendations as required by chapter . . . (Substitute Senate Bill No. 6217), Laws of 1994.

NEW SECTION. Sec. 9. Section 6 of this act shall take effect January 1, 1998.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 6480 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 6480 and the House amendment thereto: Senators Moore, Newhouse and Vognild.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Loveland, Senators Hargrove and Skratek were excused.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5920 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The purpose of this act is to provide for a study which will review incentives that encourage workers receiving unemployment insurance benefits to seek employment opportunities and return to full-time employment with the result that the unemployment insurance trust fund is positively affected.

(2)(a) The employment security department shall undertake a pilot project to determine the effect of allowing unemployment insurance claimants to keep a greater portion of their weekly benefits when engaged in part-time or temporary employment, as provided in section 2 of this act. The department shall develop a plan to implement the project, including the number of participants and the criteria for participation in the project. The plan shall be reviewed and approved by the unemployment insurance advisory committee before the pilot is implemented.

(b) The department shall report to the appropriate committees of the legislature on the pilot project by December 31, 1996. The report shall include the impact on the unemployment insurance trust fund and on claimants participating in the project.

NEW SECTION. Sec. 2. For the purposes of the pilot project created under section 1 of this act, the following requirements for defining "unemployment" and level of unemployment insurance benefit deductions is as follows:

(1)(a) An individual shall be deemed to be "unemployed" in any week during which the individual performs no services and with respect to which no remuneration is payable to the individual, or in any week of less than full time work, if the remuneration payable to the individual with respect to such week is less than one and one-half times the individual's weekly benefit amount plus fifteen dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary.

(b) An individual shall be deemed not to be "unemployed" during any week which falls totally within a period during which the individual, pursuant to a collective bargaining agreement or individual employment contract, is employed full time in accordance with a definition of full time contained in the agreement or contract, and for which compensation for full time work is payable. This subsection may not be applied retroactively to an individual who had no guarantee of work at the start of such period and subsequently is provided additional work by the employer; and

(2) If an eligible individual is available for work for less than a full week, he or she shall be paid his or her weekly benefit amount reduced by one-seventh of such amount for each day that he or she is unavailable for work. However, if he or she is unavailable for work for three days or more of a week, he or she shall be considered unavailable for the entire week.

Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his or her weekly benefit amount less sixty-six and two-thirds percent of that part of the remuneration, if any, payable to him or her with respect to such week which is in excess of fifteen dollars. Such benefit, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

Sec. 3. RCW 50.24.014 and 1993 c 483 § 20 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described

in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) For the first calendar quarter of 1994 only, ~~((this))~~ the basic two one-hundredths of one percent contribution payable under (a) of this subsection shall be increased by one-hundredth of one percent to a total rate of three one-hundredths of one percent. The proceeds of this incremental one-hundredth of one percent shall be used solely for the purposes described in section 22, chapter 483, Laws of 1993, and for the purposes described in section 1 of this act. Any surplus from contributions payable under this subsection (b) will be deposited in the unemployment compensation trust fund.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

NEW SECTION. Sec. 4. The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the unemployment insurance funds collected under RCW 50.24.014(1)(b) to the employment security department for the purposes of section 1 of this act.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act shall expire July 1, 1997.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5920.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5920, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5920, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 9; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sheldon, Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Cantu, McCaslin, Nelson, Newhouse, Oke, Sellar and Smith, L. - 9.

Excused: Senators Hargrove, Niemi, Rinehart, Roach, Skratek, Smith, A. and Talmadge - 7.

ENGROSSED SENATE BILL NO. 5920, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6018 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.46.010 and 1992 c 221 s 1 are each amended to read as follows:

(1) The legislative authority of any county or city shall identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by ~~((the respective jurisdictions))~~ any city or county with a population of five thousand or less and any city or county that does not plan under RCW 36.70A.040 for any capital purpose identified in a capital improvements plan and local capital improvements, including those listed in RCW 35.43.040.

After April 30, 1992, revenues generated from the tax imposed under this subsection in counties over five thousand population and cities over five thousand population that are required or choose to plan under RCW 36.70A.040 shall be used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to April 30, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to April 30, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the legislative authority of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(4) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(5) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(6) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities; river and/or waterway flood control projects by those jurisdictions that, prior to June 11, 1992, have expended funds derived from the tax authorized by this section for such purposes; and, until December 31, 1995, housing projects for those jurisdictions that, prior to June 11, 1992, have expended or committed to expend funds derived from the tax authorized by this section or the tax authorized by RCW 82.46.035 for such purposes.

NEW SECTION. Sec. 2. The legislature declares that, in section 13, chapter 49, Laws of 1982 1st ex. sess., effective July 1, 1982, its original intent in limiting the use of the proceeds of the tax authorized in RCW 82.46.010(2) to "local capital improvements" was to include in such expenditures the acquisition of real and personal property associated with such local capital improvements. Any such expenditures made by cities, towns, and counties on or after July 1, 1982, are hereby declared to be authorized and valid.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6018.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6018, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6018, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Anderson - 1.

Absent: Senator Vogtild - 1.

Excused: Senators Niemi, Rinehart, Roach, Smith, A. and Talmadge - 5.

SUBSTITUTE SENATE BILL NO. 6018, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6044 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

For the purposes of determining resident tuition rates, resident students shall include American Indian students who meet two conditions.

First, for a period of one year immediately prior to enrollment at a state institution of higher education as defined in RCW 28B.10.016, the student must have been domiciled in one or a combination of the following states: Idaho; Montana; Oregon; or Washington. Second, the students must be members of one of the following American Indian tribes whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington:

- (1) Colville Confederated Tribes;
- (2) Confederated Tribes of the Chehalis Reservation;
- (3) Hoh Indian Tribe;
- (4) Jamestown S'Klallam Tribe;
- (5) Kalispel Tribe of Indians;
- (6) Lower Elwha Klallam Tribe;
- (7) Lummi Nation;
- (8) Makah Indian Tribe;
- (9) Muckleshoot Indian Tribe;
- (10) Nisqually Indian Tribe;
- (11) Nooksack Indian Tribe;
- (12) Port Gamble S'Klallam Community;
- (13) Puyallup Tribe of Indians;
- (14) Quileute Tribe;
- (15) Quinault Indian Nation;
- (16) Confederated Tribes of Salish Kootenai;
- (17) Sauk Suiattle Indian Nation;
- (18) Shoalwater Bay Indian Tribe;
- (19) Skokomish Indian Tribe;
- (20) Snoqualmie Tribe;
- (21) Spokane Tribe of Indians;
- (22) Squaxin Island Tribe;
- (23) Stillaguamish Tribe;
- (24) Suquamish Tribe of the Port Madison Reservation;
- (25) Swinomish Indian Community;
- (26) Tulalip Tribes;
- (27) Upper Skagit Indian Tribe;
- (28) Yakama Indian Nation;
- (29) Coeur d'Alene Tribe;
- (30) Confederated Tribes of the Umatilla Indian Reservation;
- (31) Confederated Tribes of Warm Springs;
- (32) Kootenai Tribe; and
- (33) Nez Perce Tribe.

Any student enrolled at a state institution of higher education as defined in RCW 28B.10.016 who is paying resident tuition under this section, and who has not established domicile in the state of Washington at least one year before enrollment, shall not be included in any calculation of state-funded enrollment for budgeting purposes, and no state general fund moneys shall be appropriated to a state institution of higher education for the support of such student.

Sec. 2. RCW 28B.15.012 and 1993 sp.s. c 18 s 4 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

- (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; ~~((e))~~ (e) a student who is the spouse or a dependent of a person who is on active military duty stationed in the state; or (f) a student who meets the requirements of section 1 of this act: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6044.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6004, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6044, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Anderson, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Nelson, Sellar and Smith, L. - 10.

Excused: Senators Niemi, Smith, A. and Talmadge - 3.

ENGROSSED SENATE BILL NO. 6044, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6053 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.21.011 and 1973 1st ex.s. c 11 s 1 are each amended to read as follows:

(1) Any assessor who deems it necessary to enable ~~((him))~~ the assessor to complete the listing and the valuation of the property of ~~((his))~~ the county within the time prescribed by law, ~~((1))~~ (a) may appoint one or more well qualified persons to act as ~~((his))~~ assistants or deputies who shall not engage in the private practice of appraising within the county in which he or she is employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, be authorized to perform all the duties enjoined upon, vested in or imposed upon assessors, and ~~((2))~~ (b) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

(2) To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish ~~((by July 1, 1967,))~~ and ~~((shall thereafter))~~ maintain~~((,))~~ a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

~~((If an assessor intends to put such plan into effect in his county, he))~~ (3) An assessor may request a committee be formed to determine the level and duration of funding necessary to complete the listing and the valuation of the property of the county within the time prescribed by law and shall inform the department of revenue and the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and county executive, if any, of this ~~((intent))~~ request in writing. ~~((The department of revenue and the board may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the board, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the board of county commissioners. The committee provided for herein may be formed only once in a period of four calendar years.~~

~~After such determination, the assessor may provide, in each of his four next succeeding annual budget estimates, for as many positions as are established in such determination. Each board of county commissioners to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.)~~ The department shall reply to the assessor in writing, with a copy provided to the county legislative authority and county executive, if any, indicating whether the department will participate in forming a committee to study the assessor's request. Thereafter, in its discretion, the department may designate a representative who, together with a designated member of the county legislative authority and the assessor, shall form the committee.

(4) The committee shall meet for the purpose of reviewing the assessor's request and make unanimous findings and recommendations to determine the level of funding and the duration of funding with respect to appraisers, support staff, computer equipment and software, and other resources, necessary for the assessor to adequately maintain and complete the county revaluation program and list and value personal property within the time required by law and to place new construction on the assessment rolls on a regular annual basis.

(5) Within sixty days of the first meeting of the committee, or such additional time as may be determined by the committee, the representative of the department of revenue shall report the committee's unanimous findings and recommendations to the director of the department of revenue or his or her designee. The representative of the department shall also make recommendations regarding any unresolved issues, which shall be decided by the director or his or her designee.

(6) The department shall prepare a contract in accordance with the findings and recommendations of the committee and the decisions of the director or his or her designee to be signed by the assessor and the county legislative authority. The contract shall include the following provisions:

(a) A specified level of funding for a specified number of years to be provided on an annual basis to the assessor's office by the county legislative authority;

(b) Assurance by the assessor that the funds will be used in accordance with the findings and recommendations of the committee and the decisions of the director or his or her designee so as to adequately maintain and complete the county revaluation program within the time required by law and to place new construction on the assessment rolls on a regular annual basis;

(c) A procedure for the county legislative authority to request evaluation by the department of revenue of the assessor's performance under the terms of the contract; and

(d) A provision that the county legislative authority is not obligated to continue to provide the specified funding level if the evaluation by the department of revenue concludes that the assessor is not meeting the contract requirements.

(7) The county legislative authority may request a loan under the provisions of section 2 of this act to assist in carrying out the provisions of the contract described in subsection (6) of this section. If insufficient funding exists to make the loan, the county making the request may delay providing the funding level specified in the contract until such a loan can be made available.

NEW SECTION. Sec. 2. A new section is added to chapter 36.21 RCW to read as follows:

(1) The assessors' assistance fund is created in the custody of the state treasurer. The fund may be used only for making loans to counties in accordance with the provisions of RCW 36.21.011. All receipts from repayment to the fund and interest on the loans from the fund shall be deposited into the fund. Only the director of the department of revenue or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) All loans made from the assessors' assistance fund shall be made subject to the availability of funds and repaid from any fund under the control of the county legislative authority by the county receiving the loan in accordance with a schedule established by the department of revenue in consultation with the county legislative authority. Interest on the outstanding balance of the loan shall accrue at the rate specified in RCW 84.69.100 in effect on the date of the loan and continue at that rate until paid in full.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1994, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 4. The department of revenue shall adopt rules consistent with chapter 34.05 RCW and the provisions of this chapter as necessary or desirable to permit the effective administration of this chapter.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 6053.

MOTION

On motion of Senator Loveland, Senator Ludwig was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6053, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6053, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, Moore, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Snyder, Spanel, Sutherland, Vognilid, Williams, Winsley and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Morton, Nelson, Newhouse, Oke, Roach, Schow, Sellar, Smith, L. and West - 16.

Excused: Senators Ludwig, Niemi, Smith, A. and Talmadge - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6053, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6070 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that: (1) Accountability for and the efficient management of local government records are in the public interest and that compliance with public records management requirements significantly affects the cost of local government administration; (2) the secretary of state is responsible for insuring the preservation of local government archives and may assist local government compliance with public records statutes; (3) as provided in RCW 40.14.025, all archives and records management services provided by the secretary of state are

funded exclusively by a schedule of fees and charges established jointly by the secretary of state and the director of financial management; (4) the secretary of state's costs for preserving and providing public access to local government archives and providing records management assistance to local government agencies have been funded by fees paid by state government agencies; (5) local government agencies are responsible for costs associated with managing, protecting, and providing public access to the records in their custody; (6) local government should help fund the secretary of state's local government archives and records management services; (7) the five-dollar fee collected by county clerks for processing warrants for unpaid taxes or liabilities filed by the state of Washington is not sufficient to cover processing costs and is far below filing fees commonly charged for similar types of minor civil actions; (8) a surcharge of twenty dollars would bring the filing fee for warrants for the collection of unpaid taxes and liabilities up to a level comparable to other minor civil filings and should be applied to the support of the secretary of state's local government archives and records services without placing an undue burden on local government; and (9) the process of collecting and transmitting surcharge revenue should not have an undue impact on the operations of the state agencies that file warrants for the collection of unpaid taxes and liabilities or the clerks of superior court who process them.

NEW SECTION. Sec. 2. A new section is added to chapter 40.14 RCW to read as follows:

State agencies shall collect a surcharge of twenty dollars from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge is imposed on the judgment debtor in the form of a penalty in addition to the filing fee provided in RCW 36.18.020(4). The surcharge revenue shall be transmitted to the state treasurer for deposit in the archives and records management account, or procedures for the collection and transmittal of surcharge revenue to the archives and records management account shall be established cooperatively between the filing agencies and clerks of superior court.

Surcharge revenue deposited in the archives and records management account shall be expended by the secretary of state exclusively for the payment of costs and expenses incurred in the provision of public archives and records management services to local government agencies by the division of archives and records management. The secretary of state shall work with local government representatives to establish a committee to advise the state archivist on the local government archives and records management program. Surcharge revenue shall be allocated exclusively to:

- (1) Appraise, process, store, preserve, and provide public research access to original records designated by the state archivist as archival which are no longer required to be kept by the agencies which originally made or filed them;
- (2) Protect essential records, as provided by chapters 40.10 and 40.20 RCW. Permanent facsimiles of essential records shall be produced and placed in security storage with the state archivist;
- (3) Coordinate records retention and disposition management and provide support for the following functions under RCW 40.14.070:
 - (a) Advise and assist individual agencies on public records management requirements and practices; and
 - (b) Compile, maintain, and regularly update general records retention schedules and destruction authorizations; and
- (4) Develop and maintain standards for the application of recording media and records storage technologies.

NEW SECTION. Sec. 3. This act shall take effect July 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6070.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6070, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6070, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Sheldon, Skratek, Snyder, Spanel, Sutherland, Vogniild, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Erwin, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L. and West - 13.

Absent: Senator Rinehart - 1.

Excused: Senators Niemi, Smith, A. and Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 6070, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6203 with the following amendment(s):

On page 4, line 1, after "district" insert ", or an adjacent city or town that maintains its own library", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Senate Bill No. 6203.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6203, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6203, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Rinehart and Smith, L. - 2.

Excused: Senators Niemi, Smith, A. and Talmadge - 3.

SENATE BILL NO. 6203, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Loveland, Senator Rinehart was excused.

On motion of Senator Erwin, Senator Linda Smith was excused.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6217 with the following amendment(s):

On page 1, line 13, after "representatives;" strike "and" and insert "~~(and)~~"

On page 2, line 2, after "industries" insert the following: "; and

(d) When the task force is reviewing or making recommendations on the payment of administrative costs by employers who are exempt from the federal unemployment tax, one member representing employers subject to chapter 50.44 RCW and one member representing employees of employers subject to chapter 50.44 RCW, appointed jointly by the president of the senate and the speaker of the house of representatives"

On page 2, line 23, after "legislature" insert ", including reviewing and making recommendations on the payment of administrative costs by employers who are exempt from the federal unemployment tax", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6217.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6217, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6217, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Niemi, Rinehart, Smith, A., Smith, L. and Talmadge - 5.

SUBSTITUTE SENATE BILL NO. 6217, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6339 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.270 and 1991 sp.s. c 32 s 7 are each amended to read as follows:

Each growth planning hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

~~(5)~~ The board may ~~((also))~~ appoint ~~((as its authorized agents))~~ one or more hearing examiners to assist the board in ~~((the performance of))~~ its hearing function ~~((pursuant to the authority contained in the administrative procedure act, chapter 34.05 RCW)),~~ to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. ~~((Such hearing examiners must have demonstrated knowledge of land use planning and law. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.~~

~~(5))~~ This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

~~((6))~~ (7) All proceedings before the board ((or)), any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such

rules and arrange for the reasonable distribution of the rules. The administrative procedure act, chapter 34.05 RCW, shall govern the administrative rules of practice and procedure adopted by the boards.

~~((7))~~ (8) A board member or hearing examiner is subject to disqualification for bias, prejudice, interest, or any other cause for which a judge is disqualified. The joint rules of practice of the boards shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(9) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

Sec. 2. RCW 36.70A.290 and 1991 sp.s. c 32 s 10 are each amended to read as follows:

(1) All requests for review to a growth planning hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city. The date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published. Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto. The date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific development permit applications and provide timely and predictable procedures to determine whether a completed development permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed development permit application necessary for the application of such time periods and procedures.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW to read as follows:

Each city and county planning pursuant to RCW 36.70A.040 shall, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7), mail or provide in person a written notice to the applicant, stating either: That the application is complete; or that the application is incomplete and what is necessary to make the application complete. To the extent known by the city or county, the notice shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

Sec. 5. RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) For purposes of sections 3 and 4 of this act, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.

(8) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

~~((8))~~ (9) "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

~~((9))~~ (10) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((49))~~ (11) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((44))~~ (12) "Minerals" include gravel, sand, and valuable metallic substances.

~~((42))~~ (13) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((43))~~ (14) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((44))~~ (15) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services.

"Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((45))~~ (16) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((46))~~ (17) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

~~((47))~~ (18) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

Sec. 6. RCW 58.17.330 and 1977 ex.s. c 213 s 4 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. Except as provided in subsection (2) of this section, the legal effect of such decisions shall include one of the following:

~~((4))~~ (a) The decision may be given the effect of a recommendation to the legislative body;

~~((2))~~ (b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 7. RCW 35A.63.170 and 1977 ex.s. c 213 s 2 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses, variances or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. Except as provided in subsection (2) of this section, the legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

~~((4))~~ (a) The decision may be given the effect of a recommendation to the legislative body;

~~((2))~~ (b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 8. RCW 35.63.130 and 1977 ex.s. c 213 s 1 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses, variances, or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by the hearing examiner.

Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. Except as provided in subsection (2) of this section, the legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

((4)) (a) The decision may be given the effect of a recommendation to the legislative body;

((2)) (b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

(2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 9. RCW 36.70.970 and 1977 ex.s. c 213 s 3 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide conditional use applications, variance applications, applications for shoreline permits or any other class of applications for or pertaining to land uses. The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. Except as provided in subsection (2) of this section, such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

((4)) (a) The decision may be given the effect of a recommendation to the legislative authority;

((2)) (b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority.

(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 10. RCW 70.105D.020 and 1989 c 2 s 2 are each amended to read as follows:

(1) "Agreed order" means an order issued by the department under this chapter with which the potentially liable person receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D.040(4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070(2)(d)(xi).

(2) "Department" means the department of ecology.

((2)) (3) "Director" means the director of ecology or the director's designee.

~~((4))~~ (4) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

~~((4))~~ (5) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

~~((5))~~ (6) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

~~((6))~~ (7) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.

~~((7))~~ (8) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

~~((8))~~ (9) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

~~((9))~~ (10) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

~~((10))~~ (11) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

~~((11))~~ (12) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

Sec. 11. RCW 70.105D.030 and 1989 c 2 s 3 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an

emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or wilful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020(5) and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1); and

(f) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department, within nine months after March 1, 1989, shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) the establishment of regional citizen's advisory committees, (ii) public notice of the development of investigative plans or remedial plans for releases or threatened releases, and (iii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site; and

(d) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020(5) and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

Sec. 12. RCW 70.105D.050 and 1989 c 2 s 5 are each amended to read as follows:

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person who refuses, without sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

Sec. 13. RCW 70.105D.060 and 1989 c 2 s 6 are each amended to read as follows:

The department's investigative and remedial decisions under RCW 70.105D.030 and 70.105D.050 and its decisions regarding liable persons under RCW 70.105D.020(8) and 70.105D.040 shall be reviewable exclusively in superior court and only at the following times: (1) In a cost recovery suit under RCW 70.105D.050(3); (2) in a suit by the department to enforce an order or an agreed order, or seek a civil penalty under this chapter; (3) in a suit for reimbursement under RCW 70.105D.050(2); (4) in a suit by the department to compel investigative or remedial action; and (5) in a citizen's suit under RCW 70.105D.050(5). The court shall uphold the department's actions unless they were arbitrary and capricious.

NEW SECTION. Sec. 14. A new section is added to chapter 70.105D RCW to read as follows:

(1) A person conducting a remedial action at a facility under a consent decree, order, or agreed order, and the department when it conducts a remedial action, are exempt from the procedural requirements of chapters 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW, and the procedural requirements of any laws requiring or authorizing local government permits or approvals for the remedial action. The department shall ensure compliance with the substantive provisions of chapters 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW, and the substantive provisions of any laws requiring or authorizing local government permits or approvals. The department shall establish procedures for ensuring that such remedial actions comply with the substantive requirements adopted pursuant to such laws, and shall consult with the state agencies and local governments charged with implementing these laws. The procedures shall provide an opportunity for comment by the public and by the state agencies and local governments that would otherwise implement the laws referenced in this section. Nothing in this section is intended to prohibit implementing agencies from charging a fee to the person conducting the remedial action to defray the costs of services rendered relating to the substantive requirements for the remedial action.

(2) An exemption in this section or in sections 15, 16, 17, 18, 19, and 20 of this act shall not apply if the department determines that the exemption would result in loss of approval from a federal agency necessary for the state to administer any federal law, including the federal resource conservation and recovery act, the federal clean water act, the federal clean air act, and the federal coastal zone management act. Such a determination by the department shall not affect the applicability of the exemptions to other statutes specified in this section.

NEW SECTION. Sec. 15. A new section is added to chapter 70.94 RCW to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to section 14 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 70.95 RCW to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to section 14 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 70.105 RCW to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to section 14 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 75.20 RCW to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to section 14 of this act.

NEW SECTION. Sec. 19. A new section is added to chapter 90.48 RCW to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to section 14 of this act.

NEW SECTION. Sec. 20. A new section is added to chapter 90.58 RCW to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to section 14 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.21C RCW to read as follows:

In conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or if conducted by the department of ecology, the department of ecology to the maximum extent practicable shall integrate the procedural requirements and documents of this chapter with the procedures and documents under chapter 70.105D RCW. Such integration shall at a minimum include the public participation procedures of chapter 70.105D RCW and the public notice and review requirements of this chapter.

Sec. 22. RCW 34.12.020 and 1993 c 281 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the growth planning hearings boards, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the Washington personnel resources board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

Sec. 23. RCW 34.05.514 and 1988 c 288 s 502 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section and RCW (~~(34.05.538)~~) 36.70A.300(3), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

Sec. 24. RCW 82.02.050 and 1993 sp.s. c 6 s 6 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After the date a county, city, or town is required to adopt its (~~comprehensive plan and~~) development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 25. Section 5 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6339.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6339, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6339, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Niemi, Rinehart, Smith, A. and Talmadge - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6339, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6466 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.70A RCW to read as follows:

The legislature recognizes that there are major transportation projects that affect multiple jurisdictions as to economic development, fiscal influence, environmental consequences, land use implications, and mobility of people and goods. The legislature further recognizes that affected jurisdictions have important interests that must be addressed, and that these jurisdictions' present environmental planning and permitting authority may result in multiple local permits and other requirements being specified for the projects.

The legislature finds that the present permitting system may result in segmented and sequential decisions by local governments that do not optimally serve all the parties with an interest in the decisions. The present system may also make more difficult achieving the consistency among plans and actions that is an important aspect of this chapter.

It is the intent of the legislature to provide for more efficiency and equity in the decisions of local governments regarding major transportation projects by encouraging coordination or consolidation of the processes for reviewing environmental planning and permitting requirements for those projects. The legislature intends that local governments coordinate their regulatory decisions by considering together the range of local, state, and federal requirements for major transportation projects. Nothing in section 1 or 2 of this act alters the authority of cities or counties under any other planning or permitting statute.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

COLLABORATIVE TRANSPORTATION PROJECT REVIEW. For counties engaged in planning under this chapter, there shall be established by December 31, 1994, a collaborative process to review and coordinate state and local permits for all transportation projects that cross more than one city or county boundary. This process shall at a minimum, establish a mechanism among affected cities and counties to designate a permit coordinating agency to facilitate multijurisdictional review and approval of such transportation projects.

Sec. 3. RCW 47.01.290 and 1993 c 55 s 1 are each amended to read as follows:

~~((The state interest component of the state-wide transportation plan must include a state public transportation plan that recognizes that while public transportation service is essentially a local responsibility in Washington, there is significant state interest in assuring that viable public transportation services are available throughout the state. The public transportation plan shall:~~

- ~~(1) Articulate the state vision of and interest in public transportation and provide quantifiable objectives, including benefits indicators;~~
- ~~(2) Identify the goals for public transportation and the roles of federal, state, regional, and local entities in achieving those goals;~~

- ~~(3) Recommend mechanisms for coordinating federal, state, regional, and local planning for public transportation;~~
- ~~(4) Recommend mechanisms for coordinating public transportation with other transportation services and modes;~~
- ~~(5) Recommend criteria, consistent with the goals identified in subsection (2) of this section and with RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and~~
- ~~(6) Recommend a state-wide public transportation facilities and equipment management system as required by federal law.~~

~~In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of public transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community development, social and health services, and ecology, the state energy office, the office of financial management, and the office of the governor.~~

~~The department shall submit an initial report to the legislative transportation committee by December 1, 1993, and shall provide annual reports summarizing the plan's progress each year thereafter.)) The legislature recognizes that environmental review of transportation projects is a continuous process that should begin at the earliest stages of planning and continue through final project construction. Early and extensive involvement of the relevant environmental regulatory authorities is critical in order to avoid significant changes in substantially completed project design and engineering. It is the expectation of the legislature that if a comprehensive environmental approach is integrated throughout various transportation processes, onerous, duplicative, and time-consuming permit processes will be minimized.~~

NEW SECTION. Sec. 4. A new section is added to chapter 47.01 RCW to read as follows:

The department shall, in cooperation with environmental regulatory authorities:

- (1) Identify and document environmental resources in the development of the state-wide multimodal plan under RCW 47.06.040;
- (2) Allow for public comment regarding changes to the criteria used for prioritizing projects under chapter 47.05 RCW before final adoption of the changes by the commission;
- (3) Use an environmental review as part of the project prospectus identifying potential environmental impacts, mitigation, and costs during the early project identification and selection phase, submit the prospectus to the relevant environmental regulatory authorities, and maintain a record of comments and proposed revisions received from the authorities;
- (4) Actively work with the relevant environmental regulatory authorities during the design alternative analysis process and seek written concurrence from the authorities that they agree with the preferred design alternative selected;
- (5) Develop a uniform methodology, in consultation with relevant environmental regulatory authorities, for submitting plans and specifications detailing project elements that impact environmental resources, and proposed mitigation measures, to the relevant environmental regulatory authorities during the preliminary specifications and engineering phase of project development;
- (6) Screen construction projects to determine which projects will require complex or multiple permits. The permitting authorities shall develop methods for initiating review of the permit applications for the projects before the final design of the projects;
- (7) Conduct special prebid meetings for those projects that are environmentally complex; and
- (8) Review environmental considerations related to particular projects during the preconstruction meeting held with the contractor who is awarded the bid.

Sec. 5. RCW 47.06.040 and 1993 c 446 s 4 are each amended to read as follows:

The department shall develop a state-wide multimodal transportation plan under RCW 47.01.071(3) and in conformance with federal requirements, to ensure the continued mobility of people and goods within regions and across the state in a safe, cost-effective manner. The state-wide multimodal transportation plan shall consist of:

- (1) A state-owned facilities component, which shall guide state investment for state highways including bicycle and pedestrian facilities, and state ferries; and
- (2) A state-interest component, which shall define the state interest in aviation, marine ports and navigation, freight rail, intercity passenger rail, bicycle transportation and pedestrian walkways, and public transportation, and recommend actions in coordination with appropriate public and private transportation providers to ensure that the state interest in these transportation modes is met.

The plans developed under each component must be consistent with the state transportation policy plan and with each other, reflect public involvement, be consistent with regional transportation planning, high-capacity transportation planning, and local comprehensive plans prepared under chapter 36.70A RCW, and include analysis of intermodal connections and choices. A primary emphasis for these plans shall be the improvement and integration of all transportation modes to create a seamless intermodal transportation system for people and goods.

In the development of the state-wide multimodal transportation plan, the department shall identify and document potential affected environmental resources, including, but not limited to, wetlands, storm water runoff, flooding, air quality, fish passage, and wildlife habitat. The department shall conduct its environmental identification and documentation in coordination with all relevant environmental regulatory authorities, including, but not limited to, local governments. The department shall give the relevant environmental regulatory authorities an opportunity to review the department's environmental plans. The relevant environmental regulatory authorities shall provide comments on the department's environmental plans in a timely manner. Environmental identification and documentation as provided for in section 4 of this act and this section is not intended to create a private right of action or require an environmental impact statement as provided in chapter 43.21C RCW.

NEW SECTION. Sec. 6. Section captions used in this act constitute no part of the law.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Substitute Senate Bill No. 6466.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6466, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Niemi, Rinehart, Smith, A. and Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 6466, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6487 with the following amendment(s):

On page 2, line 33, after "recognized or" insert "recognized", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 6487.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6487, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6487, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Niemi, Rinehart, Smith, A. and Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 6487, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6123 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.105D.010 and 1989 c 2 s 1 are each amended to read as follows:

(1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of this act is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) It is in the public's interest to efficiently use our finite land base, to integrate our land use planning policies with our clean-up policies, and to clean up and reuse contaminated industrial properties in order to minimize industrial development pressures on undeveloped land and to make clean land available for future social use.

(5) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally.

Sec. 2. RCW 70.105D.020 and 1989 c 2 s 2 are each amended to read as follows:

(1) "Agreed order" means an order issued by the department under this chapter with which the potentially liable person receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D.040(4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070(2)(d)(xi).

(2) "Department" means the department of ecology.

~~((2))~~ (3) "Director" means the director of ecology or the director's designee.

~~((3))~~ (4) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

~~((4))~~ (5) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

~~((5))~~ (6) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

~~((6))~~ (7) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.

~~((7))~~ (8) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

~~((9))~~ (9) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

~~((9))~~ (10) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

~~((14))~~ (11) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

~~((14))~~ (12) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(13) "Industrial properties" means properties that are or have been characterized by, or are to be committed to, traditional industrial uses such as processing or manufacturing of materials, marine terminal and transportation areas and facilities, fabrication, assembly, treatment, or distribution of manufactured products, or storage of bulk materials, that are either:

(a) Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW; or

(b) For counties not planning under chapter 36.70A RCW and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.

Sec. 3. RCW 70.105D.030 and 1989 c 2 s 3 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or wilful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020~~((5))~~ (6) and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1); ~~((and))~~

(f) Issue orders or enter into consent decrees or agreed orders that include deed restrictions where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing a deed restriction under this subsection, the department shall notify and seek comment from a city or county department with land use planning authority for real property subject to a deed restriction;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment; and

(h) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department~~(, within nine months after March 1, 1989,)~~ shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) the establishment of regional citizen's advisory committees, (ii) public notice of the development of investigative plans or remedial plans for releases or threatened releases, and (iii) concurrent public notice of all compliance orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site; ~~((and))~~

(d) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(e) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020(~~((5))~~) (6) and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

Sec. 4. RCW 70.105D.040 and 1989 c 2 s 4 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substances;

(c) Any person who owned or possessed a hazardous substance and who by contract, agreement, or otherwise arranged for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substances at the facility, or otherwise generated hazardous wastes disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release for which remedial action is required, unless such facility, at the time of disposal or treatment, could legally receive such substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the releases or threatened releases of hazardous substances. The attorney general, at the request of the department, is empowered to recover all costs and damages from persons liable therefor.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

(i) An act of God;

(ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised the utmost care with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This subsection (b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection (b) shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this subsection (b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this subsection (b) is not available to any person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any natural person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who, without compensation, assists the resident in the use of the substance; or (iii) a person who is employed by the resident, but who is not an independent contractor;

(d) Any person who, for the purpose of growing food crops, applies pesticides or fertilizers without negligence and in accordance with all applicable laws and regulations.

(4) There may be no settlement by the state with any person potentially liable under this chapter except in accordance with this ~~((subsection))~~ section.

(a) The attorney general may agree to a settlement with any potentially liable person only if the department finds, after public notice and hearing, that the proposed settlement would lead to a more expeditious cleanup of hazardous substances in compliance with cleanup standards under RCW 70.105D.030(2)(d) and with any remedial orders issued by the department. Whenever practicable and in the public interest, the attorney general may expedite such a settlement with persons whose contribution is insignificant in amount and toxicity.

(b) A settlement agreement under this ~~((subsection))~~ section shall be entered as a consent decree issued by a court of competent jurisdiction.

(c) A settlement agreement may contain a covenant not to sue only of a scope commensurate with the settlement agreement in favor of any person with whom the attorney general has settled under this section. Any covenant not to sue shall contain a reopener clause which requires the court to amend the covenant not to sue if factors not known at the time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment.

(d) A party who has resolved its liability to the state under this ~~((subsection))~~ section shall not be liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other liable parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

(5) In addition to the settlement authority provided under subsection (4) of this section, the attorney general may agree to a settlement with a person not currently liable for remedial action at a facility who proposes to purchase, redevelop, or reuse the facility, provided that:

(a) The settlement will provide a substantial public benefit, including but not limited to the reuse of a vacant or abandoned manufacturing or industrial facility, or the development of a facility by a governmental entity to address an important public purpose;

(b) The settlement will yield substantial new resources to facilitate cleanup;

(c) The settlement will expedite remedial action consistent with the rules adopted under this chapter; and

(d) Based on available information, the department determines that the redevelopment or reuse of the facility is not likely to contribute to the existing release or threatened release, interfere with remedial actions that may be needed at the site, or increase health risks to persons at or in the vicinity of the site.

(6) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss resulting from a release or threatened release of a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

NEW SECTION. Sec. 5. A new section is added to chapter 70.105 RCW to read as follows:

Solid wastes that designate as dangerous waste or extremely hazardous waste but do not designate as hazardous waste under federal law are conditionally exempt from the requirements of this chapter, if:

(1) The waste is generated pursuant to a consent decree issued under chapter 70.105D RCW;

(2) The consent decree characterizes the solid waste and specifies management practices and a department-approved treatment or disposal location;

(3) The management practices are consistent with RCW 70.105.150 and are protective of human health and the environment as determined by the department of ecology; and

(4) Waste treated or disposed of on-site will be managed in a manner determined by the department to be as protective of human health and the environment as clean-up standards pursuant to chapter 70.105D RCW.

This section shall not be interpreted to limit the ability of the department to apply any requirement of this chapter through a consent decree issued under chapter 70.105D RCW, if the department determines these requirements to be appropriate. Neither shall this section be interpreted to limit the application of this chapter to a cleanup conducted under the federal comprehensive environmental response, compensation, and liability act (42 U.S.C. Sec. 9601 et seq., as amended).

Sec. 6. RCW 70.105.050 and 1987 c 488 s 4 are each amended to read as follows:

(1) No person shall dispose of designated extremely hazardous wastes at any disposal site in the state other than the disposal site established and approved for such purpose under provisions of this chapter, except:

(a) When such wastes are going to a processing facility which will result in the waste being reclaimed, treated, detoxified, neutralized, or otherwise processed to remove its harmful properties or characteristics(-);_or

(b) When such wastes are managed on-site as part of a remedial action conducted by the department or by potentially liable persons under a consent decree issued by the department pursuant to chapter 70.105D RCW.

(2) Extremely hazardous wastes that contain radioactive components may be disposed at a radioactive waste disposal site that is (a) owned by the United States department of energy or a licensee of the nuclear regulatory commission and (b) permitted by the department and operated in compliance with the provisions of this chapter. However, prior to disposal, or as a part of disposal, all reasonable methods of treatment, detoxification, neutralization, or other waste management methodologies designed to mitigate hazards associated with these wastes shall be employed, as required by applicable federal and state laws and regulations.

NEW SECTION. Sec. 7. A new section is added to chapter 70.105 RCW to read as follows:

Nothing in this chapter shall alter or affect the regulatory authority of a county, city, or jurisdictional health district to condition or prohibit the acceptance of hazardous waste in a county or city landfill." , and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6123.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6123, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6123, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Niemi, Rinehart, Smith, A. and Talmadge - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6123, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8423 by Senators Snyder, Skratek, Cantu, Gaspard and Sellar

Establishing the joint select committee on the Pacific Northwest Economic Region Agreement.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Concurrent Resolution No. 8423 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8423.

SENATE CONCURRENT RESOLUTION NO. 8423 was adopted by voice vote.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6025 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 35.16.010 and 1965 c 7 s 35.16.010 are each amended to read as follows:

Upon the filing of a petition (~~praying for an election to submit the question of excluding~~) which is sufficient as determined by RCW 35A.01.040 requesting the exclusion from the boundaries of a city or town of an area described by metes and bounds or by reference to a recorded plat or government survey (from the boundaries of a city or town), signed by qualified voters (thereof) of the city or town equal in number to not less than (one-fifth) ten percent of the number of (votes cast) voters voting at the last general municipal election, the city or town (council) legislative body shall (cause to be submitted) submit the question to the voters (by a special election held for that purpose. Such special election shall not be held within ninety days next preceding any general election). As an alternate method, the legislative body of the city or town may by resolution submit a proposal to the voters for excluding such a described area from the boundaries of the city or town. The question shall be submitted at the next general municipal election if one is to be held within one hundred eighty days or at a special election called for that purpose not less than ninety days nor more than one hundred eighty days after the certification of sufficiency of the petition or the passage of the resolution. The petition or resolution shall set out and describe the territory to be excluded from the (~~corporation~~) city or town, together with the boundaries of the (~~said corporation~~) city or town as it will exist after such change is made.

Sec. 2. RCW 35.16.020 and 1985 c 469 s 19 are each amended to read as follows:

Notice of a (~~special~~) corporate limit reduction election shall be published (~~for~~) at least (~~four~~) once each week for two consecutive weeks prior to the election in the official newspaper of the city or town. The notice shall distinctly state the proposition to be submitted, shall designate specifically the area proposed to be excluded and the boundaries of the city or town as they would be after the proposed exclusion of territory therefrom (~~and shall require the voters to cast ballots which~~). The ballots shall contain the words "For reduction of (~~corporate~~) city limits" and "Against reduction of (~~corporate~~) city limits" or words equivalent thereto. (~~This notice shall be in addition to the notice required by chapter 29.27 RCW.~~)

Sec. 3. RCW 35.16.030 and 1965 c 7 s 35.16.030 are each amended to read as follows:

(~~On the Monday next succeeding a special corporate limit reduction election, the canvassing authority shall proceed to canvass the returns thereof and~~) The election returns shall be canvassed as provided in RCW 29.13.040. If three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the (~~council~~) legislative body of the city or town, by an order entered on its minutes, shall (~~cause~~) direct the clerk to make and transmit to the office of the secretary of state a certified abstract of the vote. The abstract shall show the (~~whole~~) total number of (~~electors~~) voters voting, the number of votes cast for reduction and the number of votes cast against reduction.

Sec. 4. RCW 35.16.040 and 1965 c 7 s 35.16.040 are each amended to read as follows:

(~~Immediately~~) Promptly after the filing of the abstract of votes with the office of the secretary of state, the legislative body of the city or town (~~council~~) shall adopt an ordinance defining and fixing the corporate limits after excluding the area as determined by the election. The ordinance shall also describe the excluded territory by metes and bounds or by reference to a recorded plat or government survey and declare it no longer a part of the city or town.

Sec. 5. RCW 35.16.050 and 1965 c 7 s 35.16.050 are each amended to read as follows:

(~~Immediately upon~~) A certified copy of the ordinance defining the reduced city or town limits (~~going into effect, a certified copy thereof~~) together with a map showing the corporate limits as altered shall be filed and recorded in the office of the county auditor of the county in which the city or town is situated, (~~and thereupon the boundaries shall be as set forth therein~~) upon the effective date of the ordinance. The new boundaries of the city or town shall take effect immediately after they are filed and recorded with the county auditor.

NEW SECTION. Sec. 6. A new section is added to chapter 35.16 RCW to read as follows:

In regard to franchises previously granted for operation of any public service business or facility within the territory excluded from a city or town by proceedings under this chapter, the rights, obligations, and duties of the legislative body of the county or other political subdivision having jurisdiction over such territory and of the franchise holder shall be as provided in RCW 35.02.160, relating to inclusion of territory by an incorporation.

Sec. 7. RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to read as follows:

Every municipal corporation of the fourth class shall be entitled the "Town of" (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control ~~((and)), lease, sublease, convey, or otherwise~~ dispose of the same for the common benefit.

Sec. 8. RCW 42.24.180 and 1984 c 128 s 11 are each amended to read as follows:

In order to expedite the payment of claims, the legislative body of any taxing district, as defined in RCW 43.09.260, may authorize the issuance of warrants or checks in payment of claims after the provisions of this chapter have been met and after the officer designated by statute, or, in the absence of statute, an appropriate charter provision, ordinance, or resolution of the taxing district, has signed the checks or warrants, but before the legislative body has acted to approve the claims. The legislative body may stipulate that certain kinds or amounts of claims shall not be paid before the board has reviewed the supporting documentation and approved the issue of checks or warrants in payment of those claims. However, all of the following conditions shall be met before the payment:

(1) The auditing officer and the officer designated to sign the checks or warrants shall each be required to furnish an official bond for the faithful discharge of his or her duties in an amount determined by the legislative body but not less than fifty thousand dollars;

(2) The legislative body shall adopt contracting, hiring, purchasing, and disbursing policies that implement effective internal control;

(3) The legislative body shall provide for its review of the documentation supporting claims paid and for its approval of all checks or warrants issued in payment of claims at its next regularly scheduled public meeting or, for cities and towns, at a regularly scheduled public meeting within one month of issuance; and

(4) The legislative body shall require that if, upon review, it disapproves some claims, the auditing officer and the officer designated to sign the checks or warrants shall jointly cause the disapproved claims to be recognized as receivables of the taxing district and to pursue collection diligently until the amounts disapproved are collected or until the legislative body is satisfied and approves the claims.

NEW SECTION. Sec. 9. A new section is added to chapter 42.41 RCW to read as follows:

(1) It is unlawful for a city or town official or employee to directly or indirectly use or attempt to use his or her official authority or influence for the purpose of intimidating, threatening, coercing, or influencing an employee not to disclose information concerning improper governmental action to a person designated under RCW 42.41.030(3).

(2) Nothing in this section authorizes an employee to disclose information otherwise prohibited by law."

Sec. 10. RCW 68.24.180 and 1984 c 7 s 369 are each amended to read as follows:

After dedication under this title, and as long as the property remains dedicated to cemetery purposes, a railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall not be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots; PROVIDED HOWEVER, That a city of under twenty thousand may initiate, prior to January 1, 1995, an action to condemn cemetery property if the purpose is to further improve an existing street, or other public improvement and the proposed improvement does not interfere with existing interment plots containing human remains. ~~((However, so long as the action is commenced prior to March 31, 1961, the department of transportation may condemn for state highway purposes for Primary State Highway No. 14 in the vicinity of Gig Harbor land in any burial ground or cemetery in the following cases: (1) Where no organized or known authority is in charge of any such cemetery, or (2) where the necessary consent cannot be obtained and the court finds that considerations of highway safety necessitate the taking of the land. A judgment entered in the condemnation proceedings shall require that before an entry is made on the land condemned for state highway purposes, the state shall, at its own expense, remove or cause to be removed from the land any bodies buried therein and suitably reinter them elsewhere to the satisfaction of relatives, if they can be found.))~~

Sec. 11. RCW 82.14.330 and 1993 sp.s. c 21 s 3 are each amended to read as follows:

(1) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed to the cities of the state as follows:

(a) Twenty percent appropriated for distribution shall be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the state-wide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate shall be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys shall be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(b) Sixteen percent shall be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at such times as distributions are made under RCW 82.44.150.

Moneys distributed under this subsection shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include

circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(2) In addition to the distributions under subsection (1) of this section:

(a) Fourteen percent shall be distributed to cities that have initiated innovative law enforcement strategies, including alternative sentencing and crime prevention programs. No city may receive more than one dollar per capita under this subsection (2)(a).

(b) Twenty percent shall be distributed to cities that have initiated programs to help at-risk children or child abuse victim response programs. No city may receive more than fifty cents per capita under this subsection (2)(b).

(c) Twenty percent shall be distributed to cities that have initiated programs designed to reduce the level of domestic violence within their jurisdictions or to provide counseling for domestic violence victims. No city may receive more than fifty cents per capita under this subsection (2)(c).

(d) Ten percent shall be distributed to cities that contract with another governmental agency for a majority of the city's law enforcement services.

Moneys distributed under this subsection shall be distributed to those cities that submit funding requests under this subsection to the department of community, trade, and economic development based on criteria developed under RCW 82.14.335. Allocation of funds shall be in proportion to the population of qualified jurisdictions, but the distribution to a city shall not exceed the amount of funds requested. Cities shall submit requests for program funding to the department of community, trade, and economic development by November 1 of each year for funding the following year. The department shall certify to the state treasurer the cities eligible for funding under this subsection and the amount of each allocation.

~~((One half of the moneys distributed under (a) through (d) of this subsection shall be distributed on March 1st and the remaining one half of the moneys shall be distributed on September 1st))~~ The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at the times as distributions are made under RCW 82.44.150. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

If a city is found by the state auditor to have expended funds received under this subsection in a manner that does not comply with the criteria under which the moneys were received, the city shall be ineligible to receive future distributions under this subsection until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund. The director may allow noncomplying use of moneys received under this subsection upon a showing of hardship or other emergent need.

(3) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

Sec. 12. RCW 41.16.050 and 1986 c 296 s 3 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments, or donations given or paid thereto; (2) forty-five percent of all moneys received by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by ~~((firemen))~~ fire fighters as provided for herein. The moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid ~~((firemen))~~ fire fighters in the city, town, or fire protection district bears to the total number of paid ~~((firemen))~~ fire fighters throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each

city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid ~~((firemen))~~ fire fighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after the effective date of this section, the city or town shall continue to certify to the state treasurer the number of paid fire fighters in the city or town fire department immediately before annexation until all obligations against the firemen's pension fund in the city or town have been satisfied. For the purposes of the calculation in this section, the state treasurer shall subtract the number certified by the annexed city or town from the number of paid fire fighters certified by an annexing fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town, and fire protection district coming under the provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town, or fire protection district.

NEW SECTION. Sec. 13. Section 11 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1994.

NEW SECTION. Sec. 14. A new section is added to chapter 35.21 RCW to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, nothing in this chapter authorizes a city or town that provides water or sewer service outside the corporate boundaries of the city or town to require, as condition of providing water or sewer service, the property owner who has requested water or sewer service to agree to:

- (a) Lot sizes different from those required by the jurisdiction with zoning authority over the property; or
- (b) Other development or design requirements not required by the local government with jurisdiction over the property.

(2) A city or town may impose conditions not otherwise allowed under subsection (1) of this section if:

- (a) The conditions are reasonably necessary to the proper functioning of the water or sewer service; or
- (b) The local government with jurisdiction over the property concurs with the conditions during review pursuant to chapter 43.21C RCW, interlocal cooperation agreement under chapter 39.34 RCW, or the project approval process.

NEW SECTION. Sec. 15. A new section is added to chapter 35.92 RCW to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, nothing in this chapter authorizes a city or town that provides water or sewer service outside the corporate boundaries of the city or town to require, as condition of providing water or sewer service, the property owner who has requested water or sewer service to agree to:

- (a) Lot sizes different from those required by the jurisdiction with zoning authority over the property; or
- (b) Other development or design requirements not required by the local government with jurisdiction over the property.

(2) A city or town may impose conditions not otherwise allowed under subsection (1) of this section if:

- (a) The conditions are reasonably necessary to the proper functioning of the water or sewer service; or
- (b) The local government with jurisdiction over the property concurs with the conditions during review pursuant to chapter 43.21C RCW, interlocal cooperation agreement under chapter 39.34 RCW, or the project approval process.

NEW SECTION. Sec. 16. Sections 13 and 14 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 17. (1) Sections 13 and 14 of this act do not apply to any application for a plat or subdivision subject to chapter 58.17 RCW and filed before July 1, 1994. Nor do such sections apply to any land located within such a plat or subdivision.

(2) Nothing in subsection (1) of this section and sections 13 and 14 of this act shall be construed to affect, in any manner whatsoever, the validity or invalidity of any city's or town's regulations or restrictions with respect to applications and lands that, under subsection (1) of this section, are excluded from the application of sections 13 and 14 of this act. It is the intent of the legislature that any legal questions concerning the authority of a city or town to apply such regulations or restrictions to such excluded applications and lands shall be determined as if subsection (1) of this section and sections 14 and 15 of this act were not law.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 6025 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 6025 and the House amendment thereto: Senators Haugen, Winsley and Drew.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 6, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1235,

SECOND SUBSTITUTE HOUSE BILL NO. 1457,

SUBSTITUTE HOUSE BILL NO. 2153,
SUBSTITUTE HOUSE BILL NO. 2167,
SUBSTITUTE HOUSE BILL NO. 2176,
SUBSTITUTE HOUSE BILL NO. 2274,
HOUSE BILL NO. 2511,
HOUSE BILL NO. 2743,
SUBSTITUTE HOUSE BILL NO. 2754.

MARILYN SHOWALTER, Chief Clerk

MOTION

At 5:09 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, March 7, 1994.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SIXTH DAY, MARCH 6, 1994

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

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 7, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Erwin, Hargrove, McAuliffe, Niemi, Pelz, Sellar and West. On motion of Senator Oke, Senators Bluechel, Erwin, Sellar and West were excused. On motion of Senator Drew, Senators McAuliffe and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages Christina Amondson and Chung Dang, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 1994

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
HOUSE BILL NO. 2147,
HOUSE BILL NO. 2157,
HOUSE BILL NO. 2160,
HOUSE BILL NO. 2169,
SUBSTITUTE HOUSE BILL NO. 2180,
HOUSE BILL NO. 2188,
ENGROSSED HOUSE BILL NO. 2193,
SUBSTITUTE HOUSE BILL NO. 2197,
SUBSTITUTE HOUSE BILL NO. 2212,
SUBSTITUTE HOUSE BILL NO. 2239,
SUBSTITUTE HOUSE BILL NO. 2277,
SUBSTITUTE HOUSE BILL NO. 2294,
ENGROSSED HOUSE BILL NO. 2302,
HOUSE BILL NO. 2320,
HOUSE BILL NO. 2333,
SUBSTITUTE HOUSE BILL NO. 2341,
HOUSE BILL NO. 2382,
ENGROSSED HOUSE BILL NO. 2390,
SUBSTITUTE HOUSE BILL NO. 2428,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2479,
HOUSE BILL NO. 2481,
HOUSE BILL NO. 2482,
ENGROSSED HOUSE BILL NO. 2487,
SUBSTITUTE HOUSE BILL NO. 2516,
SUBSTITUTE HOUSE BILL NO. 2560,
SUBSTITUTE HOUSE BILL NO. 2570,
SUBSTITUTE HOUSE BILL NO. 2571,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2607,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628,
HOUSE BILL NO. 2641,
SUBSTITUTE HOUSE BILL NO. 2642,
SUBSTITUTE HOUSE BILL NO. 2655,

SUBSTITUTE HOUSE BILL NO. 2662,
ENGROSSED HOUSE BILL NO. 2702,
SUBSTITUTE HOUSE BILL NO. 2718,
HOUSE BILL NO. 2811, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
HOUSE BILL NO. 2147,

HOUSE BILL NO. 2157,
HOUSE BILL NO. 2160,
HOUSE BILL NO. 2169,
SUBSTITUTE HOUSE BILL NO. 2180,
HOUSE BILL NO. 2188,
ENGROSSED HOUSE BILL NO. 2193,
SUBSTITUTE HOUSE BILL NO. 2197,
SUBSTITUTE HOUSE BILL NO. 2212,
SUBSTITUTE HOUSE BILL NO. 2239,
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HOUSE BILL NO. 2320,
HOUSE BILL NO. 2333,
SUBSTITUTE HOUSE BILL NO. 2341,
HOUSE BILL NO. 2382,
ENGROSSED HOUSE BILL NO. 2390,
SUBSTITUTE HOUSE BILL NO. 2428,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2479,
HOUSE BILL NO. 2481,
HOUSE BILL NO. 2482,
ENGROSSED HOUSE BILL NO. 2487,
SUBSTITUTE HOUSE BILL NO. 2516,
SUBSTITUTE HOUSE BILL NO. 2560,
SUBSTITUTE HOUSE BILL NO. 2570,
SUBSTITUTE HOUSE BILL NO. 2571,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2607,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628,
HOUSE BILL NO. 2641,
SUBSTITUTE HOUSE BILL NO. 2642,
SUBSTITUTE HOUSE BILL NO. 2655,
SUBSTITUTE HOUSE BILL NO. 2662,
ENGROSSED HOUSE BILL NO. 2702,
SUBSTITUTE HOUSE BILL NO. 2718,
HOUSE BILL NO. 2811.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5038,
SECOND SUBSTITUTE SENATE BILL NO. 5341,
SECOND SUBSTITUTE SENATE BILL NO. 5698,
SUBSTITUTE SENATE BILL NO. 5714,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,
SUBSTITUTE SENATE BILL NO. 6000,
SENATE BILL NO. 6023,
ENGROSSED SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6039,
SUBSTITUTE SENATE BILL NO. 6045,
SENATE BILL NO. 6061,
SUBSTITUTE SENATE BILL NO. 6063,
SUBSTITUTE SENATE BILL NO. 6082,
SUBSTITUTE SENATE BILL NO. 6093,

SUBSTITUTE SENATE BILL NO. 6100,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SENATE BILL NO. 6146,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SENATE BILL NO. 6158,
SUBSTITUTE SENATE BILL NO. 6188,
SENATE BILL NO. 6205,
SENATE BILL NO. 6220.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9330, Judge Susan Hahn, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF JUDGE SUSAN HAHN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 41.

Absent: Senators Hargrove and Niemi - 2.

Excused: Senators Bluechel, Erwin, McAuliffe, Pelz, Sellar and West - 6.

MOTION

On motion of Senator Drew, Senator Niemi was excused.

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9331, L. Daniel Fessler, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF L. DANIEL FESSLER

The Secretary called the roll. The confirmation was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 42.

Absent: Senator Smith, L. - 1.

Excused: Senators Bluechel, Erwin, McAuliffe, Niemi, Pelz and West - 6.

MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6111 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.

The citizens of the state expect all state officials and employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the state only in a manner that advances the public's interest. State officials and employees are subject to the sanctions of law and scrutiny of the media; ultimately, however, they are accountable to the people and must consider

this public accountability as a particular obligation of the public service. Only when affairs of government are conducted, at all levels, with openness as provided by law and an unswerving commitment to the public good does government work as it should.

The obligations of government rest equally on the state's citizenry. The effectiveness of government depends, fundamentally, on the confidence citizens can have in the judgments and decisions of their elected representatives. Citizens, therefore, should honor and respect the principles and the spirit of representative democracy, recognizing that both elected and appointed officials, together with state employees, seek to carry out their public duties with professional skill and dedication to the public interest. Such service merits public recognition and support.

All who have the privilege of working for the people of Washington state can have but one aim: To give the highest public service to its citizens.

PART I GENERAL ETHICS PROVISIONS

NEW SECTION. Sec. 101. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are parts of state government.

(2) "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

(3) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

(4) "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(5) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(6) "Confidential information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

(7) "Ethics boards" means the commission on judicial conduct, the legislative ethics board, and the executive ethics board.

(8) "Family" has the same meaning as "immediate family" in RCW 42.17.020.

(9) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties; (c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(e) Items a state officer or state employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;

(h) Campaign contributions reported under chapter 42.17 RCW; and

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group.

(10) "Honorarium" means money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

(11) "Participate" means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

(12) "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(13) "Regulatory agency" means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

(14) "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

(15) "State action" means any action on the part of an agency, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(16) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state.

"State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(17) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(18) "Thing of economic value", in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(19) (a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

- (i) Is, or will be, the subject of state action; or
- (ii) Is one to which the state is or will be a party; or
- (iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit.

NEW SECTION. Sec. 102. ACTIVITIES INCOMPATIBLE WITH PUBLIC DUTIES. No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's duties.

NEW SECTION. Sec. 103. FINANCIAL INTERESTS IN TRANSACTIONS. (1) No state officer or state employee may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

(2) No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest.

NEW SECTION. Sec. 104. ASSISTING IN TRANSACTIONS. (1) Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

(a) In which the state officer or state employee has at any time participated; or

(b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

(2) No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (1) or (3) of this section.

(3) A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so by subsection (1) of this section.

(4) This chapter does not prevent a state officer or state employee from assisting, in a transaction involving the state:

(a) The state officer's or state employee's parent, spouse, or child, or a child thereof for whom the officer or employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the state officer or state employee did not participate in the transaction; or

(b) Another state employee involved in disciplinary or other personnel administration proceedings.

NEW SECTION. Sec. 105. CONFIDENTIAL INFORMATION. No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to disclose confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may disclose confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith.

NEW SECTION. Sec. 106. TESTIMONY OF STATE OFFICERS AND STATE EMPLOYEES. This chapter does not prevent a state officer or state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.

NEW SECTION. Sec. 107. SPECIAL PRIVILEGES. Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

NEW SECTION. Sec. 108. POSTPUBLIC SERVICE EMPLOYMENT. (1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in section 101 of this act or any other entity or business that the person owns or in which the person has a controlling interest.

NEW SECTION. Sec. 109. FORMER STATE OFFICERS AND STATE EMPLOYEES. This chapter shall not be construed to prevent a former state officer or state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

(1) Providing the names, addresses, and telephone numbers of state agencies or state employees;

(2) Providing free transportation to another for the purpose of conducting business with a state agency;

(3) Assisting a natural person or nonprofit corporation in obtaining or completing application forms or other forms required by a state agency for the conduct of a state business; or

(4) Providing assistance to the poor and infirm.

Sec. 110. RCW 42.18.270 and 1969 ex.s. c 234 s 27 are each amended to read as follows:

(1) The head of an agency, upon finding that any former state officer or state employee of such agency or any other person has violated any provision of this chapter or rules adopted under it, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

(a) The appearance before such agency of such former state officer or state employee or other person; and
(b) The conduct of, or negotiation or competition for, business with such agency by such former state officer or state employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.

(2) Findings of violations referred to in subsection (1)(b) of this section shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW. Such findings and orders are subject to judicial review.

(3) This section does not apply to the legislative or judicial branches of government.

NEW SECTION. Sec. 111. COMPENSATION FOR OFFICIAL DUTIES. No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the state of Washington for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law.

NEW SECTION. Sec. 112. COMPENSATION FOR OUTSIDE ACTIVITIES. (1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where each of the following conditions are met:

(a) The contract or grant is bona fide and actually performed;
(b) The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision;
(c) The performance of the contract or grant is not prohibited by section 104 of this act or by applicable laws or rules governing outside employment for the officer or employee;
(d) The contract or grant is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by section 115(4) of this act from receiving a gift;
(e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity or by his or her agency;

(f) The contract or grant would not require unauthorized disclosure of confidential information.
(2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract with a state agency only if:

(a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or
(b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties.

(3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution.

(4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity.

(5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses.

NEW SECTION. Sec. 113. HONORARIA. (1) No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee.

(2) An agency may not permit honoraria under the following circumstances:

(a) The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the state officer or state employee, and the officer or employee is in a position to participate in the terms or the award of the contract or grant;

(b) The person offering the honorarium is regulated by the employer of the state officer or state employee and the officer or employee is in a position to participate in the regulation; or

(c) The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) the officer or employee may participate in the enactment or adoption.

NEW SECTION. Sec. 114. GIFTS. No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

NEW SECTION. Sec. 115. LIMITATIONS ON GIFTS. (1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in section 101 of this act, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under section 101 of this act. The value of gifts given to an officer's or employee's family member shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under section 114 of this act, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;
(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
(d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
(f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
(h) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

- (a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- (g) Those items excluded from the definition of gift in section 101 of this act except:
- (i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
- (ii) Payments for seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution; and
- (iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW.

Sec. 116. RCW 42.18.217 and 1987 c 426 s 3 are each amended to read as follows:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's public duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

Sec. 117. RCW 42.18.230 and 1987 c 426 s 5 are each amended to read as follows:

~~((4))~~ No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of ~~((RCW 42.18.170, 42.18.190, and 42.18.213))~~ section 104, 111, 112, 114, or 115 of this act.

~~((2) No person shall give, transfer, or deliver, directly or indirectly, to a state employee, any thing of economic value as a gift, gratuity, or favor if either:~~

~~(a) Such person would not give the gift, gratuity, or favor but for such employee's office or position with the state; or~~

~~(b) Such person is in a status specified in clause (a), (b), or (c) of RCW 42.18.200(2).~~

~~Exceptions to this subsection (2) may be made by regulations issued pursuant to RCW 42.18.240 in situations referred to in RCW 42.18.200(3).)~~

NEW SECTION. Sec. 118. USE OF PUBLIC RESOURCES FOR POLITICAL CAMPAIGNS. (1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The public disclosure commission shall, after consultation with the ethics boards, adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

NEW SECTION. Sec. 119. INVESTMENTS. (1) Except for permissible investments as defined in this section, no state officer or state employee of any agency responsible for the investment of funds, who acts in a decision-making, advisory, or policy-influencing capacity with respect to investments, may have a direct or indirect interest in any property, security, equity, or debt instrument of a person, without prior written approval of the agency.

(2) Agencies responsible for the investment of funds shall adopt policies governing approval of investments and establishing criteria to be considered in the approval process. Criteria shall include the relationship between the proposed investment and investments held or under consideration by the state, the size and timing of the proposed investment, access by the state officer or state employee to nonpublic information relative to the proposed investment, and the availability of the investment in the public market. Agencies responsible for the investment of funds also shall adopt policies consistent with this chapter governing use by their officers and employees of financial information acquired by virtue of their state positions. A violation of such policies adopted to implement this subsection shall constitute a violation of this chapter.

(3) As used in this section, "permissible investments" means any mutual fund, deposit account, certificate of deposit, or money market fund maintained with a bank, broker, or other financial institution, a security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less, or an interest in real estate, except if the real estate interest is in or with a party in whom the agency holds an investment.

NEW SECTION. Sec. 120. AGENCY RULES. (1) Each agency may adopt rules consistent with law, for use within the agency to protect against violations of this chapter.

(2) Each agency proposing to adopt rules under this section shall forward the rules to the appropriate ethics board before they may take effect. The board may submit comments to the agency regarding the proposed rules.

NEW SECTION. Sec. 121. A new section is added to chapter 42.23 RCW to read as follows:

(1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.

(2) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

(3) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

(4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

NEW SECTION. Sec. 122. A new section is added to chapter 42.17 RCW to read as follows:

A state-wide elected official or legislator may use campaign funds, other than surplus campaign funds, for payment of nonreimbursed, office-related expenses. Such expenditures shall be reported under RCW 42.17.080 and 42.17.090.

PART II ETHICS ENFORCEMENT BOARDS

NEW SECTION. Sec. 201. LEGISLATIVE ETHICS BOARD. (1) The legislative ethics board is created, composed of nine members, selected as follows:

- (a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;
- (b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;
- (c) Five citizen members:
 - (i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and
 - (ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.
- (2) Except for initial members and members completing partial terms, nonlegislative members shall serve a single five-year term.
- (3) No more than three of the public members may be identified with the same political party.
- (4) Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.
- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.
- (7) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.
- (8) The citizen members shall annually select a chair from among themselves.

NEW SECTION. Sec. 202. AUTHORITY OF LEGISLATIVE ETHICS BOARD. (1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

- (2) The legislative ethics board shall:
 - (a) Develop educational materials and training with regard to legislative ethics for legislators and legislative employees;
 - (b) Issue advisory opinions;
 - (c) Adopt rules or policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of section 118 of this act and where otherwise authorized under chapter . . . , Laws of 1994 (this act);
 - (d) Investigate, hear, and determine complaints by any person or on its own motion;
 - (e) Impose sanctions including reprimands and monetary penalties;
 - (f) Recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and
 - (g) Establish criteria regarding the levels of civil penalties appropriate for different types of violations of this chapter and rules adopted under it.

(3) The board may:

- (a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;
- (b) Administer oaths and affirmations;
- (c) Examine witnesses; and
- (d) Receive evidence.

(4) Subject to section 224 of this act, the board has jurisdiction over any alleged violation that occurred before January 1, 1995, and that was within the jurisdiction of any of the boards established under chapter 44.60 RCW. The board's jurisdiction with respect to any such alleged violation shall be based on the statutes and rules in effect at time of the violation.

NEW SECTION. Sec. 203. By constitutional design, the legislature consists of citizen-legislators who bring to bear on the legislative process their individual experience and expertise. The provisions of this act shall be interpreted in light of this constitutional principle.

NEW SECTION. Sec. 204. TRANSFER OF JURISDICTION. On the effective date of this section, any complaints or other matters under investigation or consideration by the boards of legislative ethics in the house of representatives and the senate operating pursuant to chapter 44.60 RCW shall be transferred to the legislative ethics board created by this act. All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to the legislative ethics board created in this act pursuant to their direction and the legislative ethics board created in this act shall assume full jurisdiction over all pending complaints, investigations, and proceedings.

NEW SECTION. Sec. 205. EXECUTIVE ETHICS BOARD. (1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

- (a) One member shall be a classified service employee as defined in chapter 41.06 RCW;
- (b) One member shall be a state officer or state employee in an exempt position;
- (c) One member shall be a citizen selected from a list of three names submitted by the attorney general;
- (d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and
- (e) One member shall be a citizen selected at large by the governor.
- (2) Except for initial members and members completing partial terms, members shall serve a single five-year term.
- (3) No more than three members may be identified with the same political party.
- (4) Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.
- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.
- (7) The members shall annually select a chair from among themselves.
- (8) Staff shall be provided by the office of the attorney general.

NEW SECTION. Sec. 206. AUTHORITY OF EXECUTIVE ETHICS BOARD. (1) The executive ethics board shall enforce this chapter and rules adopted under it with respect to state-wide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

- (2) The executive ethics board shall:
 - (a) Develop educational materials and training;

(b) Adopt rules and policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of section 118 of this act and where otherwise authorized under chapter . . . , Laws of 1994 (this act);

(c) Issue advisory opinions;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and

(g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) The executive ethics board may review and approve agency policies as provided for in this chapter.

(5) This section does not apply to state officers and state employees of the judicial branch.

NEW SECTION. Sec. 207. AUTHORITY OF COMMISSION ON JUDICIAL CONDUCT. The commission on judicial conduct shall enforce this chapter and rules adopted under it with respect to state officers and employees of the judicial branch and may do so according to procedures prescribed in Article IV, section 31 of the state Constitution. In addition to the sanctions authorized in Article IV, section 31 of the state Constitution, the commission may impose sanctions authorized by this chapter.

NEW SECTION. Sec. 208. POLITICAL ACTIVITIES OF CITIZEN BOARD MEMBERS. No member of the executive ethics board and none of the five citizen members of the legislative ethics board may (1) hold or campaign for partisan elective office other than the position of precinct committee person, or any full-time nonpartisan office; (2) be an officer of any political party or political committee as defined in chapter 42.17 RCW other than the position of precinct committee person; (3) permit his or her name to be used, or make contributions, in support of or in opposition to any state candidate or state ballot measure; or (4) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

NEW SECTION. Sec. 209. HEARING AND SUBPOENA AUTHORITY. Except as otherwise provided by law, the ethics boards may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of a person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the ethics board. The ethics board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations, and other process or papers of the ethics board.

NEW SECTION. Sec. 210. ENFORCEMENT OF SUBPOENA AUTHORITY. In case of refusal to obey a subpoena issued to a person, the superior court of a county within the jurisdiction of which the investigation, proceeding, or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business, upon application by the appropriate ethics board shall have jurisdiction to issue to the person an order requiring the person to appear before the ethics board or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey such order of the court may be punished by the court as contempt.

NEW SECTION. Sec. 211. FILING COMPLAINT. (1) A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board.

(2) If it has reason to believe that any person has been engaged or is engaging in a violation of this chapter or rules adopted under it, an ethics board may issue a complaint.

NEW SECTION. Sec. 212. INVESTIGATION. After the filing of any complaint, except as provided in section 215 of this act, the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the alleged facts contained in the complaint. The results of the investigation shall be reduced to writing and a determination shall be made that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed. A copy of the written determination shall be provided to the complainant and to the person named in such complaint.

NEW SECTION. Sec. 213. PUBLIC HEARING--FINDINGS. (1) If the ethics board determines there is reasonable cause under section 212 of this act that a violation of this chapter or rules adopted under it occurred, a public hearing on the merits of the complaint shall be held.

(2) The ethics board shall designate the location of the hearing. The case in support of the complaint shall be presented at the hearing by staff of the ethics board.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine witnesses.

(4) Testimony taken at the hearing shall be under oath and recorded.

(5) If, based upon a preponderance of the evidence, the ethics board finds that the respondent has violated this chapter or rules adopted under it, the board shall file an order stating findings of fact and enforcement action as authorized under this chapter.

(6) If, upon all the evidence, the ethics board finds that the respondent has not engaged in an alleged violation of this chapter or rules adopted under it, the ethics board shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(7) If the board makes a determination that there is not reasonable cause to believe that a violation has been or is being committed or has made a finding under subsection (6) of this section, the attorney general shall represent the officer or employee in any action subsequently commenced based on the alleged facts in the complaint.

NEW SECTION. Sec. 214. REVIEW OF ORDER. Except as otherwise provided by law, reconsideration or judicial review of an ethics board's order that a violation of this chapter or rules adopted under it has occurred shall be governed by the provisions of chapter 34.05 RCW applicable to review of adjudicative proceedings.

NEW SECTION. Sec. 215. COMPLAINT AGAINST LEGISLATOR OR STATE-WIDE ELECTED OFFICIAL. (1) If a complaint alleges a violation of section 118 of this act by a legislator or state-wide elected official other than the attorney general, the attorney general shall conduct the investigation under section 212 of this act and recommend action to the appropriate ethics board.

(2) If a complaint alleges a violation of section 118 of this act by the attorney general, the state auditor shall conduct the investigation under section 212 of this act and recommend action to the appropriate ethics board.

NEW SECTION. Sec. 216. CITIZEN ACTIONS. Any person who has notified the appropriate ethics board and the attorney general in writing that there is reason to believe that section 118 of this act is being or has been violated may, in the name of the state, bring a citizen action for any of the actions authorized under this chapter. A citizen action may be brought only if the appropriate ethics board or the attorney general have failed to commence an action under this chapter within forty-five days after notice from the person, the person has thereafter notified the appropriate ethics board and the attorney general that the person will commence a citizen's action within ten days upon their failure to commence an action, and the appropriate ethics board and the attorney general have in fact failed to bring an action within ten days of receipt of the second notice.

If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but the person shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees incurred. If a citizen's action that the court finds was brought without reasonable cause is dismissed, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.

Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall represent the defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment.

NEW SECTION. Sec. 217. REFERRAL FOR ENFORCEMENT. As appropriate, an ethics board may refer a complaint:

- (1) To an agency for initial investigation and proposed resolution which shall be referred back to the appropriate ethics board for action; or
- (2) To the attorney general's office or prosecutor for appropriate action.

NEW SECTION. Sec. 218. ACTION BY BOARDS. (1) Except as otherwise provided by law, an ethics board may order payment of the following amounts if it finds a violation of this chapter or rules adopted under it after a hearing under section 207 of this act or other applicable law:

- (a) Any damages sustained by the state that are caused by the conduct constituting the violation;
 - (b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or rules adopted under it, whichever is greater; and
 - (c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.
- (2) Damages under this section may be enforced in the same manner as a judgment in a civil case.

NEW SECTION. Sec. 219. ACTION BY ATTORNEY GENERAL. (1) Upon a written determination by the attorney general that the action of an ethics board was clearly erroneous or if requested by an ethics board, the attorney general may bring a civil action in the superior court of the county in which the violation is alleged to have occurred against a state officer, state employee, former state officer, former state employee, or other person who has violated or knowingly assisted another person in violating any of the provisions of this chapter or the rules adopted under it. In such action the attorney general may recover the following amounts on behalf of the state of Washington:

- (a) Any damages sustained by the state that are caused by the conduct constituting the violation;
- (b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or the rules adopted under it, whichever is greater; and
- (c) Costs, including reasonable investigative costs, which shall be included as part of the limit under subsection (1)(b) of this section. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) In any civil action brought by the attorney general upon the basis that the attorney general has determined that the board's action was clearly erroneous, the court shall not proceed with the action unless the attorney general has first shown, and the court has found, that the action of the board was clearly erroneous.

NEW SECTION. Sec. 220. HEARINGS CONDUCTED BY ADMINISTRATIVE LAW JUDGE. If an ethics board finds that there is reasonable cause to believe that a violation has occurred, the board shall consider the possibility of the alleged violator having to pay a total amount of penalty and costs of more than five hundred dollars. Based on such consideration, the board may give the person who is the subject of the complaint the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. The board may also, on its own initiative, provide for retaining an administrative law judge. An ethics board may not require total payment of more than five hundred dollars in penalty and costs in any case where an administrative law judge is not used and the board did not give such option to the person who is the subject of the complaint.

NEW SECTION. Sec. 221. RESCISSION OF STATE ACTION. (1) The attorney general may, on request of the governor or the appropriate agency, and in addition to other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind state action taken by a state officer or state employee, without liability to the state of Washington, contractual or otherwise, if the governor or ethics board has reason to believe that: (a) A violation of this chapter or rules adopted under it has substantially influenced the state action, and (b) the interest of the state requires the cancellation or rescission. The governor may suspend state action pending the determination of the merits of the controversy under this section. The court may permit persons affected by the governor's actions to post an adequate bond pending such resolution to ensure compliance by the defendant with the final judgment, decree, or other order of the court.

(2) This section does not limit other available remedies.

Sec. 222. RCW 42.18.260 and 1969 ex.s. c 234 s 26 are each amended to read as follows:

(1) ~~((The head of an agency may dismiss, suspend, or take such other action as may be appropriate in the circumstances in respect to any state employee of his agency upon finding that such employee has violated this chapter or regulations promulgated hereunder. Such action may include the imposition of conditions of the nature described in RCW 42.18.270(1)))~~ A violation of this chapter or rules adopted under it is grounds for disciplinary action.

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state ~~officers and state~~ employees not specifically exempted ~~((therein))~~ in chapter 41.06 RCW, the rules set forth in ~~((the state civil service law,))~~ chapter 41.06 RCW ~~((;))~~ shall apply. Any action against the ~~state officer or state~~ employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of ~~state officers and state~~ employees of the same category and grade.

NEW SECTION. Sec. 223. ADDITIONAL INVESTIGATIVE AUTHORITY. In addition to other authority under this chapter, the attorney general may investigate persons not under the jurisdiction of an ethics board whom the attorney general has reason to believe were involved in transactions in violation of this chapter or rules adopted under it.

NEW SECTION. Sec. 224. LIMITATIONS PERIOD. Any action taken under this chapter must be commenced within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within two years from the date the violation was discovered or reasonably should have been discovered: (1) By any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or (2) if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate ethics board.

NEW SECTION. Sec. 225. The members of the legislative ethics board created by section 201 of this act and the executive ethics board created by section 204 of this act shall be appointed no later than October 1, 1994. Notwithstanding the authority granted to these boards by sections 202 and 205 of this act, until January 1, 1995, the authority of each board shall be limited to conducting meetings and incurring expenses solely for administrative and organizational purposes.

This section shall expire January 1, 1995.

NEW SECTION. Sec. 226. Any violations occurring prior to January 1, 1995, of any of the following laws shall be disposed of as if chapter . . . , Laws of 1994 (this act) were not enacted and such laws continued in full force and effect: RCW 42.17.130, chapter 42.18 RCW, chapter 42.21 RCW, and chapter 42.22 RCW.

NEW SECTION. Sec. 227. The citizen members of the legislative ethics board and the members of the executive ethics board shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislator members of the legislative ethics board shall be reimbursed as provided in RCW 44.04.120.

PART III MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 301. LIBERAL CONSTRUCTION. This chapter shall be construed liberally to effectuate its purposes and policy and to supplement existing laws as may relate to the same subject.

NEW SECTION. Sec. 302. PARTS AND CAPTIONS NOT LAW. Parts and captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 303. The following sections are each recodified as sections in chapter 42.-- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act):

RCW 42.18.217
RCW 42.18.230
RCW 42.18.260
RCW 42.18.270
RCW 42.18.330
RCW 42.22.050

NEW SECTION. Sec. 304. The following acts or parts of acts are each repealed:

- (1) RCW 42.18.010 and 1969 ex.s. c 234 s 1;
- (2) RCW 42.18.020 and 1969 ex.s. c 234 s 2;
- (3) RCW 42.18.030 and 1969 ex.s. c 234 s 3;
- (4) RCW 42.18.040 and 1969 ex.s. c 234 s 4;
- (5) RCW 42.18.050 and 1969 ex.s. c 234 s 5;
- (6) RCW 42.18.060 and 1969 ex.s. c 234 s 6;
- (7) RCW 42.18.070 and 1969 ex.s. c 234 s 7;
- (8) RCW 42.18.080 and 1969 ex.s. c 234 s 8;
- (9) RCW 42.18.090 and 1969 ex.s. c 234 s 9;
- (10) RCW 42.18.100 and 1969 ex.s. c 234 s 10;
- (11) RCW 42.18.110 and 1969 ex.s. c 234 s 11;
- (12) RCW 42.18.120 and 1969 ex.s. c 234 s 12;
- (13) RCW 42.18.130 and 1973 c 137 s 1 & 1969 ex.s. c 234 s 13;
- (14) RCW 42.18.140 and 1969 ex.s. c 234 s 14;
- (15) RCW 42.18.150 and 1969 ex.s. c 234 s 15;
- (16) RCW 42.18.170 and 1969 ex.s. c 234 s 17;
- (17) RCW 42.18.180 and 1969 ex.s. c 234 s 18;
- (18) RCW 42.18.190 and 1969 ex.s. c 234 s 19;
- (19) RCW 42.18.200 and 1969 ex.s. c 234 s 20;
- (20) RCW 42.18.210 and 1969 ex.s. c 234 s 21;
- (21) RCW 42.18.213 and 1987 c 426 s 1;
- (22) RCW 42.18.215 and 1987 c 426 s 2;
- (23) RCW 42.18.221 and 1989 c 96 s 6 & 1987 c 426 s 4;
- (24) RCW 42.18.240 and 1969 ex.s. c 234 s 24;
- (25) RCW 42.18.250 and 1969 ex.s. c 234 s 25;
- (26) RCW 42.18.280 and 1969 ex.s. c 234 s 28;
- (27) RCW 42.18.290 and 1973 c 137 s 2 & 1969 ex.s. c 234 s 29;
- (28) RCW 42.18.300 and 1973 c 137 s 3 & 1969 ex.s. c 234 s 30;
- (29) RCW 42.18.310 and 1969 ex.s. c 234 s 31;
- (30) RCW 42.18.320 and 1969 ex.s. c 234 s 32;
- (31) RCW 42.18.900 and 1969 ex.s. c 234 s 40;
- (32) RCW 42.20.010 and 1969 ex.s. c 234 s 34 & 1909 c 249 s 82;
- (33) RCW 42.21.010 and 1965 ex.s. c 150 s 1;
- (34) RCW 42.21.020 and 1989 c 175 s 93, 1971 c 81 s 106, & 1965 ex.s. c 150 s 2;
- (35) RCW 42.21.030 and 1965 ex.s. c 150 s 3;
- (36) RCW 42.21.040 and 1965 ex.s. c 150 s 4;
- (37) RCW 42.21.050 and 1965 ex.s. c 150 s 5;
- (38) RCW 42.21.080 and 1965 ex.s. c 150 s 8;
- (39) RCW 42.21.090 and 1969 ex.s. c 234 s 36;
- (40) RCW 42.22.010 and 1959 c 320 s 1;
- (41) RCW 42.22.020 and 1959 c 320 s 2;
- (42) RCW 42.22.030 and 1961 c 268 s 8 & 1959 c 320 s 3;
- (43) RCW 42.22.040 and 1989 c 11 s 13 & 1959 c 320 s 4;
- (44) RCW 42.22.060 and 1959 c 320 s 6;
- (45) RCW 42.22.070 and 1959 c 320 s 7;
- (46) RCW 42.22.120 and 1969 ex.s. c 234 s 37;
- (47) RCW 44.60.010 and 1977 ex.s. c 218 s 1 & 1967 ex.s. c 150 s 1;
- (48) RCW 44.60.020 and 1980 c 87 s 43, 1977 ex.s. c 218 s 2, & 1967 ex.s. c 150 s 2;
- (49) RCW 44.60.030 and 1967 ex.s. c 150 s 3;
- (50) RCW 44.60.040 and 1977 ex.s. c 218 s 3 & 1967 ex.s. c 150 s 4;
- (51) RCW 44.60.050 and 1984 c 287 s 92, 1979 c 151 s 159, 1977 ex.s. c 218 s 4, 1975-'76 2nd ex.s. c 34 s 135, & 1967 ex.s. c 150 s 5;
- (52) RCW 44.60.070 and 1980 c 165 s 1, 1977 ex.s. c 218 s 5, & 1967 ex.s. c 150 s 6;
- (53) RCW 44.60.080 and 1977 ex.s. c 218 s 6 & 1967 ex.s. c 150 s 8;
- (54) RCW 44.60.090 and 1967 ex.s. c 150 s 9;
- (55) RCW 44.60.100 and 1977 ex.s. c 218 s 7;
- (56) RCW 44.60.110 and 1980 c 165 s 2 & 1977 ex.s. c 218 s 8;
- (57) RCW 44.60.120 and 1977 ex.s. c 218 s 9; and
- (58) RCW 44.60.130 and 1977 ex.s. c 218 s 10.

Sec. 305. RCW 27.26.070 and 1989 c 96 s 3 are each amended to read as follows:

(1) The commission may cooperate with other agencies both inside and outside the state of Washington to establish a private, nonprofit corporation for the purpose of providing automated bibliographic, computer-based telecommunications, interlibrary, reference, and referral systems, computer network services, and related library services that are equivalent to the services provided by the western library network on June 1, 1989. The commission may adopt policies and rules consistent with the purposes and provisions of RCW 27.26.070 through 27.26.090 and section 11, chapter 96, Laws of 1989 and (~~RCW 42.18.224~~) chapter 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act) pursuant to the administrative procedure act.

(2) The commission may terminate the services provided by the western library network before June 30, 1997, if a successor organization agrees to assume full responsibility for providing services that are equivalent to the services provided by the western library network on June 1, 1989, to the state library, other agencies of state and local government, and other users of the western library network. The commission may not terminate western library network services within six months after June 1, 1989. The commission may not enter into a contract with a successor organization for the delivery of network services after five and one-half years from June 1, 1989.

Sec. 306. RCW 28B.50.060 and 1991 c 238 s 31 are each amended to read as follows:

A director of the state system of community and technical colleges shall be appointed by the college board and shall serve at the pleasure of the college board. The director shall be appointed with due regard to the applicant's fitness and background in education, and knowledge of and

recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his or her time to the duties of his or her office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter ~~((42.18 RCW, the executive conflict of interest act))~~ 42.--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

The director shall receive a salary to be fixed by the college board and shall be reimbursed for travel expenses incurred in the discharge of his or her official duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules ~~((regulations))~~ and orders established thereunder and all other laws of the state. The director shall attend, but not vote at, all meetings of the college board. The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. At the direction of the college board, the director shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at the director's pleasure on such terms and conditions as the director determines, and (2) subject to the provisions of chapter ~~((28B.16))~~ 41.06 RCW ~~((the higher education personnel law))~~ the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board.

Sec. 307. RCW 28C.18.040 and 1991 c 238 s 5 are each amended to read as follows:

(1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

(2) The director shall not be the chair of the board.

(3) Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to ~~((the code of ethics contained in chapter 42.18 RCW))~~ chapter 42.--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

(4) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

(5) The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.

Sec. 308. RCW 35.02.130 and 1991 c 360 s 3 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20 ~~((42.22;))~~ and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than twelve months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on

the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

Sec. 309. RCW 35.21.418 and 1984 c 1 s 2 are each amended to read as follows:

A commission, established by an agreement between a Washington municipality and the Province of British Columbia to carry out a treaty between the United States of America and Canada as authorized in RCW 35.21.417, shall be public and shall have all powers and capacity necessary and appropriate for the purposes of performing its functions under the agreement, including, but not limited to, the following powers and capacity: To acquire and dispose of real property other than by condemnation; to enter into contracts; to sue and be sued in either Canada or the United States; to establish an endowment fund in either or both the United States and Canada and to invest the endowment fund in either or both countries; to solicit, accept, and use donations, grants, bequests, or devises intended for furthering the functions of the endowment; to adopt such rules or procedures as it deems desirable for performing its functions; to engage advisors and consultants; to establish committees and subcommittees; to adopt rules for its governance; to enter into agreements with public and private entities; and to engage in activities necessary and appropriate for implementing the agreement and the treaty.

The endowment fund and commission may not be subject to state or local taxation. A commission, so established, may not be subject to statutes and laws governing Washington cities and municipalities in the conduct of its internal affairs: PROVIDED, That all commission members appointed by the municipality shall comply with chapter ((42-22-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act), and: PROVIDED FURTHER, That all commission meetings held within the state of Washington shall be held in compliance with chapter 42.30 RCW. All obligations or liabilities incurred by the commission shall be satisfied exclusively from its own assets and insurance.

Sec. 310. RCW 43.33A.110 and 1989 c 179 s 1 are each amended to read as follows:

The state investment board may make appropriate rules and regulations for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk. However, in the case of the department of labor and industries' accident, medical aid, and reserve funds, the board shall establish investment policies and procedures designed to attempt to limit fluctuations in industrial insurance premiums and, subject to this purpose, to maximize return at a prudent level of risk. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter ((42-18-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act). Rules adopted by the board shall be adopted pursuant to chapter 34.05 RCW.

Sec. 311. RCW 43.72.020 and 1993 c 492 s 403 are each amended to read as follows:

(1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members reflecting ethnic and racial diversity, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The insurance commissioner shall serve as an additional nonvoting member. Of the initial members, one shall be appointed to a term of three years, two shall be appointed to a term of four years, and two shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter ((42-18-RCW, the executive branch conflict of interest act)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

Sec. 312. RCW 51.36.110 and 1993 c 515 s 6 are each amended to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of ((RCW 42.22.040)) section 105 of this act, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW;

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW.

Sec. 313. RCW 66.08.080 and 1981 1st ex.s. c 5 s 3 are each amended to read as follows:

Except as provided by chapter ((42-18-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act), no member of the board and no employee of the board shall have any interest, directly or indirectly, in the manufacture of liquor or in any liquor sold under this title, or derive any profit or remuneration from the sale of liquor, other than the salary or wages payable to him in respect of his office or position, and shall receive no gratuity from any person in connection with such business.

Sec. 314. RCW 67.16.160 and 1973 1st ex.s. c 216 s 5 are each amended to read as follows:

No later than ninety days after July 16, 1973 the horse racing commission shall promulgate, pursuant to chapter 34.05 RCW, reasonable rules ((and regulations)) implementing to the extent applicable to the circumstances of the horse racing commission the conflict of interest laws of the state of Washington as set forth in chapters ((42-18-)) 42.21 and ((42-22-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

Sec. 315. RCW 80.50.030 and 1990 c 12 s 3 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The chairman is a "state employee" for the purposes of chapter ((42-18-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act). As applicable, when attending meetings of the council((s)), members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.240.

(b) The chairman or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state energy office shall provide all administrative and staff support for the council. The director of the energy office has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of ~~((fisheries;~~
- ~~((e) Department of)) fish and wildlife;~~
- ~~((d)) (c) Parks and recreation commission;~~
- ~~((e)) (d) Department of health;~~
- ~~((f)) (e) State energy office;~~
- ~~((g)) (f) Department of community, trade, and economic development;~~
- ~~((h)) (g) Utilities and transportation commission;~~
- ~~((i)) (h) Office of financial management;~~
- ~~((j)) (i) Department of natural resources;~~
- ~~((k) Department of community development;~~
- ~~((l)) (j) Department of agriculture;~~
- ~~((m)) (k) Department of transportation.~~

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 316. RCW 86.09.286 and 1969 ex.s. c 234 s 35 are each amended to read as follows:

No director or any other officer named in this chapter shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment: PROVIDED, That nothing in this section contained shall be construed to prevent any district officer from being employed by the district as foreman or as a day laborer: PROVIDED FURTHER, That this section shall have no application to any person who is a state employee as defined in ((RCW 42.48.130)) section 101 of this act.

NEW SECTION. Sec. 317. A new section is added to chapter 42.17 RCW to read as follows:

RCW 42.17.130 does not apply to any person who is a state officer or state employee as defined in section 101 of this act.

NEW SECTION. Sec. 318. Sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act shall constitute a new chapter in Title 42 RCW.

NEW SECTION. Sec. 319. Sections 101 through 121, 203, 204, 207 through 224, and 301 through 317 of this act shall take effect January 1, 1995.

NEW SECTION. Sec. 320. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Drew moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6111.

POINT OF ORDER

Senator Linda Smith: "I rise to challenge the scope and object of the House amendment to Engrossed Substitute Senate Bill No. 6111 as it relates to use of campaign funds. Engrossed Substitute Senate Bill No. 6111 is a measure which challenges and consolidates ethics provisions applicable to state officers and employees. The House amendment adds sections relating to use of campaign funds. Specifically, the House amendment authorizes state officials and legislators to use campaign funds to pay non-reimbursed public office-related expenses. In this regard, the House amendment amends Initiative No. 134 and expands the scope and object of the underlying bill. The House Bill ushers back in office funds, which were prohibited by Initiative No. 134."

Further debate ensued.

There being no objection, the President deferred further consideration of the House Message on Engrossed Substitute Senate Bill No. 6111.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6143 with the following amendment(s):
On page 2, beginning on line 29, strike subsection (4), and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate concurred in the House amendment to Substitute Senate Bill No. 6143.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6143, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6143, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Moore - 1.

Excused: Senator Erwin - 1.

SUBSTITUTE SENATE BILL NO. 6143, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6601 with the following amendment(s):

On page 2, line 13, strike "regardless of" and insert "with due regard for"

On page 4, line 34, after "of" insert "general goals for the state of Washington," and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6601.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6601, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6601, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Moore - 1.

Excused: Senator Erwin - 1.

ENGROSSED SENATE BILL NO. 6601, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGES FROM THE HOUSE

March 6, 1994

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5800,

SUBSTITUTE SENATE BILL NO. 6028,

SUBSTITUTE SENATE BILL NO. 6096,

SENATE BILL NO. 6221,

SECOND SUBSTITUTE SENATE BILL NO. 6237,

SUBSTITUTE SENATE BILL NO. 6264,

SUBSTITUTE SENATE BILL NO. 6509,

SENATE BILL NO. 6532,

SUBSTITUTE SENATE BILL NO. 6538,

ENGROSSED SENATE BILL NO. 6564,

SENATE BILL NO. 6573,

SUBSTITUTE SENATE BILL NO. 6593,

SENATE BILL NO. 6604,

SENATE BILL NO. 6605, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 6, 1994

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED HOUSE BILL NO. 2327,
HOUSE BILL NO. 2392,
HOUSE BILL NO. 2494,
HOUSE BILL NO. 2508,
ENGROSSED HOUSE BILL NO. 2523,
SUBSTITUTE HOUSE BILL NO. 2540, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 2327,
HOUSE BILL NO. 2392,
HOUSE BILL NO. 2494,
HOUSE BILL NO. 2508,
ENGROSSED HOUSE BILL NO. 2523,
SUBSTITUTE HOUSE BILL NO. 2540.

MESSAGE FROM THE HOUSE

February 26, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6243 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

**"PART 1
GENERAL GOVERNMENT**

Sec. 1. 1993 sp.s. c 22 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

To purchase land ((for)), design, and construct a new ((higher education institution)) collocated community college and University of Washington branch campus (94-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property ((for)), design, and construct a new ((institution of higher education)) collocated community college and University of Washington branch campus to meet the higher education needs of the north King and south Snohomish county area ~~((A minimum of four sites shall be evaluated by the higher education coordinating board for purchase with this appropriation));~~

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall continue to consider at least two sites and shall acquire one site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management. The higher education coordinating board may obtain an option on a second site to be available as an alternative in the event that contingencies on the first site are not met.

(3) The appropriation in this section shall not be expended to purchase property unless the office of financial management has made a reasonable determination that potential storm water and flood water will not damage property or buildings to be constructed on the proposed site, result in mitigation actions that cost more than comparable property in the general area, or possess characteristics which require extraordinary environmental mitigation or engineering safeguards;

~~((3))~~ (4) The appropriation in this section shall not be expended to purchase property until a site development plan is proposed for the site that accommodates all proposed buildings outside of any potential flood plain;

~~((4))~~ (5) The legislature recognizes that additional appropriations may be required for development of the new institution in future biennia;
~~((and~~

~~((5))~~ (6) The office of financial management may consider any studies, whether or not still in progress, relevant to this appropriation; and

(7) The moneys provided in this section shall be allocated to the appropriate agencies by the office of financial management.

Appropriation:

St Bldg Constr Acct \$ ((4,500,000))

25,210,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((4,500,000))

25,210,000

Sec. 2. 1993 sp.s. c 22 s 110 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital budget system improvements (94-2-002)

The office of financial management shall develop standards for allowable staffing expenses attributable to capital projects and include those standards in the capital budget instructions for the 1995-97 ten-year capital plan. The standards shall:

(1) Identify the allowable expenses for construction management, administration, support, overhead, and other categories of staffing costs directly associated with planning and management of capital projects;

(2) Identify allowable expenses attributable to work performed by state employees or contracted through purchased services or personal service contracts other than those identified in subsection (1) of this section; and

(3) Identify the types of staffing expenses that are not appropriately paid from cash or bond capital project funding sources.

The office of financial management shall report to the appropriate committees of the legislature by February 10, 1995, on the amount of staffing expenses and the number of full-time equivalent employees estimated to be funded by capital appropriations during the 1993-1995 biennium.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,600,000

NEW SECTION. Sec. 3. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Watershed Restoration Partnership Program: For watershed and fish and wildlife habitat restoration

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation may be allocated to state agencies, including the department of natural resources, solely for watershed and habitat restoration and conservation plans and capital projects, and for local initiative grants, provided that such projects are consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas.

(2) The office of financial management, in conjunction with appropriate agencies, shall report to the appropriate committees of the legislature by January 1, 1995, on any expenditures made from the appropriation in this section and a plan for future use of the moneys provided in this section. The plan shall provide for cooperative federal, state, and local plans and projects for watershed and fish and wildlife habitat restoration and conservation. The plan shall also consider future funding needs, the availability of federal funding, and the possibility of submitting a referendum to the voters of the state to provide future state funding.

(3) To the extent feasible, funds shall be used to implement existing plans and shall not be used to duplicate plans and studies already conducted.

(4) In allocating moneys under this section, priority shall be given to projects benefitting fish stocks in critical or depressed condition, as determined by the departments of fisheries and wildlife or their successor agency.

(5) At least \$2,000,000 of the appropriation in this section shall be allocated based upon the recommendations of the governor's task force on environmental enhancement and job creation.

(6) The appropriation in this section shall not be expended to acquire land through condemnation prior to January 1, 1995.

Appropriation:

St Bldg Constr Acct \$ 15,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,000,000

Sec. 4. 1993 sp.s. c 22 s 113 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highways-Licenses Building: To complete the construction to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The appropriation shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

| | | |
|----------------------------------|--------------------------|--------------------------|
| St Bldg Constr Acct | \$ ((18,000,000)) | |
| | | <u>16,950,000</u> |
| Prior Biennia (Expenditures) | \$ 4,938,000 | |
| Future Biennia (Projected Costs) | \$ 0 | |
| | | ----- |
| TOTAL | \$ ((22,938,000)) | <u>21,888,000</u> |

Sec. 5. 1993 sp.s. c 22 s 122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Satellite Campus Land Acquisition: To purchase in fee simple real property for future state development in the city of Tumwater (92-5-000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for land acquisition, and shall not be expended until the office of financial management has approved a specific plan for development of the Tumwater satellite campus.

(2) Before expending any moneys from the appropriations, the department shall obtain a written agreement from the city of Tumwater, the port of Olympia, and the Tumwater school district requiring the consent of the office of financial management for any state responsibility or liability associated with general infrastructure development or facility relocation within the Tumwater campus planning area.

Reappropriation:

| | | |
|----------------------------------|-------------------------|-------------------------|
| St Bldg Constr Acct | \$ 890,000 | |
| Appropriation: | | |
| St Bldg Constr Acct | \$ ((3,600,000)) | |
| | | <u>3,265,046</u> |
| Prior Biennia (Expenditures) | \$ 0 | |
| Future Biennia (Projected Costs) | \$ 0 | |
| TOTAL | \$ ((4,490,000)) | <u>4,155,046</u> |

Sec. 6. 1993 sp.s. c 22 s 126 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Collocation and consolidation of state facilities: To identify the current locations of major concentrations of state facilities within the state and determine where state facilities can be collocated and consolidated (92-5-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall prepare policy recommendations and cost estimates for opportunities to collocate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts.

(2) The appropriations shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

(3) The reappropriation is provided solely to complete phase one of the project, begun in the 1991-93 biennium.

(4) \$40,000 of this appropriation is provided solely for planning, negotiation, and development of collocated state facilities in Spokane, Tacoma, and Port Angeles.

(5) \$75,000 of this appropriation is provided to identify areas of the state with potential for efficiencies from collocation and consolidation of state facilities and to prepare implementation plans.

Reappropriation:

| | | |
|----------------------------------|-----------------------|-----------------------|
| St Bldg Constr Acct | \$ 105,000 | |
| Appropriation: | | |
| St Bldg Constr Acct | \$ ((300,000)) | |
| | | <u>415,000</u> |
| Prior Biennia (Expenditures) | \$ 120,000 | |
| Future Biennia (Projected Costs) | \$ 0 | |
| | | ----- |

TOTAL \$ ((525,000))

640,000

Sec. 7. 1993 sp.s. c 22 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus preservation (94-1-010)

Appropriation:

St Bldg Constr Acct \$ ((3,037,000))

219,000

Cap Bldg Constr Acct \$ ((388,000))

3,206,000

Subtotal Appropriation \$ 3,425,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 27,259,550

TOTAL \$ 30,684,550

Sec. 8. 1993 sp.s. c 22 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building preservation (94-1-011)

Appropriation:

~~((St))~~ **Cap Bldg Constr Acct \$ 304,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 304,000

Sec. 9. 1993 sp.s. c 22 s 139 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Temple of Justice preservation (94-1-012)

Appropriation:

~~((St Bldg Constr Acct \$ 147,000))~~

Cap Bldg Constr Acct \$ ((277,000))

~~Subtotal Appropriation \$ 424,000))~~

424,000

~~Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0~~

TOTAL \$ 424,000

Sec. 10. 1993 sp.s. c 22 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life/safety and preservation projects **(94-1-014)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The department ~~((shall report to the legislature by November 1, 1994, with options for the disposition of the nonstate-occupied portions of the campus after the reduction or closure of state programs)), in consultation with the local community, shall develop a plan for the disposal of the property at the Northern State multi-service center and report on the plan to the fiscal committees of the legislature by December 1, 1994.~~

(2) The appropriation shall not be spent until the office of financial management has approved a facility repair and preservation plan for the campus.

Appropriation:

CEP & RI Acct \$ 872,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 872,000

Sec. 11. 1993 sp.s. c 22 s 141 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2 preservation (94-1-015)

Appropriation:

((St)) Cap Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,339,000

TOTAL \$ 2,589,000

Sec. 12. 1993 sp.s. c 22 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Employment Security Building preservation (94-1-017)

Appropriation:

((St)) Cap Bldg Constr Acct \$ 74,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 575,000

TOTAL \$ 649,000

Sec. 13. 1993 sp.s. c 22 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Lacey light industrial park acquisition (94-2-003)

Appropriation:

St Bldg Constr Acct \$ ((1,100,000))

66,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ ((18,200,000))

0

TOTAL \$ ((19,300,000))

66,000

Sec. 14. 1993 sp.s. c 22 s 115 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Condition assessment((:)) (92-2-007)

(1) By December 31, 1993, develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance **((92-2-007))**.

(2) \$200,000 of the reappropriation from the state building construction account shall be utilized by the office of financial management for development of an inventory system of state facilities. After completion of the system the office of financial management shall provide to the affordable housing advisory board an inventory of vacant state land.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Cap Bldg Constr Acct \$ 340,000

Subtotal Reappropriation \$ 840,000

Prior Biennia (Expenditures) \$ 251,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,091,000

Sec. 15. 1993 sp.s. c 22 s 157 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

State-wide preservation (93-1-008)

Appropriation:

St Bldg Constr Acct \$ ((2,518,400))

2,466,400

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 1,766,000

TOTAL \$ ((5,084,400))

5,032,400

NEW SECTION. Sec. 16. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE MILITARY DEPARTMENT

Yakima Armory predesign (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 52,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,691,000

TOTAL \$ 7,743,000

**PART 2
HUMAN SERVICES**

Sec. 17. 1993 sp.s. c 22 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.
- (2) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.
- (3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.
- (4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct \$ ((5,688,000))

5,969,739

Prior Biennia (Expenditures) \$ ((4,342,000))

4,030,261

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

Sec. 18. 1993 sp.s. c 22 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Housing assistance program (88-5-015)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((The \$2,000,000))~~ \$1,000,000 of the appropriation from the state building construction account and \$3,000,000 of the appropriation from the charitable, educational, penal, and reformatory institutions account is provided to promote development of at least ((120)) 240 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall ((convene an advisory group of developmental disabilities service agencies and family members to plan implementation of)) implement this initiative in coordination with the plan for increased efficiency in community residential services developed by the division of developmental disabilities in accordance with the 1994 supplemental operating budget.

(2) \$1,000,000 of the appropriation from the charitable, educational, penal, and reformatory institutions account and \$1,000,000 of the appropriation from the state building construction account is provided solely to promote the development of safe and affordable shelters for youth. The housing assistance program shall convene an advisory group to plan and develop guidelines for the implementation of this one time initiative. The housing assistance program may require a match, which may include cash, land value, or donated labor and supplies as a condition of receipt of a grant from this appropriation. The program may establish criteria on the administrative and financial capability of an organization, including the ability to provide for the ongoing operating costs of the shelter, when selecting proposals for a grant from this appropriation. It is the intent of the legislature that this appropriation represents a one-time appropriation for youth shelters.

(3) The department of community development shall conduct a study on the feasibility of providing financial guarantees to housing authorities. The department shall submit its findings to the appropriate legislative committees by December 15, 1993.

~~(((3)))~~ (4) It is the intent of the legislature that, in addition to the moneys provided under subsection (1) of this section, a portion of the state building construction account appropriation be used to develop safe and affordable housing for the developmentally disabled.

Reappropriation:

St Bldg Constr Acct \$ 22,000,000

Appropriation:

St Bldg Constr Acct \$ ~~((34,000,000))~~

36,000,000

CEP & RI Acct \$ ~~((2,000,000))~~

4,000,000

Subtotal Appropriation \$ ~~((36,000,000))~~

40,000,000

Prior Biennia (Expenditures) \$ 35,449,197

Future Biennia (Projected Costs) \$ 136,000,000

TOTAL \$ ~~((229,449,197))~~

233,449,197

Sec. 19. 1993 sp.s. c 22 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency Management Building: Minor works (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 120,000

~~((General Fund--Federal-- \$ 69,000~~

~~Subtotal Reappropriation \$ 489,000))~~

Prior Biennia (Expenditures) \$ 97,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((286,000))

217,000

Sec. 20. 1993 sp.s. c 22 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Resource center for the handicapped: To acquire and improve the facilities in which the center currently operates **(92-5-000)**

The reappropriation in this section is subject to the following conditions and limitations: ~~((No expenditure may be made until an equal amount of nonstate moneys dedicated to the purchase of the facility have been raised))~~ Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purpose. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Reappropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

Sec. 21. 1993 sp.s. c 22 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Building for the arts-Phases 1 and 2 (92-5-100) (94-2-021)

For grants to local performing arts and art museum organizations for facility improvements or additions.

The appropriations in this section are subject to the following conditions and limitations:

(1) Grants are limited to the following projects:

Phase 1 (92-5-100)

Estimated Total State State

Capital Cost Grant Share

@ 15%

| | | | |
|-----------------------------|---------------------|-------------------|-----|
| Seattle Children's Theatre | \$ 8,000,000 | \$ 1,200,000 | 15% |
| Admiral Theatre (Bremerton) | \$ 4,261,000 | \$ 639,000 | 15% |
| Pacific Northwest Ballet | \$ 7,500,000 | \$ 1,125,000 | 15% |
| Seattle Symphony | \$ 54,000,000 | \$ 8,100,000 | 15% |
| Seattle Repertory Theatre | | | |
| (Phase 1) | \$ 4,000,000 | \$ 600,000 | 15% |
| Intiman Theatre | \$ 800,000 | \$ 120,000 | 15% |
| Broadway Theatre District | | | |
| (Tacoma) | \$ 11,800,000 | \$ 1,770,000 | 15% |
| Allied Arts of Yakima | \$ 500,000 | \$ 75,000 | 15% |
| Spokane Art School | \$ 454,000 | \$ 68,000 | 15% |
| Seattle Art Museum | <u>\$ 4,862,500</u> | <u>\$ 729,000</u> | 15% |
| Total | \$ 96,177,500 | \$ 14,426,000 | |

Phase 2 (94-2-021)

Estimated Total State State

Capital Cost Grant Share

@ 15%

| | | | |
|---------------------------|---------------|--------------|-----|
| Bainbridge Performing | | | |
| Arts Center | \$ 1,200,000 | \$ 180,000 | 15% |
| The Children's Museum | \$ 2,850,000 | \$ 427,500 | 15% |
| Everett Community Theatre | \$ 12,119,063 | \$ 1,817,859 | 15% |
| Kirkland Center for | | | |

the Performing Arts \$ 2,500,000 \$ 375,000 15%
 Makah Cultural and
 Research Center \$ 1,600,000 \$ 240,000 15%
 Mount Baker Theatre Center \$ 1,581,000 \$ 237,150 15%
 Seattle Group Theatre \$ 334,751 \$ 50,213 15%
 Seattle Opera Association \$ 985,000 \$ 147,750 15%
 Seattle Repertory Theatre
 (Phase 2) \$ 4,000,000 \$ 600,000 15%
 Tacoma Little Theatre \$ 1,250,000 \$ 187,500 15%
 Valley Museum of Northwest
 Art \$ 1,100,000 \$ 165,000 15%
 Village Theatre \$ 6,000,000 \$ 900,000 15%
 The Washington Center
 for the Performing Arts \$ 400,000 \$ 60,000 15%
 Whidbey Island Center
 for the Arts \$ 1,200,000 \$ 180,000 15%

Total \$ ((~~38,149,814~~) \$ 5,567,972
37,119,814

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1995-97 capital budget. The list shall result from a competitive grants program developed by the department providing for:

(a) A maximum state funding amount of \$4 million in the 1995-97 biennium for new projects not previously authorized by the legislature. Maximum state grant awards shall be limited to fifteen percent of the total cost of each qualified project;

(b) Uniform criteria for the selection of projects and awarding of grants. The criteria shall address, at a minimum: The administrative and financial capability of the organization to complete and operate the project; local community support for the project; the contribution the project makes to the diversity of performing arts, museum, and cultural organizations operating in the state; and the geographic distribution of projects; and

(c) A process to provide information describing application procedures to performing arts, museum, and cultural organizations state-wide. The department may consult with and utilize existing arts organizations to assist with developing the grant criteria and administering the grant program.

Reappropriation:

St Bldg Constr Acct \$ 9,475,000

Appropriation:

St Bldg Constr Acct \$ 5,961,086

Prior Biennia (Expenditures) \$ 1,773,900

Future Biennia (Projected Costs) \$ 2,783,986

TOTAL \$ 19,993,972 -----

NEW SECTION. Sec. 22. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: To improve the security of the mentally ill offender unit

Appropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

Sec. 23. 1993 sp.s. c 22 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Construct a 64-bed, level one security facility (92-2-225)

The appropriations in this section shall not be expended until the capital project review requirements of section 1015, chapter 22, Laws of 1993 sp.s. have been met.

Reappropriation:

St Bldg Constr Acct \$ 6,215,800

Appropriation:

St Bldg Constr Acct \$ 785,600

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((6,745,800))

7,501,400

Sec. 24. 1993 sp.s. c 22 s 279 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Eagle Lodge Replacement (94-1-204)

Appropriation:

St Bldg Constr Acct \$ 2,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000

Sec. 25. 1993 sp.s. c 22 s 280 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School Repairs (94-1-501)

The appropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Appropriation:

St Bldg Constr Acct \$ 240,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000

NEW SECTION. Sec. 26. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Division of Juvenile Rehabilitation Master Plan Development (94-2-004)

(1) The department shall develop a master plan for facilities, including state institutions, state-operated and contracted group homes, and the contracted or jointly operated use of local, county, or regional facilities.

(2) The master plan shall include:

(a) A forecast, in conjunction with the office of financial management, of future confinement and rehabilitation needs of juvenile offenders, including analysis of trends, demographics, and historical patterns, frequency and degree of violence, length of stay, custody level, recidivism, and the impact of current and anticipated legislation;

(b) An analysis of present facilities and their adequacy, including operational, designed, and emergency capacity, security, safety, infrastructure, program needs, code compliance, and operational costs per unit;

(c) An analysis of options and operating and capital costs to maximize the capacity and use of presently available facilities and to optimize programs therein;

(d) An analysis of projected future needs for facilities and operational programs, including educational and vocational programs operated by the appropriate educational entities, for at least the next six years, which addresses the priorities between institutions, group homes, and use of contracted or jointly operated local or regional beds, and the size, security level, target location, timing and operating and capital costs of any additional facilities;

(e) An analysis of the adequacy of present and planned local or regional capacity, the need for additional local or regional capacity, available local financing, delays in imposing sentences due to unavailable local facilities, and the feasibility of a state role in providing assistance to develop additional local or regional capacity;

(f) An analysis of the feasibility of increasing the state's use of local or regional beds and recommendations for any statutory, fiscal, or program changes needed to keep juvenile offenders sentenced for short terms in local or regional facilities; and

(g) An analysis of which existing or future facilities would best serve as state or regional juvenile offender basic training camps and the capital and operational requirements for their development.

(3) Development of the master plan shall be done in consultation with county and local entities responsible for juvenile justice and with the appropriate policy and fiscal committees of the legislature.

(4) A preliminary report on the master plan shall be submitted to the appropriate policy and fiscal committees of the legislature no later than December 1, 1994.

(5) The division of juvenile rehabilitation shall begin efforts immediately to locate sites for additional facilities and may conduct predesign or undertake preliminary steps for site selection environmental impact statements. However, no funds shall be expended for acquisition, design, or construction of additional state institutional facilities until completion of the master plan and specific authorization by the legislature. It is the intent of the legislature to consider design and construction of additional facilities or other methods to increase capacity in the 1995-1997 biennium.

Appropriation:

CEP & RI Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 27. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Fire Safety and Sewer Improvements (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 470,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000

Sec. 28. 1993 sp.s. c 22 s 282 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Laboratory expansion, phase 2 (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 780,000

Appropriation:

St Bldg Constr Acct \$ ((12,583,468))

Prior Biennia (Expenditures) \$ 420,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((13,783,468))

112,517

1,312,517

NEW SECTION. Sec. 29. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF HEALTH

Ground water monitoring pilot project: To test public drinking water systems for organic and inorganic chemicals

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to implement Substitute House Bill No. 2616. If Substitute House Bill No. 2616 is not enacted by June 30, 1994, the appropriation in this section shall lapse.

(2) The local toxics control account shall be reimbursed by June 30, 1995, by fees sufficient to cover the cost of the program in accordance with the provisions of Substitute House Bill No. 2616 and RCW 43.20B.020.

Appropriation:

Local Toxics Control Acct \$ 2,060,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,060,000 -----

NEW SECTION. Sec. 30. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Heating System Upgrade (94-1-300)

Appropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

NEW SECTION. Sec. 31. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Roosevelt Hall Sprinkler Installation (94-1-301)

Appropriation:

CEP & RI Acct \$ 70,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000 -----

NEW SECTION. Sec. 32. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Laundry Room Improvements (94-1-302)

Appropriation:

CEP & RI Acct \$ 90,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,000 -----

Sec. 33. 1993 sp.s. c 22 s 285 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Complete facility improvements on building nine at ((Soldiers')) Veterans' Home (90-1-009)

Reappropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000 -----

Sec. 34. 1993 sp.s. c 22 s 286 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor works at ((veterans' homes)) Soldiers' Home (92-2-008)

Reappropriation:

CEP & RI Acct \$ 30,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

Sec. 35. 1993 sp.s. c 22 s 290 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair mechanical, electrical, and heating, ventilation, and air conditioning systems at Soldiers' Home (94-1-100)

Appropriation:

((CEP & RI Acct))
St Bldg Constr Acct \$ 837,057
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,821,835

TOTAL \$ 2,658,892

Sec. 36. 1993 sp.s. c 22 s 294 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair mechanical, electrical and heating, ventilation, and air conditioning systems at Veterans' Home (94-1-200)

Appropriation:

((CEP & RI Acct))
St Bldg Constr Acct \$ 1,246,611
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 726,722

TOTAL \$ 1,973,333

Sec. 37. 1993 sp.s. c 22 s 299 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

To make regulatory and code compliance improvements for the preservation of correctional facilities (94-1-001)

Up to \$230,000 may be used for improvements to Indian Ridge correctional camp in preparation for transfer of the facility to the division of juvenile rehabilitation. The camp shall be made available to the division of juvenile rehabilitation by July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 4,390,000
CEP & RI Acct \$ 300,000

Subtotal Reappropriation \$ 4,690,000

Appropriation:

St Bldg Constr Acct \$ 10,736,573
CEP & RI Acct \$ 1,225,953

Subtotal Appropriation \$ 11,962,526

Prior Biennia (Expenditures) \$ 25,863,968
Future Biennia (Projected Costs) \$ 61,726,068

TOTAL \$ 104,242,562

Sec. 38. 1993 sp.s. c 22 s 300 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

To make small repairs and improvements to correctional facilities (94-1-002)

((The reappropriation in this section is subject to the conditions and limitations of section 4017(2)(b) of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by December 1, 1994, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct \$ 10,650,000

Appropriation:

St Bldg Constr Acct \$ 9,697,577

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 44,652,002

TOTAL \$ 64,999,579

Sec. 39. 1993 sp.s. c 22 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

To repair internal building systems for the preservation of correctional facilities (94-1-004)

At least \$63,000 from the state building construction account appropriation shall be used for improvements to the Indian Ridge correctional camp in preparation for transfer of the facility to the division of juvenile rehabilitation. To ensure the efficient and timely completion of these improvements, the department shall use correctional industries and inmate labor to the greatest extent possible.

Appropriation:

St Bldg Constr Acct \$ 8,779,445

CEP & RI Acct \$ 431,568

Subtotal Appropriation \$ 9,211,013

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 65,561,403

TOTAL \$ 74,772,416

Sec. 40. 1993 sp.s. c 22 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

((Underground storage tanks)) Asbestos allocation (90-1-001)

((That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by December 1, 1994, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct \$ 256,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,500

Sec. 41. 1993 sp.s. c 22 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

For state-wide repairs and improvements (94-2-002)

((The reappropriation in this section is subject to the conditions and limitations of section 4017(2)(b) of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by March 1, 1995, the reappropriation shall lapse.

Of the appropriation in this section:

(1) \$753,000 is provided for correctional industry storage and yard projects at the Washington State Reformatory; and

(2) \$727,000 is provided for conversion of program space at Cedar Creek Corrections Center, completion of an intake-discharge unit and motor pool at the Clallam Bay Corrections Center, and conversion of the Eleanor Chase House into a work-release facility.

Reappropriation:

St Bldg Constr Acct \$ 9,742,000

Appropriation:

St Bldg Constr Acct \$ ((17,767,557))

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 110,387,730

TOTAL \$ ((137,897,287))

136,635,219

NEW SECTION. Sec. 42. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Predesign Yakima Prerelease Facility and Sewer Improvements (94-2-017)

Appropriation:

St Bldg Constr Acct \$ 240,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000

**PART 3
NATURAL RESOURCES**

Sec. 43. 1993 sp.s. c 22 s 401 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ENERGY OFFICE

Energy partnerships: Planning, development, and contract review of cogeneration projects, and development and financing of conservation capital projects, for schools and state agencies **(92-1-003) (92-1-004) (94-1-002)**

~~((The reappropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the energy efficiency construction account reappropriation is provided solely for financing conservation capital projects for schools under chapter 39.35C RCW.))~~

Reappropriation:

St Bldg Constr Acct \$ 358,000
Energy Eff Constr Acct \$ ((3,000,000))

1,000,000

Subtotal ((Appropriation))
Reappropriation \$ ((3,358,000))

1,358,000

Prior Biennia (Expenditures) \$ ((620,424))
Future Biennia (Projected Costs) \$ 0

0

TOTAL \$ ((3,978,424))

1,358,000

Sec. 44. 1993 sp.s. c 22 s 403 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

\$2,500,000 of the state and local improvements revolving account is provided solely for funding the state's cost share in the water conservation demonstration project - Yakima river reregulating reservoir.

Reappropriation:

LIRA, Water Sup Fac \$ 11,300,000
Prior Biennia (Expenditures) \$ 57,081,346
Future Biennia (Projected Costs) \$ 13,824,661

TOTAL \$ 82,206,007

Sec. 45. 1993 sp.s. c 22 s 408 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water pollution control facility loans (90-2-002)

Reappropriation:

Water Pollution Cont Rev

Fund--State \$ ((13,044,335))

13,302,561

Water Pollution Cont Rev

Fund--Federal \$ ((65,206,025))

64,947,799

Subtotal Reappropriation \$ 78,250,360

Appropriation:

Water Pollution Cont Rev Fund--

State \$ ((19,961,601))

20,239,532

Water Pollution Cont--Federal \$ ((78,689,866))

69,902,955

Subtotal Appropriation \$ ((98,651,467))

90,142,487

Prior Biennia (Expenditures) \$ 54,871,279

Future Biennia (Projected Costs) \$ 283,370,816

TOTAL \$ ((545,443,924))

506,634,942

Sec. 46. 1993 sp.s. c 22 s 423 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven: Comfort station and parking construction (89-2-119)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ ((314,349))

45,116

Prior Biennia (Expenditures) \$ ((85,448))

281,681

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((396,797))

326,797

Sec. 47. 1993 sp.s. c 22 s 427 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden: Rebuild boat launch (89-3-135)

((The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by November 1, 1994, the reappropriation shall lapse.

Reappropriation:

ORA--State \$ 275,219

Prior Biennia (Expenditures) \$ 13,639

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 288,858

Sec. 48. 1993 sp.s. c 22 s 428 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Larrabee development (89-5-002)

((The appropriation in this section is subject to the conditions and limitations of section 4017(2) (a) and (b) of this act.)) If the projects funded from the reappropriations in this section are not substantially complete by October 1, 1994, the reappropriations shall lapse.

Reappropriation:

St Bldg Constr Acct \$ 275,000

ORA--((State)) Federal \$ 140,540

Subtotal Reappropriation \$ 415,540

Prior Biennia (Expenditures) \$ 65,350

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 480,890

Sec. 49. 1993 sp.s. c 22 s 430 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Canby initial development (89-5-115)

((The appropriation in this section is subject to the conditions and limitations of section 4017(2) (a) and (b) of this act.)) If the reappropriation in this section is not expended by June 30, 1995, it shall lapse.

Reappropriation:

St Bldg Constr Acct \$ 232,813

Prior Biennia (Expenditures) \$ 26,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 259,587

Sec. 50. 1993 sp.s. c 22 s 431 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Ocean beach access (89-5-120)

Reappropriation:

~~((ORA--State \$ 286,195))~~

St Bldg Constr Acct \$ 250,000

~~((-----~~

~~Subtotal Reappropriation \$ 536,195))~~

Prior Biennia (Expenditures) \$ 27,191

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ~~((563,386))~~

277,191

Sec. 51. 1993 sp.s. c 22 s 432 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail (89-5-166)

((The appropriation in this section is subject to the conditions and limitations of section 4017(2) (a) and (b) of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by October 1, 1994, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct \$ 223,507

Prior Biennia (Expenditures) \$ 3,456

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 226,963

Sec. 52. 1993 sp.s. c 22 s 460 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Timberland purchases and common school purchases (94-2-001)

This reappropriation is provided solely and expressly to reimburse the department of natural resources for administrative expenses incurred for the replacement of timberland and common school lands.

Reappropriation:

~~((Trust Land Purchase Acct))~~

St Bldg Constr Acct \$ 750,000

Prior Biennia (Expenditures) \$ 49,250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000,000

NEW SECTION. Sec. 53. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Iron Horse trail acquisition (95-2-000)

This appropriation is provided as matching funds for a grant from the federal intermodal surface transportation efficiency act.

Appropriation:

St Bldg Constr Acct \$ 70,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

Sec. 54. 1993 sp.s. c 22 s 459 (uncodified) is amended to read as follows:

FOR SPECIAL LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

Special land purchases and common school construction (94-2-000)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~\$(27,424,000))~~ 12,424,000 of the total appropriation is provided to the state parks and recreation commission. These funds and \$15,000,000 of the state general fund appropriated to the state parks and recreation commission ("commission") in Substitute Senate Bill No. 6244 are provided ((to the state parks and recreation commission ("commission"))) solely to acquire the following trust lands that have been identified by the department of natural resources and the commission as appropriate for state park use:

- (i) Squak mountain, King county;
- (ii) Miller peninsula, Clallam county;
- (iii) Hoko river, Clallam county;
- (iv) Cascade island, Skagit county;
- (v) Skykomish river, Snohomish county;
- (vi) Leadbetter point, Pacific county;
- (vii) Square lake, Kitsap county;
- (viii) Iron Horse/Ragner, King county;
- (ix) Robe gorge, Snohomish county.

(b) Acquisitions shall be made in priority order, as determined by the commission in consultation with the department of natural resources.

(c) \$4,975,000 of the total appropriation is provided to the department of wildlife solely to acquire the following trust lands that have been identified by the department of natural resources and the department of wildlife as appropriate for wildlife habitat:

- (i) Cabin creek, Kittitas county;
- (ii) Riffe lake, Lewis county;
- (iii) Divide ridge, Yakima county.

(d) \$17,953,000 of the total appropriation is provided to the department of natural resources solely to acquire the following prioritized list of trust lands appropriate for natural area preserve, natural resource conservation area, and/or recreation use:

- (i) Mount Pilchuck, Snohomish county;
- (ii) Mt. Si, King county.

(2) Lands acquired under this section shall be transferred in fee simple. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

The state parks and recreation commission, the state wildlife commission, and the commissioner of public lands shall consider operational costs and impacts of acquiring the lands listed in subsection (1) of this section. Efforts shall be made to minimize the operational impacts through public-private partnerships, interlocal agreements or other mechanisms while carrying out the objectives of this section, provided that the aggregate ratio of revenues to the common school construction fund is maintained. Application to the board of natural resources for transfer of these properties from trustland status shall be made based on these considerations.

On December 31, 1994, the state treasurer shall transfer remaining unencumbered funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(3) Property transferred under this section shall be appraised and transferred at fair market value. The proceeds from the value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the value of the land transferred shall be used by the department of natural resources to acquire real property of equal value to be managed as common school trust land.

(4) The proceeds from the value of the land transferred under this section shall be deposited in the park land trust revolving account to be utilized by the department of natural resources for the exclusive purpose of acquiring replacement common school trust land.

(5) The department of natural resources shall attempt to maintain an aggregate ratio of 85:15 timber-to-land value in these transactions.

(6) Intergrant exchanges between common school and noncommon school trust lands of equal value may occur if the noncommon school trust land meets the criteria established by the commission and the departments of natural resources and wildlife for selection of sites and if the exchange is in the interest of both trusts.

(7) Lands and timber purchased under subsection (1)(d) of this section shall be managed under chapter 79.68, 79.70, or 79.71 RCW as determined by the department of natural resources.

(8) The state parks and recreation commission shall identify appropriate sites for a new marine state park in south Puget Sound as an alternative to the Squaxin Island state park or may enter into agreements which will provide permanent public access to Squaxin Island state park. Moneys provided under subsection (1)(a) of this section may be expended for these purposes pursuant to subsections (2) through (6) of this section.

(9) The board of natural resources shall develop a process for identifying trust lands suitable for transfer from trust status to other state or local public ownership for the benefit of the common schools.

Appropriation:

| | | |
|----------------------------------|--------------------------|--------------------------|
| St Bldg Constr Acct | \$ ((45,798,000)) | |
| | | <u>30,798,000</u> |
| Aquatic Lands Acct | \$ 4,554,000 | |
| | | ----- |
| Subtotal Appropriation | \$ ((50,352,000)) | <u>35,352,000</u> |
| Prior Biennia (Expenditures) | \$ 0 | |
| Future Biennia (Projected Costs) | \$ 0 | |
| | | ----- |
| TOTAL | \$ ((50,352,000)) | <u>35,352,000</u> |

Sec. 55. 1993 sp.s. c 22 s 462 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington wildlife and recreation program (90-5-002)

Reappropriation:

| | | |
|----------------------------------|-------------------------|-------------------------|
| ORA--State | \$ ((1,265,227)) | |
| | | <u>2,286,674</u> |
| Habitat Conservation Acct | \$ ((1,426,962)) | |
| | | <u>5,456,123</u> |
| | | ----- |
| Subtotal Reappropriation | \$ ((2,692,189)) | <u>7,742,797</u> |

Appropriation:

| | | |
|----------------------------------|---------------------|--------------------------|
| Habitat Conservation Acct | \$ 2,345,553 | |
| Prior Biennia (Expenditures) | \$ ((32,425,345)) | |
| | | <u>27,374,737</u> |

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((35,147,534))

37,463,087

Sec. 56. 1993 sp.s. c 22 s 463 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies (92-2-001)

Reappropriation:

St Bldg Constr Acct \$ ((6,048,754))

7,083,959

ORA--Federal \$ ((700,000))

1,643,644

ORA--State \$ ((3,715,970))

4,389,456

Firearms Range Acct \$ 136,892

Subtotal Reappropriation \$ ((10,604,646))

13,253,951

Prior Biennia (Expenditures) \$ ((5,979,136))

3,326,801

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,580,752

Sec. 57. 1993 sp.s. c 22 s 466 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies (94-3-001) (94-3-005)

Appropriation:

ORA--Federal \$ ((1,000,000))

984,000

ORA--State \$ 5,653,614

Subtotal Appropriation \$ ((6,653,614))

6,637,614

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((6,653,614))

6,637,614

NEW SECTION. Sec. 58. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies: Restore lapsed appropriation (94-3-006)

Appropriation:

St Bldg Constr Acct \$ 443,251

ORA--State \$ 2,296,274

Subtotal Appropriation \$ 2,739,525

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,739,525

Sec. 59. 1993 sp.s. c 22 s 468 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

NOVA projects (94-3-004)

This appropriation is in addition to the funding distribution under section 469, chapter 22, Laws of 1993 sp. sess. and shall be distributed as follows: \$3,297,600 to the ORV recreation facilities program; \$1,199,200 to the ORV education, information, and law enforcement programs; and \$499,200 to the nonhighway road recreation facilities.

Appropriation:

ORA—State \$ 4,996,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 30,496,000

Sec. 60. 1993 sp.s. c 22 s 469 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington wildlife and recreation program (94-5-002)

(1) \$32,500,000 of the state building construction account appropriation in this section shall be deposited into and is hereby appropriated from the habitat conservation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW. \$28,025,800 of the state building construction account appropriation and all of the aquatic lands enhancement account appropriation shall be deposited into and is hereby appropriated from the state outdoor recreation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW.

(2) \$1,000,000 of the outdoor recreation account appropriation shall be expended for nonhighway projects ~~((and shall be included in the calculation of expenditure limitations in RCW 46.09.470(1)(d)(iii))).~~

(3) \$1,000,000 of the outdoor recreation account appropriation shall be expended for marine recreation and water access projects and shall be part of the distribution of RCW 43.99.080(2).

(4) \$2,028,000 of the outdoor recreation account appropriation shall be expended for marine recreation and water access projects and shall be part of the distribution of RCW 43.99.080(1).

(5) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(6) The following projects are deleted from the approved list of projects established under chapter 43.98A RCW: ~~((a))~~ That portion of mule deer winter range (project number 92-638A) other than mule deer migration corridors in the Methow Valley.

(7) The legislature hereby approves, without exception, the governor's approved project list for fiscal year 1995 submitted to the legislature in January 1994.

Appropriation:

St Bldg Constr Acct \$ 60,525,800
ORA—State \$ 4,028,200
Aquatic Lands Acct \$ 446,000

Subtotal Appropriation \$ 65,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 265,000,000

NEW SECTION. Sec. 61. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Mount Spokane trail development (95-2-006)

Appropriation:

ORA—Federal \$ 125,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 125,000

Sec. 62. 1993 sp.s. c 22 s 474 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Water quality account projects: Provides grants to local conservation districts for resource conservation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

Reappropriation:

Water Quality Acct--State \$ ((348,652))

659,670

Appropriation:

Water Quality Acct--State \$ 5,224,000

Prior Biennia (Expenditures) \$ ((1,791,348))

1,480,330

Future Biennia (Projected Costs) \$ 9,120,000

TOTAL \$ ((13,484,000))

16,484,000

Sec. 63. 1993 sp.s. c 22 s 475 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access renovation (86-3-028)

((The appropriation in this section is subject to the conditions and limitations of section 4017(2) (a) and (b) of this act.)) If the reappropriation in this section is not expended by June 30, 1995, it shall lapse.

Reappropriation:

ORA--State \$ 190,000

Prior Biennia (Expenditures) \$ 21,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000

Sec. 64. 1993 sp.s. c 22 s 476 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Shorefishing access (88-5-018)

((The appropriation in this section is subject to the conditions and limitations of section 4017(2) (a) and (b) of this act.)) If the reappropriation in this section is not expended by June 30, 1995, it shall lapse.

Reappropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 671,946

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,071,946

Sec. 65. 1993 sp.s. c 22 s 477 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Illwaco boat access expansion (90-2-023)

((The appropriation in this section is subject to the conditions and limitations of section 4017(2) (a) and (b) of this act.)) If the reappropriation in this section is not expended by June 30, 1995, it shall lapse.

Reappropriation:

ORA--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 66. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Puget Sound recreational salmon and marine fish enhancement program: Acquire sites for and construct two rearing ponds (94-2-015)

Appropriation:

Recreation Fish Enhancement--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

Sec. 67. 1993 sp.s. c 22 s 507 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Fishing access area redevelopment (94-1-003)

((The appropriation in this section is subject to the conditions and limitations of section 4017(2)-(a) and (b) of this act.)) If the reappropriation in this section is not expended by June 30, 1995, it shall lapse.

Reappropriation:

Wildlife Acct--Federal \$ 107,000

ORA--State \$ 959,000

Subtotal Reappropriation \$ 1,066,000

Appropriation:

ORA--State \$ ((887,000))

126,000

Wildlife Acct--Federal \$ 500,000

Subtotal Appropriation \$ ((1,387,000))

626,000

Prior Biennia (Expenditures) \$ 1,456,000

Future Biennia (Projected Costs) \$ 7,333,400

TOTAL \$ ((10,176,400))

10,481,400

Sec. 68. 1993 sp.s. c 22 s 518 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this section is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000. No additional funds may be spent after the effective date of this act until the department has completed the study required under section 508, chapter 22, Laws of 1993 sp. sess. Furthermore, expenditures made from this appropriation shall be for a facility which is operated in conformance with the department's genetic stocking model, wild salmonid policy, and steelhead management plan.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 184,166

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,684,166

Sec. 69. 1993 sp.s. c 22 s 519 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

~~((Gloyd Seeps)) Warm Water Fish ((Hatchery)) Facility:~~ For the purchase and development of ~~((the))~~ property in eastern or central Washington by the Department of Wildlife

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall give highest priority to purchasing the Gloyd Seeps fish hatchery. However, if it is not economically feasible to do so, the department may purchase and develop alternative property in the eastern or central Washington area:

(2) The appropriation from the wildlife-state account is provided solely for a joint venture for a warm water fish facility on the Hanford Reservation: and

(3) The appropriations in this section shall not be expended for the purchase of property until the Department of Wildlife has made a determination that:

~~((1))~~ (a) The water rights to the property being transferred to the Department of Wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and

~~((2))~~ (b) The operation of a warm water fish hatchery on the property is feasible.

Appropriation:

St Bldg Constr Acct \$ ((1,870,000))

1,262,000

Wildlife Acct--State \$ 38,000

Subtotal Appropriation \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((1,870,000))

1,300,000

Sec. 70. 1993 sp.s. c 22 s 603 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ~~((TRANSPORTATION)) WILDLIFE~~

Funds to continue Mt. St. Helens recovery program (87-1-001)

~~((Reappropriation)) Appropriation:~~

St Bldg Constr Acct \$ 370,000

Prior Biennia (Expenditures) \$ 5,579,161

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,949,161

Sec. 71. 1993 sp.s. c 22 s 515 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Regional office construction (94-2-010)

Appropriation:

Wildlife Acct--State \$ ((138,000))

100,000

St Bldg Constr Acct \$ 38,000

Subtotal Appropriation \$ 138,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 138,000

Sec. 72. 1993 sp.s. c 22 s 708 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common schools: Design and construction (94-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) Not more than \$106,000,000 ((ef)) from this appropriation and the appropriation for common school construction in Substitute Senate Bill No. 6244 combined may be obligated in fiscal year 1994 for school district project design and construction.
- (2) A maximum of \$1,250,000 may be expended for direct costs of state administration of school construction funding.
- (3) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction or architectural experience to assist in evaluation of project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.
- (4) A maximum of \$75,000 is provided solely for development of an automated state inventory and facility condition management database. This database shall utilize information obtained through implementation of the new priority system developed in the 1991-93 biennium and periodic updating.
- (5) Projects approved for state assistance by the state board after the effective date of this section, in which new construction will be in lieu of modernization of an existing instructional facility or space, shall receive state assistance only if the district certifies that the existing facility or space will not be used for instructional purposes, and that the facility or space will be ineligible for any future state financial assistance. Further, if the district does return the facility or space to instructional purposes, the district shall become ineligible for state construction financial assistance for a period of at least five years as determined by the state board of education. The state board shall adopt regulations to implement this subsection.

Appropriation:

| | |
|---|---------------------------|
| Common School Constr Fund \$ ((233,179,000)) | <u>180,879,000</u> |
| St Bldg Constr Acct \$ 4,821,000 | |
| | ----- |
| Subtotal Appropriation \$ ((238,000,000)) | <u>185,700,000</u> |
| Prior Biennia (Expenditures) \$ 0 | |
| Future Biennia (Projected Costs) \$ 0 | |
| | ----- |
| TOTAL \$ ((238,000,000)) | <u>185,700,000</u> |

Sec. 73. 1993 sp.s. c 22 s 731 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Parrington Hall exterior and seismic repair (92-3-018)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015, chapter 22, Laws of 1993 sp. sess. have been met.

Reappropriation:

| | |
|--------------------------------------|-------------------------|
| UW Bldg Acct \$ ((1,675,000)) | <u>1,646,126</u> |
|--------------------------------------|-------------------------|

Appropriation:

| | |
|--|-------------------------|
| <u>UW Bldg Acct \$ 3,513,499</u> | |
| Prior Biennia (Expenditures) \$ ((80,000)) | |
| Future Biennia (Projected Costs) \$ 0 | |
| | ----- |
| TOTAL \$ ((1,759,000)) | <u>5,272,500</u> |

Sec. 74. 1993 sp.s. c 22 s 733 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Denny Hall exterior repair (92-3-020)

Reappropriation:

UW Bldg Acct \$ ((1,550,000))

2,868

Prior Biennia (Expenditures) \$ 835,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((2,385,508))

838,376

Sec. 75. 1993 sp.s. c 22 s 745 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

~~((Branch campuses (94-2-500)))~~ Tacoma branch campus (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act and the allotment requirements of section 1016 of this act have been met.

~~((3) Of the appropriation in this section, \$23,000,000 is provided for the Bothell branch campus. The remaining \$30,983,320 is provided for the Tacoma branch campus.)~~

Reappropriation:

St Bldg Constr Acct \$ 8,741,680

Appropriation:

St Bldg Constr Acct \$ ((53,983,320))

30,983,320

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ ((106,000,000))

0

TOTAL \$ ((168,725,000))

39,725,000

NEW SECTION. Sec. 76. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Bothell branch campus

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015, chapter 22, Laws of 1993 sp. sess. and the allotment requirements of section 1016, chapter 22, Laws of 1993 sp. sess. have been met.

Appropriation:

St Bldg Constr Acct \$ 2,290,000

Prior Biennia (Expenditures) \$ 4,463,419

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,753,419

Sec. 77. 1993 sp.s. c 22 s 757 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Veterinary teaching hospital construction: To construct equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The ~~((reappropriation))~~ appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 32,310

H Ed Reimb Constr Acct \$ 24,947,571

Subtotal Reappropriation \$ 24,979,881

Appropriation:

St Bldg Constr Acct \$ 7,110,500

Prior Biennia (Expenditures) \$ 2,430,703

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((27,442,894))

34,521,084

NEW SECTION. Sec. 78. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014, chapter 22, Laws of 1993 sp.s. that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

Sec. 79. 1993 sp.s. c 22 s 791 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Telecommunications: Cable replacement (90-2-004)

Reappropriation:

St Bldg Constr Acct \$ 1,400,000

EWU Cap Proj Acct \$ 97,000

Subtotal Reappropriation \$ 1,497,000

Appropriation:

EWU Cap Proj Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 1,087,392

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,584,392

Sec. 80. 1993 sp.s. c 22 s 808 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Psychology animal research facility (90-1-060)

Reappropriation:

St Bldg Constr Acct \$ 80,000

Appropriation:

CWU Cap Proj Acct \$ 200,000

Prior Biennia (Expenditures) \$ ((1,620,000))

Future Biennia (Projected Costs) \$ 0

1,935,848

TOTAL \$ ((1,790,000))

2,215,848

Sec. 81. 1993 sp.s. c 22 s 813 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Barge Hall remodel (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ ((2,550,000))

2,425,000

Prior Biennia (Expenditures) \$ ((9,031,970))

9,598,398

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((11,581,970))

12,023,398

NEW SECTION. **Sec. 82.** A new section is added to 1993 sp.s. c 22 to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014, chapter 22, Laws of 1993 sp.s. that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. **Sec. 83.** A new section is added to 1993 sp.s. c 22 to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Hertz Hall Structural Repairs (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 125,000

NEW SECTION. **Sec. 84.** A new section is added to 1993 sp.s. c 22 to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014, chapter 22, Laws of 1993 sp.s. that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 85. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Capital Museum boiler replacement (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 14,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,000

NEW SECTION. Sec. 86. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell House restoration (86-1-002)

Reappropriation:

St Bldg Constr Acct \$ 130,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500

NEW SECTION. Sec. 87. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Emergency roof repair (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 20,800
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,800

**PART 5
MISCELLANEOUS**

Sec. 88. 1993 sp.s. c 22 s 1002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies takes place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

(1) Department of social and health services:

(a) Lease-develop with option to purchase or lease-purchase a new West Seattle customer service office to combine staff currently housed in three locations for \$6,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility;

(b) Lease-develop the remodeling and expansion of the Mt. Vernon multiservice center for \$3,000,000;

- (c) Enter into a long-term lease with option to purchase the existing facility used by the office of revenue collections in Olympia for \$11,000,000;
- (d) Lease-develop with option to purchase or lease-purchase expanded office space for the office of revenue collections in Olympia for \$11,000,000;
- (e) Lease-develop with option to purchase or lease-purchase space for consolidation of Thurston county service delivery programs for \$13,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility. The department shall follow the established office of financial management predesign process and receive approval from the office of financial management before initiating design of the project; and
- (f) Lease-develop with option to purchase or lease-purchase space for consolidation of department programs in south Grays Harbor county for \$1,800,000. The department shall consider collocation with other state agencies in this facility.
- (2) Department of ecology: Lease-purchase the eastern regional office facility currently leased by the department for \$2,300,000.
- (3) Department of general administration:
- (a) Lease-purchase and upgrade an existing building, and purchase adjacent property and develop a new building in Yakima for a state government service center for \$24,800,000;
- (b) Lease-purchase the 9th and Columbia, 13th and Jefferson, and Capital Plaza buildings in Olympia for \$11,100,000. The department shall prepare an engineering evaluation, cost-benefit study, and life-cycle cost analysis reviewing the maintenance, utility, and future renovation costs for each building. The authority to acquire the buildings is contingent on approval of these studies by the office of financial management; and
- (c) Refinance and upgrade the 600 Franklin street building in Olympia for \$527,000.
- (4) Department of corrections:
- (a) Lease-purchase property from the department of natural resources at the Cedar Creek, Indian Ridge, Larch, and Olympic correctional centers for \$1,000,000;
- (b) Lease-develop with option to purchase or lease-purchase 296 work release beds in facilities located throughout the state for \$9,898,758.
- (5) Western Washington University: Lease-purchase property adjacent to the campus for future expansion for \$5,000,000.
- (6) Community and technical colleges:
- (a) Lease-develop or lease-purchase off-campus program space for Clark College for \$6,000,000;
- (b) Enter into a long-term lease for Green River Community College off-campus programs for approximately \$143,700 during the 1993-95 biennium;
- (c) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;
- (d) Lease-purchase a facility to provide instructional, meeting, and office space for Skagit Valley Community College on San Juan Island for \$600,000;
- (e) Lease-purchase property on Whidbey Island for program space for Skagit Valley Community College for \$252,000;
- (f) Lease-develop or lease-purchase space for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$250,000;
- (g) Lease-purchase 6 acres of property contiguous to Wenatchee Valley College for \$265,000;
- (h) Lease-develop with option to purchase or lease-purchase expanded classroom space for Yakima Valley College in Ellensburg for \$625,000;
- (i) Lease-develop or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000 subject to approval of the office of financial management; ~~((and))~~
- (j) Lease-purchase 55 acres adjacent to Green River Community College for \$200,000~~((-))~~;
- (k) Acquire 5.13 acres contiguous to the eastern boundary of the Skagit Valley College campus, valued at \$250,000, for future expansion of the campus as identified in the Skagit Valley College master plan;
- (l) Acquire the South Annex property, a 23,000 square-foot building adjacent to the Seattle Central Community College campus, valued at \$2,250,000, for continued use as instructional space for Seattle Central Community College programs;
- (m) Acquire a residence that abuts the Bellevue Community College campus, valued at \$180,000, for use as an English language center and long-term campus expansion;
- (n) Acquire improved instructional and work force training facilities for Spokane Community College in Colville, valued at up to \$1,500,000, in exchange for existing community college facilities in Colville valued at \$1,250,000;
- (o) Acquire 6.69 acres contiguous to the South Puget Sound Community College campus, valued at up to \$1,500,000, for future campus expansion;
- (p) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$1,200,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$2,000,000 multi-purpose/physical education facility on the Whatcom Community College campus. Whatcom Community College shall provide the balance of project costs in local funds;

(q) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$1,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW for construction of a \$1,500,000 bookstore addition to the Tacoma Community College student center. Tacoma Community College shall provide the balance of project costs in local funds;

(r) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force/vocational training facility. Columbia Basin College shall provide the balance of project costs in local funds; and

(s) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of the construction funds are currently appropriated in the capital budget.

(7) Employment security department: Enter into a long-term lease for the 19,000 square-foot Lakewood Job Service Center. \$1,600,000, for approximately \$150,000 during the 1993-95 biennium.

Sec. 89. 1993 sp.s. c 22 s 1011 (uncodified) is amended to read as follows:

(1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Unless otherwise expressly required, a full match of nonstate funds is not required to permit the expenditure of state funds for phased projects if nonstate funds are provided in an amount sufficient to complete each phase of the project in the same proportion as required of the project as a whole.

NEW SECTION. Sec. 90. 1993 sp.s. c 22 s 101 (uncodified) is repealed.

NEW SECTION. Sec. 91. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6243 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6243 and the House amendment thereto: Senators Snyder, West and Quigley.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 25, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6244 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 1993 sp.s. c 24 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ ((46,189,000))

45,265,000

Sec. 102. 1993 sp.s. c 24 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ ((35,457,000))

34,748,000

Sec. 103. 1993 sp.s. c 24 s 103 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ((2,067,000))

2,226,000

Health Services Account Appropriation \$ 565,000

TOTAL APPROPRIATION \$ ((2,632,000))

2,791,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$565,000 of the health services account--state appropriation is provided solely for studies required by Engrossed Second Substitute Senate Bill No. 5304. If that bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

(2) \$18,800 is provided for the legislative budget committee to review the department of veterans affairs, the Washington soldiers' home, and the Washington veterans' home to implement Engrossed House Bill No. 1437 to the extent permitted by the amount provided.

(3) The legislative budget committee, in consultation with the Washington state institute for public policy, shall develop a design and plan for a longitudinal study of outcomes of the K-12 special education program.

(4) The institute for public policy, in consultation with the legislative budget committee, the superintendent of public instruction, the legislative evaluation and accountability committee, and the house of representatives appropriations and senate ways and means committees shall develop a design for a study of the effectiveness of inservice education. The study shall address the type of courses and training offered, the impact of inservice training on classroom effectiveness, the role of inservice training in achieving education reform, and the effect on compensation increments allocated by the state salary allocation model. The legislative budget committee shall select the appropriate organization or organizations to conduct the study based on criteria in the study design presented by the institute for public policy. \$75,000 of the general fund appropriation is provided for the study that shall be presented to the fiscal and education committees of the legislature by January 15, 1995.

Sec. 104. 1993 sp.s. c 24 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ ((2,400,000))

2,352,000

The appropriation in this section is subject to the following conditions and limitations:

The legislative evaluation and accountability program committee, in conjunction with the K-12 legislative fiscal study committee established under chapter 336, Laws of 1993, shall prepare a study of vocational education programs for grades 9 through 12 funded through the K-12 apportionment formula of the budget. The study shall address: The historical reasons for the staffing ratios contained in the state apportionment formula; the changes in vocational instruction in the information and technology age; and the instructional requirements of integrated vocational and academic programs, traditional vocational programs, and skill center programs. The study shall include an analysis of state funding and school district expenditures in a sample of school districts engaged in the different types of vocational education programs. The study shall be submitted to the office of financial management and the fiscal committees of the legislature by December 15, 1994.

Sec. 105. 1993 sp.s. c 24 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ ((9,480,000))

9,290,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

Sec. 106. 1993 sp.s. c 24 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ ((5,952,000))

5,833,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided for the expenses of the law revision commission under chapter 1.30 RCW.

Sec. 107. 1993 sp.s. c 24 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ((9,769,000))

9,586,000

The appropriation in this section is subject to the following conditions and limitations: The supreme court is directed to fully recover all costs, including staff costs, associated with publishing supreme court opinions by the reporter of decisions.

Sec. 108. 1993 sp.s. c 24 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ((47,447,000))

17,575,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 is provided solely for an additional judicial position for the court of appeals, division II, district 3, as authorized under chapter 420, Laws of 1993 (Engrossed Substitute House Bill No. 1734).

(2) \$52,000 is provided solely for an additional judicial position for the court of appeals, division II, district 2, as authorized under chapter 420, Laws of 1993 (Engrossed Substitute House Bill No. 1734).

(3) \$281,000 is provided solely for costs associated with the additional judicial positions funded in subsections (1) and (2) of this section.

(4) Subsection (1) of this section shall take effect July 1, 1994.

(5) Subsection (2) of this section shall take effect February 1, 1995.

Sec. 109. 1993 sp.s. c 24 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ((4,043,000))

1,067,000

The appropriation in this section is subject to the following conditions and limitations: \$68,000 is provided solely to implement Substitute Senate Bill No. 6111 (ethics for state officers and employees). If the bill is not enacted by June 30, 1994, the amount provided shall lapse.

Sec. 110. 1993 sp.s. c 24 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ((24,448,000))

23,930,000

Public Safety and Education Account

Appropriation \$ 36,102,000

Judicial Information System Account

Appropriation \$ ((655,000))

5,277,000

Health Services Account Appropriation \$ 117,000

Drug Enforcement and Education Account

Appropriation \$ 6,510,000

TOTAL APPROPRIATION \$ ((67,802,000))

71,936,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,107,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$110,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5753 (judgeship for Cowlitz county). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) The administrator for the courts shall provide data processing support to the department of social and health services' division of juvenile rehabilitation in the allocation of grant moneys to local governments.

(5) \$9,820,000 of the public safety and education account is provided solely for the indigent appeals program.

(6) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(7) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(8) \$117,000 of the health services account appropriation is provided solely for the implementation of section 418 of Engrossed Second Substitute Senate Bill No. 5304 (medical malpractice review). If section 418 of the bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

Sec. 111. 1993 sp.s. c 24 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation \$ ((6,138,000))

6,015,000

The appropriation in this section is subject to the following conditions and limitations: \$186,000 is provided solely for mansion maintenance.

Sec. 112. 1993 sp.s. c 24 s 117 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

| | | |
|---|---------------------|-------------------|
| General Fund Appropriation | \$ ((8,049,000)) | <u>8,549,000</u> |
| Archives and Records Management Account | | |
| Appropriation | \$ ((3,160,000)) | <u>3,150,000</u> |
| Personnel Service Account Appropriation | \$ ((612,000)) | <u>600,000</u> |
| | | <u>600,000</u> |
| | TOTAL APPROPRIATION | \$ ((11,821,000)) |
| | | <u>12,299,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((793,532)) 702,505 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$((2,095,465)) 2,507,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) The productivity board shall not approve any payment to, or agreement with, state employees under the teamwork incentive program under chapter 41.60 RCW unless the board determines that all expenditures savings or revenue increases recognized under the teamwork incentive program award are attributable exclusively to participating employees. Awards under the teamwork incentive program shall not exceed two thousand five hundred dollars per participating employee.

Sec. 113. 1993 sp.s. c 24 s 118 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

| | | |
|----------------------------|----------------|----------------|
| General Fund Appropriation | \$ ((297,000)) | <u>300,000</u> |
|----------------------------|----------------|----------------|

Sec. 114. 1993 sp.s. c 24 s 119 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

| | | |
|----------------------------|----------------|----------------|
| General Fund Appropriation | \$ ((336,000)) | <u>338,000</u> |
|----------------------------|----------------|----------------|

Sec. 115. 1993 sp.s. c 24 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

| | | |
|--|---------------------|-------------------|
| Motor Vehicle Account Appropriation | \$ 44,000 | |
| State Treasurer's Service Fund Appropriation | \$ ((9,976,000)) | <u>9,776,000</u> |
| | | <u>9,820,000</u> |
| | TOTAL APPROPRIATION | \$ ((10,020,000)) |

The appropriations in this section are subject to the following conditions and limitations: \$((284,000)) 127,000 of the state treasurer's service account appropriation is provided solely for the information systems project known as "upgrade mainframe." Authority to expend this amount is conditioned on compliance with section 902 of this act.

Sec. 116. 1993 sp.s. c 24 s 116 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

| | | |
|----------------------------|------------------|------------------|
| General Fund Appropriation | \$ ((1,989,000)) | <u>2,114,000</u> |
|----------------------------|------------------|------------------|

Sec. 117. 1993 sp.s. c 24 s 121 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

| | | |
|-------------------------------------|----------------|----------------|
| General Fund--State Appropriation | \$ 20,000 | |
| General Fund--Federal Appropriation | \$ ((158,000)) | <u>155,000</u> |
| Motor Vehicle Fund Appropriation | \$ ((334,000)) | <u>327,000</u> |

Municipal Revolving Fund Appropriation \$ 24,454,000
Auditing Services Revolving Fund Appropriation \$ ((42,948,000))

11,778,000

TOTAL APPROPRIATION \$ ((36,984,000))

36,734,000

The appropriations in this section are subject to the following conditions and limitations: ~~((4))~~ Audits of school districts by the division of municipal corporations shall include a finding regarding the accuracy of student enrollment data and the experience and education of the district's certificated instructional staff reported to the superintendent of public instruction for the purposes of allocation of state funding.

Sec. 118. 1993 sp.s. c 24 s 123 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation \$ ((5,948,000))

6,005,000

General Fund--Federal Appropriation \$ 1,632,000

Health Services Account Appropriation \$ 175,000

Public Safety and Education Account

Appropriation \$ 1,249,000

Legal Services Revolving Fund Appropriation \$ ((96,950,000))

96,341,000

~~((Motor Vehicle Fund Appropriation \$ 748,000))~~

New Motor Vehicle Arbitration Account

Appropriation \$ 1,784,000

State Investment Board Expense Account

Appropriation \$ 7,000,000

TOTAL APPROPRIATION \$ ((408,456,000))

114,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,249,000 of the public safety and education account appropriation and \$406,000 of the general fund--state appropriation are provided solely for the attorney general's criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to appropriate committees of the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

(6) \$175,000 of the health services account appropriation and \$350,000 of the legal services revolving fund appropriation are provided solely for anti-trust activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(7) \$7,000,000 from the state investment board expense account is provided solely for attorney general costs and related expenses in pursuing litigation related to real estate investments on behalf of the state investment board.

(8) The legislature recognizes the need for the attorney general to offer competitive salaries in order to retain experienced legal staff. The attorney general shall submit a report to the legislative fiscal committees by December 1, 1994, comparing the compensation paid by the attorney general's office to other public and private agencies and firms.

(9) The attorney general shall develop recommendations, after consultation with the various state hearings boards, for cost-efficient implementation of alternative dispute resolution and report such recommendations to the appropriate committees of the legislature by December 1, 1994.

(10) \$205,000 of the general fund--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6111 (executive ethics board). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 119. 1993 sp.s. c 24 s 124 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ ((845,000))

818,000

Sec. 120. 1993 sp.s. c 24 s 125 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ ((19,575,000))

19,337,000

General Fund--Federal Appropriation \$ 918,000

Motor Vehicle Fund Appropriation \$ 109,000

Health Services Account Appropriation \$ 250,000

TOTAL APPROPRIATION \$ ((20,852,000))

20,614,000

The appropriations in this section are subject to the following conditions and limitations:

((3)) (1) The office of financial management shall evaluate the extent to which state employees could receive more efficient and less expensive service, as well as increased flexibility and return on their investments, from a deferred compensation program contracted with a private organization, and shall report its findings and recommendations to appropriate committees of the legislature by December 1, 1993.

((4)) (2) The efficiency commission shall undertake studies to determine the most effective means of delivering services currently provided by the state printer and the department of general administration's central stores.

((5)) (3) \$50,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1372 (state program evaluations). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

((6)) (4) \$100,000 of the general fund--state appropriation is provided solely for an interim task force as provided for by Engrossed Substitute House Bill No. 2054 (civil service reform).

Sec. 121. 1993 sp.s. c 24 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ ((86,244,000))

91,661,000

General Fund--Federal Appropriation \$ ((185,242,000))

182,029,000

General Fund--Private/Local Appropriation \$ 624,000

Public Safety and Education Account Appropriation \$ ((8,402,000))

9,661,000

Building Code Council Account Appropriation \$ 1,068,000

Public Works Assistance Account Appropriation \$ 1,192,000

Drug Enforcement and Education Account

Appropriation \$ 3,908,000

Low Income Weatherization Account Appropriation \$ 6,582,000

Washington Housing Trust Fund Appropriation \$ 4,643,000

Enhanced 911 Account Appropriation \$ ((20,042,000))

18,539,000

Administrative Contingency Fund Appropriation \$ 1,476,000

TOTAL APPROPRIATION \$ ((319,423,000))

323,905,000

The appropriations in this section are subject to the following conditions and limitations:

((2)) (1) \$8,208,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:

(a) \$3,630,255 to local units of government to continue existing local drug task forces;

(b) \$1,086,240 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;

(c) \$697,128 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$279,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department;

(f) \$174,840 to the department of community development to establish the youth violence prevention and intervention project;

(g) \$214,830 to the department of community development for the state-wide drug offense indigent defense program;

(h) \$782,734 to the department of corrections for the expansion of correctional industries programs. It is the intent of the legislature that this program receive an equal amount of funding from the fiscal year 1995 drug control and system improvement formula grant program appropriation;

(i) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(j) \$46,000 to the Washington state patrol for data collection; and

(k) \$410,400 to the office of financial management for the criminal history records improvement program.

(l) \$128,573 for continuation of the high impact offender prosecution project; and

(m) \$186,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

~~((5))~~ (2) \$7,020,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1995 as follows:

(a) \$3,122,000 to local units of government to continue multijurisdictional drug task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$500,000 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department of community development to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$674,000 to the department of community development to continue the youth violence prevention and intervention projects;

(f) \$215,000 to the department of community development for the state-wide drug offense indigent defense program;

(g) \$673,000 to the department of corrections for the correctional industries programs;

(h) \$412,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$46,000 to the Washington state patrol for data collection; and

(j) \$351,000 to the office of financial management for the criminal history records improvement program.

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside ~~\$(2,400,000)~~ 4,800,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.

~~((6))~~ (4) \$350,000 of the general fund--state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities including, but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.

~~((10) \$4,800,000)~~ (5) \$4,802,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.

~~((14))~~ (6) ~~\$(3,600,000)~~ 4,659,000 of the public safety and education account appropriation is provided solely for the office of crime victim's advocacy and for sexual assault treatment services.

~~((12))~~ (7) \$8,268,000 of the general fund--state appropriation and \$41,610,000 of the general fund--federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program. It is the intent of the legislature that the disaster assistance unit continue to be funded as disasters occur not on a permanent basis, and that staffing for the unit be kept to only the minimum number of positions necessary to administer the grants and meet other federal and state requirements.

(8) \$1,000,000 of the general fund--state appropriation is provided solely on a one-time basis to implement the safe schools-safe communities grant program under section 205 of Second Substitute House Bill No. 2319 (violence prevention) and for grants to fund community and school collaboration projects that: Integrate community support services in schools by placing community and school project coordinators at school sites; leverage and coordinate community resources in a nonduplicative, cost-effective, and accountable manner; and mobilize public and private resources to support youth and families. If Second Substitute House Bill No. 2319 is not enacted by June 30, 1994, the appropriation in this subsection shall lapse.

(9) \$175,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$50,000 of the general fund--state appropriation is provided solely for a grant to Yakima county to study the import-export opportunities associated with expansion of the Yakima airport in conjunction with increased economic opportunities that result from central Washington's status as a foreign trade zone.

(11) \$200,000 of the public safety and education account appropriation is provided solely for legal advocacy services for victims of domestic violence.

(12) \$725,000 of the general fund--state appropriation is provided solely for the long-term care ombudsman office, established under RCW 43.190.010.

(13) \$50,000 of the general fund--state appropriation is provided solely for a grant to Yakima county for prevention of gang-related activity. The grant shall focus on children and youth at-risk of joining gangs.

(14) \$650,000 of the general fund--state appropriation is provided solely to increase the state's emergency preparedness and planning for catastrophic events.

(15) \$1,350,000 of the general fund--state appropriation is provided solely for grants of \$350,000 each for the development of three prototypes of programmatic environmental analyses consistent with growth management comprehensive plans.

Sec. 122. 1993 sp.s. c 24 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT--FIRE PROTECTION POLICY BOARD. ((~~\$4,865,000~~) **\$4,735,000**) is appropriated to the department of community development for the purposes of the fire protection policy board. Of this amount, \$2,213,000 is from the general fund--state appropriation made in section 120 of this act, \$1,750,000 is from the fire service training account appropriation, \$466,000 is from the state toxics control account appropriation, ((~~\$346,000~~) **\$216,000**) is from the oil spill administration account appropriation, and \$90,000 is from the fire service trust account appropriation. All expenditures from these funds are subject to the approval of the fire protection policy board. In the event of an across-the-board reduction in general fund allotments under RCW 43.88.110, the percentage reduction in the general--state allotments to the fire protection policy board shall not exceed the percentage reduction to the department's other general fund--state allotments.

Sec. 123. 1993 sp.s. c 24 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund

Appropriation \$ ((~~17,162,000~~))

16,650,000

Higher Education Personnel Services Account

Appropriation \$ 1,898,000

TOTAL APPROPRIATION \$ 18,548,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$600,000 of the department of personnel service fund appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.
- (3) \$500,000 of the department of personnel service fund appropriation is provided solely for a career and employment transition program to assist permanent state employees who are separated due to reduction-in-force, including employee retraining, career counseling, and job placement services.
- (4) \$32,000 of the department of personnel service fund appropriation is provided solely for creation, printing, and distribution of the personal benefits statement for state employees.
- (5) From the department's nonappropriated data processing account, the department shall prepare a feasibility study for the design and implementation of a new human resource information system. Authority to expend funds for the feasibility study is conditioned on compliance with section 902 of this act.
- (6) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation to the deferred compensation administrative account.
- (7) The appropriation from the higher education personnel services account shall be reduced by any amounts expended prior to the effective date of this act under section 613, chapter 24, Laws of 1993 sp. sess., which is repealed by this act.

NEW SECTION. Sec. 124. HIGHER EDUCATION PERSONNEL BOARD. 1993 sp.s. c 24 s 613 is repealed.

Sec. 125. 1993 sp.s. c 24 s 128 (uncodified) is amended to read as follows:

FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account Appropriation \$ 382,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 41.04.260, the committee for deferred compensation shall charge all administrative expenses, including data processing costs, to the deferred compensation administrative account.

Sec. 126. 1993 sp.s. c 24 s 129 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ ((~~19,745,000~~))

19,350,000

Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ 19,357,000

Sec. 127. 1993 sp.s. c 24 s 131 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ ((274,000))

273,000

Sec. 128. 1993 sp.s. c 24 s 131 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund

Appropriation \$ ((1,268,000))

1,438,000

Sec. 129. 1993 sp.s. c 24 s 133 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ ((34,988,000))

31,840,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,530,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project including an assessment of the savings the department is likely to achieve as a result of this project by January 15, 1994.

(2) \$1,136,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the office of financial management on the status of this project by January 15, 1995.

(3) \$404,000 is provided solely for the increased workload resulting from the Bowles decision.

(4) \$382,000 is provided solely for the temporary increased workload resulting from 1993 legislation providing for early retirement. If a bill providing for early retirement is not passed by June 30, 1993, this amount shall lapse.

(5) The appropriation contains sufficient funds to implement House Bill No. 2028 (restoration notification).

(6) The department shall adjust the retirement systems administrative rate during the 1993-95 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding of a study of LEOFF Plan I medical liabilities by the office of the state actuary.

(7) The department shall reduce its administrative charge rate from .22 percent to .17 percent for the 1993-95 biennium.

Sec. 130. 1993 sp.s. c 24 s 134 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ ((6,939,000))

7,233,000

The appropriation in this section is subject to the following conditions and limitations: \$350,000 is provided solely for state investment board administrative expenses related to real estate litigation being conducted by the attorney general.

Sec. 131. 1993 sp.s. c 24 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ ((123,404,000))

122,121,000

Timber Tax Distribution Account Appropriation \$ 4,358,000

State Toxics Control Account Appropriation \$ ((76,000))

74,000

Solid Waste Management Account Appropriation \$ ((90,000))

88,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ ((236,000))

231,000

Vehicle Tire Recycling Account Appropriation \$ ((128,000))

125,000

Air Operating Permit Account Appropriation \$ 36,000

State Oil Spill Administration Account

Appropriation \$ ((20,000))

| | | |
|---|--------------------|--------------------|
| Litter Control Account Appropriation | \$ ((96,000)) | <u>16,000</u> |
| | | <u>94,000</u> |
| <u>Enhanced 911 Account Appropriation</u> | <u>\$ 85,000</u> | |
| TOTAL APPROPRIATION | \$ ((128,441,000)) | <u>127,228,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management." Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (2) \$85,000 of the enhanced 911 account appropriation is provided solely to implement House Bill No. 2601 (911 excise tax study). If House Bill No. 2601 or substantially similar legislation is not enacted by June 30, 1994, this appropriation shall lapse.

Sec. 132. 1993 sp.s. c 24 s 138 (uncodified) is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

| | | |
|----------------------------|---------------|---------------|
| General Fund Appropriation | \$ ((47,000)) | <u>55,000</u> |
|----------------------------|---------------|---------------|

Sec. 133. 1993 sp.s. c 24 s 139 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

| | | |
|--|------------------|------------------|
| Minority and Women's Business Revolving Fund Account | | |
| Appropriation | \$ ((2,193,000)) | <u>2,098,000</u> |

Sec. 134. 1993 sp.s. c 24 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

| | | |
|---|-------------------|-------------------|
| General Fund--State Appropriation | \$ ((393,000)) | <u>387,000</u> |
| General Fund--Federal Appropriation | \$ 1,306,000 | |
| General Fund--Private/Local Appropriation | \$ 392,000 | |
| Risk Management Account Appropriation | \$ ((2,246,000)) | <u>2,200,000</u> |
| State Capitol Vehicle Parking Account | | |
| Appropriation | \$ ((740,000)) | <u>738,000</u> |
| Motor Transport Account Appropriation | \$ ((11,024,000)) | <u>11,177,000</u> |
| Air Pollution Control Account Appropriation | \$ ((149,000)) | <u>114,000</u> |
| General Administration Facilities and Services | | |
| Revolving Fund Appropriation | \$ ((21,356,000)) | <u>21,183,000</u> |
| Central Stores Revolving Account <u>Appropriation</u> | \$ ((4,285,000)) | <u>3,941,000</u> |
| <u>Industrial Insurance Premium Refund Account</u> | | |
| <u>Appropriation</u> | <u>\$ 59,000</u> | |
| TOTAL APPROPRIATION | \$ ((41,894,000)) | <u>41,497,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.
- (2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.
- (3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.
- (4) \$200,000 of the general administration facilities and services revolving fund appropriation is provided solely for security for the capitol's west campus area.

(5) \$252,000 of the general administration facilities and services revolving fund appropriation is provided solely for administration and provision of the volunteer capitol campus tours program.

(6) (~~(\$35,000 of the air pollution control account appropriation is provided solely for the purpose of hiring one full-time equivalent employee to develop procurement specifications consistent with the requirements of RCW 43.19.570, the national energy policy act of 1992 and, to the extent possible, with the procurement specifications of other states. If matching funds are not provided by the alternative fuels industry by July 1, 1993, the amount provided in this subsection shall lapse)~~) \$160,000 of the motor transport account appropriation is provided solely to replace vehicles purchased under the treasurer's financing contract program that have been demolished by vehicular accident before the expiration of the contract.

(7) Reductions to the general administration facilities and services revolving fund appropriation in this section are intended to be the result of management and operational efficiencies and will not result in a reduced level of direct service to clients, increased delegation or transfer of work to clients, or increased rates for services provided in nonappropriated activities or on a reimbursable basis to clients.

(8) \$1,000 of the industrial insurance premium refund account appropriation is provided solely for the Washington school director's association.

(9) \$171,000 of the general administration facilities and services revolving fund is provided solely to support current planning for state-wide collocation efforts.

Sec. 135. 1993 sp.s. c 24 s 141 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ ~~((3,510,000))~~

3,440,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 of the nonappropriated data processing revolving fund shall be provided for development and operation of a video telecommunications center. The center shall be financially self-supporting and shall not receive any support from any state sources other than dedicated service fees specifically related to the use of the center.

(2) The department shall spend up to \$75,000 from the non-appropriated data processing revolving fund to design and construct a campus fiber optic system.

(3) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

Sec. 136. 1993 sp.s. c 24 s 142 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation \$ ~~((18,206,000))~~

18,301,000

General Fund--Federal Appropriation \$ 104,000

TOTAL APPROPRIATION \$ ~~((18,310,000))~~

18,405,000

The appropriations in this section are subject to the following conditions and limitations: \$890,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform. (~~(If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.)~~)

Sec. 137. 1993 sp.s. c 24 s 143 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account

Appropriation \$ ~~((1,202,000))~~

1,214,000

Sec. 138. 1993 sp.s. c 24 s 145 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ ~~((4,876,000))~~

4,778,000

The appropriation in this section is subject to the following conditions and limitations: None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

Sec. 139. 1993 sp.s. c 24 s 146 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ ((141,234,000))

110,404,000

Industrial Insurance Premium Refund Account

Appropriation \$ 132,000

TOTAL APPROPRIATION \$ 110,536,000

The appropriations in this section ((is)) are subject to the following conditions and limitations: The liquor control board shall conduct a study that identifies possible savings in contracting outbound freight with a single or small number of carriers. The board shall report to the director of financial management and the fiscal committees of the legislature by September 1, 1994, on the findings of the study, including documentation of cost savings.

Sec. 140. 1993 sp.s. c 24 s 147 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ ((29,239,000))

28,793,000

Grade Crossing Protective Fund Appropriation \$ ((320,000))

220,000

TOTAL APPROPRIATION \$ ((29,559,000))

29,013,000

The appropriations in this section are subject to the following conditions and limitations:

Subject to commission approval, no more than \$250,000 of the public service revolving fund appropriation may be spent to assist the legislature and the governor in studying the current statutes and administrative procedures for ~~((the optimum future capability for voice, video,))~~ telecommunications and information services in Washington state.

(2) \$50,000 of the public service revolving fund appropriation is provided solely for a study of the commission's regulation of water companies. The study shall include a review of the commission's current regulatory approach, existing challenges, and recommendations for a new regulatory strategy. The commission shall report to the governor and the appropriate committees of the legislature by November 15, 1994.

Sec. 141. 1993 sp.s. c 24 s 149 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ ((8,365,000))

8,198,000

General Fund--Federal Appropriation \$ ((8,850,000))

8,669,000

General Fund--Private/Local Appropriation \$ 186,000

TOTAL APPROPRIATION \$ ((47,404,000))

17,053,000

Sec. 142. 1993 sp.s. c 24 s 150 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ ((1,774,000))

3,348,000

~~((Employment Relations Account Appropriation \$ 2,637,000~~

~~TOTAL APPROPRIATION \$ 4,408,000))~~

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in consultation with appropriate house of representatives and senate policy and fiscal committees, shall devise a plan for funding the public employment relations commission, either in whole or in part, through a revolving fund beginning in fiscal year 1996.

Sec. 143. 1993 sp.s. c 24 s 152 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Fund Appropriation \$ ((3,031,000))

3,281,000

Mortgage Brokers Account Appropriation \$ 187,000

TOTAL APPROPRIATION \$ 3,468,000

~~((The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5270, or substantially similar legislation, creating a department of financial institutions is not enacted by July 1, 1993, the securities regulation fund appropriation shall be null and void and the department of licensing general fund--state appropriation shall be increased by \$3,031,000.))~~

Sec. 144. 1993 sp.s. c 24 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation \$ ((25,026,000))

| | |
|---|-------------------|
| | <u>24,922,000</u> |
| General Fund--Federal Appropriation \$ 458,000 | |
| General Fund--Local Appropriation \$ 40,000 | |
| Marketplace Account Appropriation \$ 150,000 | |
| Motor Vehicle Fund Appropriation \$ 582,000 | |
| Public Facilities Construction Loan Revolving Account Appropriation \$ 238,000 | |
| Litter Control Account Appropriation \$ ((3,340,000)) | |
| | <u>3,303,000</u> |
| State Convention/Trade Center Account Appropriation \$ 3,975,000 | |
| Solid Waste Management Account Appropriation \$ ((701,000)) | |
| | <u>689,000</u> |
| TOTAL APPROPRIATION \$ ((34,480,000)) | <u>34,357,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

~~((5))~~ (2) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

~~((6))~~ (3) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.

~~((7))~~ (4) \$1,000,000 of the general fund--state appropriation is provided to enhance the off-season tourism program.

~~((8))~~ (5) \$292,000 of the general fund--state appropriation and \$208,000 of the general fund--federal appropriation are provided for the local economic development capacity building initiative.

~~((10))~~ (6) \$50,000 of the general fund--state appropriation is provided for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

~~((14))~~ (7) Not more than \$774,000 of the general fund--state appropriation may be expended for the operation of the Pacific Northwest export assistance project. The department shall develop and implement a plan for assessing fees for services provided by the project. The amount provided in this subsection is contingent on the receipt of revenues equal to at least twenty-five percent of the expenditures for fiscal year 1995. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996, seventy-five percent of the expenditures in fiscal year 1997, and beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

~~((12))~~ (8) \$40,000 of the general fund--state appropriation is provided to establish an overseas trade office to be located in the Russian far east. An additional \$40,000 of the general fund--state appropriation shall be held in reserve and shall be released only upon receipt of at least \$40,000 from the ports association or other public entities for the operation of the office. The office is expressly prohibited from accepting any gifts, contributions, or donations of private funds or assistance. It is also the legislature's intent that the trade office remain a publicly owned and operated office for the primary benefit of Russian and Washington state businesses.

~~((13))~~ (9) In implementing the appropriations set forth in this section, the department shall minimize disproportionate impacts on any programs.

(10) \$250,000 of the general fund--federal appropriation is provided for sections 5, 6, and 16 through 27 of chapter 512, Laws of 1993 (minority and women-owned businesses).

(11) \$30,000 of the general fund--state appropriation is provided solely for an economic analysis related to the construction and operation of a baseball sports facility in King county. The study shall include an analysis of the tax revenues generated as a result of the facility. Each dollar expended from the appropriation in this subsection shall be matched by at least five dollars from nonstate sources expended for the same purpose.

(12) \$632,000 of the general fund--state appropriation is provided solely for the promotion of international trade.

(13) The department shall make no expenditures for the center for international trade in forest products after June 30, 1994.

(14) \$25,000 of the general fund--state appropriation is provided solely for the minority and women export assistance program.

(15) \$30,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 6146 (film and video production facility). If Senate Bill No. 6146 is not enacted by June 30, 1994, this appropriation shall lapse.

Sec. 145. 1993 sp.s. c 24 s 151 (uncodified) is amended to read as follows:

DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT. On July 1, 1994, all appropriations and all conditions and limitations contained in sections 217 and 308 of this act shall be provided for the department of community, trade, and economic development. ~~((If Engrossed Substitute Senate Bill No. 5868 or substantially similar legislation creating a department of community, trade, and economic development is not enacted by July 1, 1994, this section shall have no effect.))~~ If either House Bill No. 2677 or Senate Bill No. 6345 or substantially similar legislation is enacted by the 1994 session of the legislature, then all appropriations and all conditions and limitations in this act shall be provided for the department of community, trade, and economic development on the date specified for the merger of the two departments in that legislation.

Sec. 146. 1993 sp.s. c 24 s 318 (uncodified) is amended to read as follows:

FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund Appropriation \$ ~~((3,928,000))~~

2,968,000

Sec. 147. 1993 sp.s. c 24 s 316 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account

Appropriation \$ ~~((19,474,000))~~

20,251,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$810,000 of the revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3) is provided solely for marketing the facilities and services of the convention center and for promoting the locale as a convention and visitor destination, and for related activities.

(2) \$1,000,000 of the state convention and trade center account appropriation is provided solely for the state's share of the following:

(a) The state convention and trade center in collaboration with the city of Seattle, is directed to prepare a development plan for a joint-use building which would include: (i) Uses for the city of Seattle; (ii) one hundred forty thousand square feet of new contiguous heavy load exhibit space with support structures including loading facilities, storage, access and exit ways, and mechanical and electrical spaces; and (iii) development costs to be shared by the city of Seattle and the convention center.

(b) At a minimum the plan shall include the following elements: (i) Financial feasibility; (ii) financing requirements for both the city and state; (iii) exploration of alternative funding and financing mechanisms; (iv) economic and civic impacts; (v) schematic designs; and (vi) alternative uses of the new building for the city. Any studies previously undertaken on uses of the expansion which are applicable may be incorporated in the proposed structure and shall be considered in developing the plan.

(c) Costs of the plan and related studies shall be shared by the state convention and trade center and the city of Seattle.

(d) A convention center expansion and city facilities task force is created. The purpose of the task force is to meet and consult with officials from the city of Seattle and the convention center. The task force shall review and evaluate the plan and prepare subsequent recommendations to the fiscal committees of the legislature. The task force shall submit its recommendations to the appropriate fiscal committees of the legislature on or before January 1, 1995. The task force shall be co-chaired by a member from the senate and a member from the house of representatives. Membership shall be composed as follows: (i) One member each from the majority and minority caucuses of the senate and the house of representatives; (ii) three members from the city of Seattle selected by the mayor; (iii) three members selected by the governor; and (iv) the director or the director's designee from the office of financial management.

**PART III
HUMAN SERVICES**

Sec. 201. 1993 sp.s. c 24 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation \$ ~~((292,004,000))~~

282,953,000

General Fund--Federal Appropriation \$ ~~((193,407,000))~~

215,631,000

Drug Enforcement and Education Account

Appropriation \$ 3,722,000

TOTAL APPROPRIATION \$ ~~((489,433,000))~~

The appropriations in this section are subject to the following conditions and limitations:

(1) \$854,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(2) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event that the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) (~~(\$14,984,000 of the general fund--state appropriation and \$14,632,000 of the general fund--federal appropriation are provided to establish a state child care block grant by July 1, 1994. The department shall develop a plan for administering the block grant which shall include: (a) A state-wide distribution formula; (b) a block grant application process that encourages the cooperative efforts of local governments, resource and referral agencies, and other not-for-profit organizations involved with child care; (c) recommendations about cost-effective ways to administer child care subsidies in rural areas of the state; and (d) recommendations for the percentage of the grant to be used for local administration. The plan shall be presented to the appropriate legislative committees by January 1, 1994.~~)

(5)) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 550,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

((~~(6)~~) (5) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

((~~(8)~~ \$8,792,000 of the general fund--state appropriation is provided solely to implement the following programs: \$385,000 of this amount is provided for the medical training project on the evaluation and care of child sexual abuse, \$4,784,000 of this amount is provided for contracts for domestic violence shelters and comprehensive domestic violence service planning, \$2,841,000 of this amount is provided for early identification and treatment of child sexual abuse, and \$782,000 of this amount is provided for sexual assault centers.))

(6) \$1,175,000 of the general fund--state appropriation and \$2,693,000 of the general fund--federal appropriation are provided solely to implement community-based planning and services for children and families under sections 106 through 126 of Second Substitute House Bill No. 2319 (violence prevention). If Second Substitute House Bill No. 2319 is not enacted by June 30, 1994, the appropriation in this subsection shall lapse.

(7) \$217,000 of the general fund--state appropriation is provided solely to implement a research project on therapeutic child care under sections 127 and 128 of Second Substitute House Bill No. 2319 (violence prevention). If Second Substitute House Bill No. 2319 is not enacted by June 30, 1994, the appropriation in this subsection shall lapse.

(8) \$1,200,000 of the general fund--state appropriation is provided solely to implement before-and-after-school child care under sections 129 and 130 of Second Substitute House Bill No. 2319 (violence prevention). Of this amount, \$876,000 is provided to serve an additional 518 low income children and \$324,000 is provided for one time technical assistance grants to school districts and nonprofit community organizations to facilitate additional before-and-after-school child care programs. If Second Substitute House Bill No. 2319 is not enacted by June 30, 1994, the appropriation in this subsection shall lapse.

(9) \$900,000 of the general fund--state appropriation is provided solely to implement domestic violence treatment services under sections 131 and 132 of Second Substitute House Bill No. 2319 (violence prevention). If Second Substitute House Bill No. 2319 is not enacted by June 30, 1994, the appropriation in this subsection shall lapse.

(10) \$800,000 of the general fund--state appropriation is provided solely to implement the comprehensive plan to coordinate services for homeless children and families.

(11) \$835,000 of the general fund--state appropriation and \$696,000 of the general fund--federal appropriation are provided solely to enhance and expand the therapeutic child development program.

Sec. 202. 1993 sp.s. c 24 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ ((~~60,629,000~~))

General Fund--Federal Appropriation \$ ((6,639,000)) 6,580,000

Drug Enforcement and Education Account
Appropriation \$ ((1,552,000)) 1,743,000

TOTAL APPROPRIATION \$ ((68,820,000)) 73,859,000

The appropriations in this subsection are subject to the following conditions and limitations:

\$4,000,000 of the general fund--state appropriation is provided solely for consolidated juvenile services for at-risk youth.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ((56,655,000)) 80,901,000

Drug Enforcement and Education Account
Appropriation \$ ((940,000)) 826,000

TOTAL APPROPRIATION \$ ((57,595,000)) 81,727,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1993, on proposals to implement early release and structured transition services for juvenile offenders.

(b) The department of general administration, in conjunction with the division of juvenile rehabilitation and other state agencies, shall evaluate and make recommendations on the future use of the Green Hill school and/or property as a state facility. The recommendations shall be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 1993.

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ ((2,926,000)) 3,428,000

General Fund--Federal Appropriation \$ 156,000
Drug Enforcement and Education Account
Appropriation \$ ((342,000)) 265,000

TOTAL APPROPRIATION \$ ((3,424,000)) 3,849,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(b) \$511,000 of the general fund--state appropriation is provided solely to implement the provisions of Second Substitute House Bill No. 2906 establishing an assistant secretary for the division of juvenile rehabilitation, creating a sentencing commission for juveniles, directing planning for system-wide implementation of vocational education, substance abuse treatment and diagnostic services, and planning and development of a youth boot camp. If Second Substitute House Bill No. 2906 is not enacted by June 30, 1994, the appropriation in this subsection shall lapse.

(c) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1994, on proposals to construct and operate juvenile facilities in this state at a cost of no more than the national average. The division shall identify statutory, policy, and personnel decisions that have caused this state to have higher construction and operating costs than the national average.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 1,296,000
Sec. 203. 1993 sp.s. c 24 s 204 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM
(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS
General Fund--State Appropriation \$ ((239,529,000)) 236,460,000

General Fund--Federal Appropriation \$ ((168,680,000)) 166,309,000

General Fund--Local Appropriation \$ 9,000,000
TOTAL APPROPRIATION \$ ((417,209,000))

The appropriations in this section are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund--state appropriation and \$5,409,000 of the general fund--federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of social and health services shall issue practice guidelines to assist mental health regional support networks and providers determine the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund--state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,080,000 of the general fund--federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(d) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(e) \$560,000 of the general fund--state appropriation is provided solely to assist western Washington regional support networks in reducing the average daily population of western state hospital.

(f) The secretary of social and health services shall assure that any reductions in state grants to recover state payments subsequently reimbursed through federal sources are targeted to those providers at which federal recoveries will actually occur. The reductions shall not be spread on a formula basis across all providers and regional support networks.

(g) The department shall submit recommendations to the house of representatives appropriations committee and the senate ways and means committee by January 1, 1995, on methods to reduce the population of the state hospitals. Recommendations shall be developed in consultation with the regional support networks. Recommendations shall include the number of wards to be closed, the type of wards to be closed, the community capacity increases required to absorb the loss of state hospital capacity, and the costs and savings associated with the closures and the increases in community capacity.

(h) The department shall submit to the house of representatives appropriations committee and the senate ways and means committee by January 1, 1995, a report outlining the following: The ratio of state to local short term commitments, the number of clients receiving services, service types, and the method of measuring service delivery for each service type. The report shall be presented so that each quarter of this biennium and the 1991-93 biennium is identified separately, each regional support network is identified separately, and each service type is identified separately. Service types shall include at least residential programs, employment programs, and other service types that lead to normalizing activities.

(2) INSTITUTIONAL SERVICES

| | | |
|---|---------------------|--------------------|
| General Fund--State Appropriation | \$ ((146,577,000)) | |
| | | <u>133,118,000</u> |
| General Fund--Federal Appropriation | \$ ((87,044,000)) | |
| | | <u>99,320,000</u> |
| General Fund--Local Appropriation | \$ 42,498,000 | |
| Charitable, Educational, Penal and | | |
| Reform Institutions Account Appropriation | \$ 3,000,000 | |
| Industrial Insurance Premium Refund Account | | |
| Appropriation | \$ 507,000 | |
| | TOTAL APPROPRIATION | <u>278,443,000</u> |
| | \$ ((279,593,000)) | |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) From appropriations provided in this section and in section 208 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(c) The secretary of social and health services shall phase out operation of the PORTAL program at the northern state multi-service center. In accomplishing this phase down, the secretary shall:

(i) Work with regional support networks, families and advocacy groups, and other community service providers to assure that appropriate community services are in place for people transitioning out of the PORTAL program; and

(ii) Develop and implement a transition plan for state employees dislocated by the phase down of the PORTAL program. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security, retraining and placement into other state jobs, placement of state employees with private contractors, and small business assistance.

~~((e) \$560,000 of the general fund--state appropriation is provided solely to assist western Washington regional support networks in reducing the average daily population of western state hospital.))~~

(d) The division is authorized to purchase goods and services for the state hospitals through alternative means and shall coordinate these efforts with the office of procurement services within the department of general administration.

(3) CIVIL COMMITMENT

General Fund Appropriation \$ 5,718,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation \$ 1,899,000

General Fund--Federal Appropriation \$ 2,946,000

TOTAL APPROPRIATION \$ 4,845,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation \$ ~~((4,882,000))~~

4,951,000

General Fund--Federal Appropriation \$ ~~((1,826,000))~~

1,757,000

TOTAL APPROPRIATION \$ 6,708,000

Sec. 204. 1993 sp.s. c 24 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ ~~((204,084,000))~~

205,153,000

General Fund--Federal Appropriation \$ ~~((134,660,000))~~

130,724,000

TOTAL APPROPRIATION \$ ~~((338,744,000))~~

335,877,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ~~((124,133,000))~~

125,442,000

General Fund--Federal Appropriation \$ ~~((165,704,000))~~

163,647,000

General Fund--Local Appropriation \$ 9,143,000

TOTAL APPROPRIATION \$ ~~((299,837,000))~~

298,232,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ ~~((5,665,000))~~

5,673,000

General Fund--Federal Appropriation \$ ~~((974,000))~~

963,000

TOTAL APPROPRIATION \$ 6,636,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing the building and administration at Interlake School. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual shall be moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund--state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

~~((iv))~~ (iii) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs; and

~~((iv))~~ (iv) A report is submitted to appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4)(a), and their outcomes.

~~(b)~~(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers; and

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level~~((:))~~.

(c) In addition to slots needed to accommodate persons moving from ICF/MR and nursing facilities, the secretary shall seek federal approval to expand by at least ~~((500))~~ 750 the number of persons receiving services under federal medicaid home- and community-based services waivers. If the waiver request is not approved by the federal health care financing administration, the secretary is authorized to use up to ~~\$(15,000,000))~~ 18,000,000 of the general fund--state appropriation to develop intermediate care facilities for the mentally retarded, personal care, rehabilitative, and other services reimbursable under medicaid without a waiver of federal rules. The secretary shall report to the ways and means committee of the senate and the appropriations committee of the house of representatives by February 1, 1994, on the outcome of these efforts.

(d) The secretary shall report to appropriate committees of the legislature by January 1, 1994, on efforts to obtain federal approval to include living units at Fircrest school as group homes under medicaid home- and community-based services waivers.

(e) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programmatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment-related work expense (IRWE).

(f) Counties shall use a portion of the general fund--state appropriation for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(g) ~~\$(2,240,000))~~ 1,935,000 of the general fund--state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

(h) The department shall submit recommendations to the house of representatives appropriations committee and the senate ways and means committee by January 1, 1995, for increasing the efficiency of community residential services funded under this act. The recommendations shall include specific strategies and timelines for reducing the per person cost of residential services during the 1993-95 biennium and the 1995-97 biennium. They shall identify specific strategies to take advantage of economies of size and to encourage providers to develop and sustain community supports. The recommendations shall identify the level and type of supports required to support consumers in different settings and the costs associated with those supports.

Sec. 205. 1993 sp.s. c 24 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

| | | |
|---|-------------------------------|----------------------|
| General Fund--State Appropriation | \$ ((648,987,000)) | <u>629,313,000</u> |
| General Fund--Federal Appropriation | \$ ((738,027,000)) | <u>727,267,000</u> |
| General Fund--Private/Local Appropriation | \$ 2,004,000 | |
| TOTAL APPROPRIATION | \$ 1,359,018,000)) | <u>1,358,584,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) During the first quarter of the fiscal biennium, the department shall transfer recipients of the chore services program who require assistance with household tasks only to the volunteer chore services program. At least \$2,277,000 of the general fund--state appropriation shall be used solely for the volunteer chore services program.

(2) By October 1, 1994, the secretary shall develop a waiver request to the federal government to seek federal authorization to establish through regional planning processes specific numerical targets and limits on the number of medicaid recipients served in the various types of long-term care facilities and to selectively contract for long-term care services based on considerations of contractor cost and quality.

(3) \$100,000 of the general fund--state appropriation and \$100,000 of the general fund--federal appropriation are provided solely for studying and developing a nursing home case mix reimbursement methodology.

(4) \$354,000 of the general fund--state appropriation and \$354,000 of the general fund--federal appropriation are provided solely to develop a management information system to collect and maintain information on home and community-based long-term care services and clients.

(5) \$180,000 of the general fund--state appropriation is provided solely for adult day health services for persons with AIDS. These services shall be provided through a state-only program by a single agency specializing in long-term care for persons with AIDS.

(6) \$150,000 of the general fund--state appropriation is provided solely for the purpose of accelerating the criminal background check process for employees of long-term care facilities, including reducing the turnaround time for nursing facilities licensed under chapter 18.51 RCW and carrying out in full the duties imposed on the department under section 14(2) of Engrossed Second Substitute House Bill No. 2154.

Sec. 206. 1993 sp.s. c 24 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

| | | |
|-------------------------------------|--------------------|----------------------|
| General Fund--State Appropriation | \$ ((653,252,000)) | <u>698,640,000</u> |
| General Fund--Federal Appropriation | \$ ((599,986,000)) | <u>610,195,000</u> |
| TOTAL APPROPRIATION | \$ 1,253,238,000) | <u>1,308,835,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(2) \$164,000 of the general fund--state appropriation and \$196,000 of the general fund--federal appropriation are provided solely to implement the comprehensive plan to coordinate services for homeless children and families. AFDC families whose children are in short-term (less than ninety days) foster care shall retain their grants. In addition, AFDC shall be reactivated for families at risk of homelessness thirty days prior to family reunification for children placed in foster care for more than ninety days.

(3) \$644,000 of the general fund--state appropriation and \$712,000 of the general fund--federal appropriation are provided solely for the elimination of the one hundred hour rule for recipients of aid to families with dependent children--employable. This change shall take effect July 1, 1994, if the federal government has approved this amendment to the Title IV federal social security act state plan.

Sec. 207. 1993 sp.s. c 24 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

| | | |
|---|--------------------|--------------------|
| General Fund--State Appropriation | \$ ((15,355,000)) | <u>10,542,000</u> |
| General Fund--Federal Appropriation | \$ ((65,475,000)) | <u>65,548,000</u> |
| Drug Enforcement and Education Account Appropriation | \$ ((68,572,000)) | <u>73,792,000</u> |
| TOTAL APPROPRIATION | \$ ((149,402,000)) | <u>149,882,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$304,000 of the general fund--federal appropriation is provided to enact sections 3, 4, and 5 of Engrossed Substitute House Bill No. 2026 (high risk pregnancies). These funds will be used to implement three pilot projects involving pretreatment drug and alcohol services for women of child-bearing age.

(2) From appropriations provided in this section and in section 204 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete

treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(3) \$50,000 of the general fund--state appropriation is provided solely to develop a protocol for integrating family planning practices into substance abuse treatment programs and to provide technical assistance on the protocol to ten treatment agencies throughout the state.

(4) \$225,000 of the general fund--state appropriation is provided solely for developing a counseling and referral protocol for incorporating responsible family planning practices into the case find activities of the division, for serving all substance abusing women of child-bearing age in King County, and to also replicate the protocol in two urban and two mid-size existing outreach programs.

(5) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

Sec. 208. 1993 sp.s. c 24 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

| | | |
|--|--------------------|----------------------|
| General Fund--State Appropriation | \$ 4,167,705,000)) | <u>1,199,854,000</u> |
| General Fund--Federal Appropriation | \$ 4,804,308,000)) | <u>1,790,514,000</u> |
| General Fund--Local Appropriation | \$ ((361,996,000)) | <u>361,558,000</u> |
| Health Services Account Appropriation | \$ ((54,777,000)) | <u>57,979,000</u> |
| TOTAL APPROPRIATION \$ 3,388,786,000)) | | <u>3,409,905,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(2) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(3) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(4) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(5) ~~\$(148,000))~~ 144,000 of the general fund--state appropriation is provided solely to continue the DECODE program.

(6) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(7) ~~\$(50,240,000))~~ 53,442,000 of the health services account--state appropriation and ~~\$(61,404,000))~~ 58,202,000 of the general fund--federal appropriation are provided solely to expand medicaid eligibility to 200 percent of poverty for children through age 18, effective July 1, 1994. The appropriation in this subsection includes \$662,000 from the health services account--state and \$808,000 from general fund--federal to accelerate the implementation of managed care in the medicaid program. It also includes funds to administer the expanded caseload and to coordinate with the basic health plan. This subsection includes funds for full coverage of children enrolled in the basic health plan and eligible for medicaid under eligibility standards in place July 1, 1993. It is the intent of the legislature that children covered through this expanded coverage shall be enrolled in managed care plans to the maximum extent possible. The department shall seek to expand its managed care waivers to require children funded through this subsection to enroll in the basic health plan or other managed care systems. The department shall create a special eligibility category for children covered by this eligibility expansion, so that expenditures, unit costs and individuals served may be reported consistently over time. The department shall also provide for consistent reporting on other medicaid children served through the basic health plan.

(8) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(9) \$1,693,000 of the health services account appropriation is provided solely to expand maternity care services previously supported through the department of health.

(10) \$100,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for one-time additional outreach efforts to extend family planning coverage to more women and to establish on-site family planning capabilities at the Spokane North community services office.

(11) \$400,000 of the general fund--state appropriation and \$400,000 of the general fund--federal appropriation are provided solely for transitioning social security income clients to the healthy options managed care program during the current biennium.

(12) The department is prohibited from requiring prior authorization for nonmedical reasons for prescription drugs and medications for medicaid eligible recipients. The department shall evaluate options by October 1, 1994, for reducing expenditures for prescription drugs and medications, including a point-of-sale prospective drug utilization review.

NEW SECTION. Sec. 209. A new section is added to chapter 24, Laws of 1993 sp.s. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-MEDICAL ASSISTANCE ADMINISTRATION.

\$50,000 from the general fund--state and \$50,000 from the general fund--federal are appropriated for the purposes of examining selective state-wide contracting as a cost-saving measure. Items to be considered for selective state-wide contracting include, but are not limited to, prescription drugs, durable medical equipment, eyeglasses, and hearing aids. Selective contracts should be considered both as a way to provide a benchmark price in negotiating with managed care plans for the inclusion of particular services and as a way to supplement managed care plans unable to offer particular services. By December 1, 1994, the department shall report to the fiscal committees of the legislature the fiscal impact of selective state-wide contracting for those items examined.

NEW SECTION. Sec. 210. A new section is added to chapter 24, Laws of 1993 sp.s. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-MEDICAL ASSISTANCE ADMINISTRATION.

\$50,000 from the general fund--state and \$50,000 from the general fund--federal are appropriated for the purposes of analyzing the scope of services provided to medical assistance clients. As part of the health care reform process initiated by chapter 492, Laws of 1993, the department and the office of financial management shall compare the current scope of medical assistance services to those provided by: (1) The basic health plan, (2) the uniform benefits package, and (3) the state employee health insurance package. The comparison of the scope of services shall take into account the relative ability to pay of medical assistance clients and those persons receiving coverage under (1), (2), and (3) of this section. To the extent that the health services commission has not decided upon a preliminary uniform benefits package at an early enough date for the analysis required in (2) of this section, the basic health plan plus the additional benefits called for in section 449, chapter 492, Laws of 1993 shall be substituted for the uniform benefits package. The department and the office of financial management shall report the fiscal impacts of setting the scope of medical assistance benefits to the packages described in (1), (2), and (3) of this section to the fiscal committees of the legislature by December 1, 1994.

NEW SECTION. Sec. 211. A new section is added to chapter 24, Laws of 1993 sp.s. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-MEDICAL ASSISTANCE ADMINISTRATION.

\$50,000 from the general fund--state and \$50,000 from the general fund--federal are appropriated for the purposes of analyzing the definition of medical necessity. The department and the office of financial management shall analyze possible alterations to this definition including, but not be limited to: (1) Consideration of the probabilities of success of high-cost treatments; (2) whether a high-cost treatment will provide any appreciable positive impact on a patient's quality of life; and (3) consideration of a patient's other existing medical conditions and expected remaining years of life. This analysis shall be undertaken in consultation with relevant health care providers and bioethicists. No later than December 1, 1994, the department and the office of financial management shall report to the fiscal committees of the legislature the associated changes in the type, frequency, or intensity of medical assistance services to be provided under the various definitions of medical necessity along with the fiscal impacts of such changes.

Sec. 212. 1993 sp.s. c 24 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation \$ ((15,406,000))

15,681,000

General Fund--Federal Appropriation \$ 68,237,000

General Fund--Local Appropriation \$ 2,127,000

TOTAL APPROPRIATION \$ ((83,643,000))

86,045,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with mental health regional support networks and with community developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies. Of the funds appropriated in this section, \$7,859,000 of the general fund--federal appropriation is provided solely as match for ~~((state appropriations included in other sections of this act to implement these cooperative agreements))~~ the general fund--local appropriation included in this section.

(2) The division of vocational rehabilitation shall assure that individuals affected by reductions in the job support services (extended sheltered employment) program have access to services under the regular state and federal vocational rehabilitation program that will enable them to obtain and maintain ongoing competitive or supported employment.

(3) \$275,000 of the general fund--state appropriation and \$1,015,000 of the general fund--federal appropriation is provided solely for vocational rehabilitation services for individuals with severe disabilities who complete a high school curriculum during the 1993-95 biennium.

(4) Expenditure of funds appropriated in this section for the information systems project known as STARS is conditioned upon compliance with section 902, chapter 24, Laws of 1993 sp. sess.

Sec. 213. 1993 sp.s. c 24 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation \$ ((46,547,000))

44,889,000

General Fund--Federal Appropriation \$ ((37,420,000))

38,172,000

TOTAL APPROPRIATION \$ ((83,967,000))

83,061,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) The department shall enter an interagency agreement transferring \$100,000 to the human rights commission by August 1, 1993, to offset the cost of investigating claims filed with the commission by department employees and clients.

(6) The secretary of social and health services and the director of labor and industries shall negotiate and implement an upfront loss control discount as recommended in the agencies' January 1994 report to the legislature. The agreement shall identify: (a) Specific, measurable goals for reduced worker injuries and time-loss in the state developmental disabilities institutions and mental hospitals; (b) the actions that each agency will take to accomplish such reductions; and (c) the methods and frequency with which progress toward those goals shall be reported. By July 1, 1994, and every six months thereafter, the departments shall report to the appropriate fiscal and policy committees of the legislature on the status of the agreement and changes to date in injury and time-loss rates.

Sec. 214. 1993 sp.s. c 24 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation \$ ((249,837,000))

222,878,000

General Fund--Federal Appropriation \$ ((257,237,000))

255,688,000

Health Services Account Appropriation \$ 793,000

TOTAL APPROPRIATION \$ ((477,867,000))

479,359,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((8,953,000)) 12,110,000 of the general fund--state appropriation and \$((24,683,000)) 17,454,000 of the general fund--federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads. In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

(3) \$793,000 of the health services account--state and \$969,000 of the general fund--federal appropriation are provided solely for the costs associated with expanding medicaid eligibility to 200 percent of poverty level for children through age 18, effective July 1, 1994.

(4) The department shall immediately develop mechanisms for the income assistance program, the medical assistance program, and community services administration to facilitate the enrollment in the federal supplemental security income program for disabled persons currently receiving aid to families with dependent children.

(5) \$611,000 of the general fund--state appropriation and \$611,000 of the general fund--federal appropriation are provided solely to train community service office staff in the effective communication of the expectation that public assistance recipients will enter employment, provide family planning and employment information and educational video programs in the community service office waiting rooms, and hold community meetings and workshops to involve community members and clients in developing effective strategies for service delivery.

(6) \$1,897,000 of the general fund--state appropriation and \$2,197,000 of the general fund--federal appropriation are provided solely to implement provisions of Engrossed Second Substitute House Bill No. 2798 (public assistance reform) which provide for increased access to family planning in the community service offices, require a system to track recipients who leave assistance having taken any job offered, coordination and planning of an evaluation of state-wide changes to public assistance which take effect July 1, 1995, and changes to the automated client eligibility system.

(7) \$750,000 of the general fund--federal appropriation is provided solely as matching funds for the administrative contingency fund appropriation in the employment security department to implement section 9 of Engrossed Second Substitute House Bill No. 2798 (public assistance reform).

(8) The job opportunities and basic skills training program shall place a high priority on participants gaining work experience and participants will normally be expected to take any job offered unless there is good cause to refuse to accept a job. Good cause shall be found if any of the conditions described in RCW 74.25.020(3) are met, or if accepting a job would result in a participant having to discontinue an education or job training program that is part of the participant's employability plan prior to completion of such education or job training program.

The department of social and health services shall track the experience of those recipients who accept any job offered as part of their job opportunities and basic skills program participation.

Hours of unsubsidized employment shall count towards participation requirements independent of date of hire or concurrent participation in other components of the job opportunities and basic skills program. The services specified in the employability plan will be targeted as follows:

(a) Participants under age twenty may be required to complete high school or other basic skills training;

(b) Participants who do not have recent work experience shall be required to participate in paid or unpaid work experience or activities leading directly to such experience, including job search, job readiness, and job skills training;

(c) Participants who have recent work experience and more than a high school diploma shall be required to participate in job search; and

(d) Vocational education programs shall be emphasized over postsecondary education programs.

Sec. 215. 1993 sp.s. c 24 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

| | | |
|-------------------------------------|--------------------|--------------------|
| General Fund--State Appropriation | \$ ((35,763,000)) | <u>41,440,000</u> |
| General Fund--Federal Appropriation | \$ ((178,043,000)) | <u>136,600,000</u> |
| General Fund--Local Appropriation | \$ ((280,000)) | <u>36,141,000</u> |
| TOTAL APPROPRIATION | \$ ((214,086,000)) | <u>214,181,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$415,000 of the general fund--state appropriation and \$139,000 of the general fund--federal appropriation are provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$47,000 of the general fund--state appropriation is provided solely to implement House Bill No. 2492 (medicaid estate recovery). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(3) The department shall contract with private collection agencies to pursue collection of arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

Sec. 216. 1993 sp.s. c 24 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

| | | |
|-------------------------------------|-------------------|-------------------|
| General Fund--State Appropriation | \$ ((30,935,000)) | <u>31,029,000</u> |
| General Fund--Federal Appropriation | \$ ((11,724,000)) | <u>12,100,000</u> |
| TOTAL APPROPRIATION | \$ ((42,659,000)) | <u>43,129,000</u> |

The appropriations in this section are subject to the following conditions and limitations: The department may transfer up to \$1,810,000 of the general fund--state appropriation and \$416,000 of the general fund--federal appropriation from its various programs to implement reductions related to the consolidated mail service.

Sec. 217. 1993 sp.s. c 24 s 215 (uncodified) is amended to read as follows:

FOR THE HEALTH CARE COMMISSION

Health Services Account--State Appropriation \$ ((4,004,000))

4,053,000

The appropriation in this section is subject to the following conditions and limitations: \$49,000 of the health services account appropriation is provided solely for analyzing the requirements associated with providing health insurance coverage for farmworkers.

Sec. 218. 1993 sp.s. c 24 s 216 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

General Fund Appropriation \$ 6,810,000

Health Services Account Appropriation \$ ~~139,368,000~~)

136,568,000

State Health Care Authority Administrative Account

Appropriation \$ ~~((10,045,000))~~

9,928,000

TOTAL APPROPRIATION \$ ~~156,223,000~~)

153,306,000

The appropriations in this section are subject to the following conditions and limitations:

(1) From the nonappropriated retired school employees insurance account, the health care authority shall reimburse the department of retirement systems through interagency agreements for enrolling K-12 retirees in a state-administered health benefits plan.

(2) \$1,205,000 of the health services account appropriation is provided solely for health care reform planning. If Engrossed Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund appropriation and \$5,000,000 of the health services account appropriation are provided solely to implement the transfer of the community health clinics funding from the department of health provided in Engrossed Substitute Senate Bill No. 5304 (health care reform).

(4) \$222,000 of the health services account appropriation is provided solely to work with school districts in preparation of providing school employees state-administered health care plans, in accordance with Engrossed Substitute Senate Bill No. 5304 (health care reform).

(5) The health care authority shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$~~((132,944,000))~~ 130,153,000 of the health services account appropriation is provided solely for health coverage through the subsidized portion of the basic health plan and program administration. Beginning July 1, 1993, the administrator shall coordinate coverage with the medical assistance division of the department of social and health services to earn federal matching funds and to provide full medical assistance services for eligible children.

Sec. 219. 1993 sp.s. c 24 s 219 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation \$ ~~((3,949,000))~~

3,841,000

General Fund--Federal Appropriation \$ 1,009,000

General Fund--Private/Local Appropriation \$ 402,000

TOTAL APPROPRIATION \$ ~~((5,330,000))~~

5,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,964 of the general fund--private/local appropriation is provided solely for the provision of technical assistance services by the commission.

(2) \$102,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1443 (jurisdiction of the human rights commission). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(3) \$50,000 of the general fund--state appropriation is provided to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

Sec. 220. 1993 sp.s. c 24 s 220 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

~~((General Fund Appropriation \$ 110,000))~~

Worker and Community Right-to-Know Account

Appropriation \$ 20,000

| | | |
|--------------------------------|-------------------|-------------------|
| Accident Fund Appropriation | \$ ((10,194,000)) | |
| | | <u>9,990,000</u> |
| Medical Aid Fund Appropriation | \$ ((10,194,000)) | |
| | | <u>9,990,000</u> |
| TOTAL APPROPRIATION | \$ ((20,518,000)) | <u>20,000,000</u> |

Sec. 221. 1993 sp.s. c 24 s 221 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

| | | |
|--|---------------------|-------------------|
| Death Investigations Account Appropriation | \$ 38,000 | |
| Public Safety and Education Account | | |
| Appropriation | \$ ((10,818,000)) | |
| | | <u>10,654,000</u> |
| Drug Enforcement and Education Account | | |
| Appropriation | \$ 344,000 | |
| | TOTAL APPROPRIATION | \$ ((11,200,000)) |
| | | <u>11,036,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation provides sufficient money to implement section 5 of Engrossed Substitute House Bill No. 1569 (malicious harassment).

(2)(a) By September 30, 1994, the Washington state criminal justice training commission, the Washington state patrol, and the Washington association of sheriffs and police chiefs shall develop a written model policy on vehicular pursuits.

(b) The Washington state criminal justice training commission shall make the vehicular pursuit model policy available to the Washington state patrol and local law enforcement agencies.

Sec. 222. 1993 sp.s. c 24 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

| | | |
|---|--------------------|--------------------|
| General Fund--State Appropriation | \$ ((9,241,000)) | |
| | | <u>9,277,000</u> |
| Public Works Administration--State Appropriation | \$ ((1,175,000)) | |
| | | <u>1,591,000</u> |
| Public Safety and Education Account State | | |
| Appropriation | \$ 20,513,000 | |
| Public Safety and Education Account Federal | | |
| Appropriation | \$ ((4,783,000)) | |
| | | <u>6,165,000</u> |
| Public Safety and Education Account Private/Local | | |
| Appropriation | \$ 100,000 | |
| Accident Fund--State Appropriation | \$ ((144,374,000)) | |
| | | <u>141,176,000</u> |
| Accident Fund--Federal Appropriation | \$ ((7,832,000)) | |
| | | <u>9,112,000</u> |
| Electrical License Fund Appropriation | \$ ((18,219,000)) | |
| | | <u>17,315,000</u> |
| Farm Labor Revolving Account Appropriation | \$ 28,000 | |
| Medical Aid Fund--State Appropriation | \$ ((166,439,000)) | |
| | | <u>163,865,000</u> |
| Medical Aid Fund--Federal Appropriation | \$ 1,592,000 | |
| Plumbing Certificate Fund Appropriation | \$ ((227,000)) | |
| | | <u>700,000</u> |
| Pressure Systems Safety Fund Appropriation | \$ ((1,981,000)) | |
| | | <u>1,857,000</u> |
| Worker and Community Right-to-Know Fund | | |
| Appropriation | \$ ((2,170,000)) | |
| | | <u>2,145,000</u> |
| TOTAL APPROPRIATION | \$ ((378,674,000)) | |

The appropriations in this section are subject to the following conditions and limitations:

- (1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.
- (2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.
- (3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.
- (4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.
- (5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration((:))" ~~and "state fund information system((:))" ((and "safety and health information management system"))~~ is conditioned upon compliance with section 902 of this act.
- (6) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education act funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) place benefit maximums on treatment; (d) coordinate with the department of social and health services to use public safety and education account funds as the match for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims; and (e) establish priorities for the provision of services to eligible claimants as follows:
 - (i) Emergency medical services (inclusive of sexual assault examinations and emergency transportation);
 - (ii) Nonemergency medical and outpatient mental health services;
 - (iii) Family member mental health services;
 - (iv) Direct compensation (wage loss and disability) benefits on future claims; and
 - (v) Substance abuse and inpatient mental health services.
- (7) \$470,000 of the medical aid fund--state appropriation is provided solely for activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by July 1, 1993, the amount provided in this subsection shall lapse.
- (8) The director of labor and industries and the secretary of social and health services shall negotiate and implement an upfront loss control discount as recommended in the agencies' January 1994 report to the legislature. The agreement shall identify: (a) Specific, measurable goals for reduced worker injuries and time-loss in the state developmental disabilities institutions and mental hospitals; (b) the actions which each agency will take to accomplish such reductions; and (c) the methods and frequency with which progress toward those goals shall be reported. By July 1, 1994, and every six months thereafter, the departments shall report to the appropriate fiscal and policy committees of the legislature on the status of the agreement, and changes to date in injury and time-loss rates.
- (9) \$108,000 of the general fund--state appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.
- (10) Up to \$1,500,000 of the medical aid fund--state appropriation is provided solely to implement section 4 of Substitute House Bill No. 2696 (chemically related illness). Prior to the expenditure of these funds, an agency implementation plan must be approved as required under section 4 of Substitute House Bill No. 2696. If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.
- (11) The department shall provide staff support to the workers' compensation advisory committee to study the cost-effectiveness and appellate structure of the board of industrial insurance appeals system. The committee shall consult with and accept input from other interested parties. The committee shall report its recommendations to the legislature by December 1, 1994.

Sec. 223. 1993 sp.s. c 24 s 223 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ ((2,643,000))

2,591,000

Sec. 224. 1993 sp.s. c 24 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

~~((General Fund--State Appropriation--\$20,701,000~~

~~General Fund--Federal Appropriation--\$16,099,000~~

~~General Fund--Private/Local Appropriation--\$10,088,000~~

~~Industrial Insurance Premium Refund Account~~

Appropriation — \$ 50,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation — \$ 4,000
TOTAL APPROPRIATION — \$ 46,942,000))

(1) HEADQUARTERS

General Fund Appropriation — \$ 2,732,000
Industrial Insurance Premium Refund Account
Appropriation — \$ 78,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation — \$ 4,000
TOTAL APPROPRIATION — \$ 2,814,000

(2) FIELD SERVICES

General Fund--State Appropriation — \$ 2,937,000
General Fund--Federal Appropriation — \$ 500,000
General Fund--Local Appropriation — \$ 243,000
TOTAL APPROPRIATION — \$ 3,680,000

(3) VETERANS HOME

General Fund--State Appropriation — \$ 8,090,000
General Fund--Federal Appropriation — \$ 10,154,000
General Fund--Local Appropriation — \$ 7,528,000
TOTAL APPROPRIATION — \$ 25,772,000

(4) SOLDIERS HOME

General Fund--State Appropriation — \$ 5,598,000
General Fund--Federal Appropriation — \$ 5,869,000
General Fund--Local Appropriation — \$ 4,642,000
TOTAL APPROPRIATION — \$ 16,109,000

Sec. 225. 1993 sp.s. c 24 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

| | | |
|--|--------------------|--------------------|
| General Fund--State Appropriation | \$ ((92,520,000)) | <u>89,211,000</u> |
| General Fund--Federal Appropriation | \$ ((160,977,000)) | <u>183,990,000</u> |
| General Fund--Local Appropriation | \$ ((22,357,000)) | <u>21,462,000</u> |
| Hospital Commission Account Appropriation | \$ 3,028,000 | |
| Medical Disciplinary Account Appropriation | \$ 1,806,000 | |
| Health Professions Account Appropriation | \$ ((27,931,000)) | <u>27,649,000</u> |
| Industrial Insurance Account Appropriation | \$ 14,000 | |
| State Toxics Control Account Appropriation | \$ 3,091,000 | |
| Drug Enforcement and Education Account | | |
| Appropriation | \$ 467,000 | |
| Medical Test Site Licensure Account | | |
| Appropriation | \$ ((2,584,000)) | <u>1,832,000</u> |
| Safe Drinking Water Account Appropriation | \$ ((1,850,000)) | <u>2,710,000</u> |
| Public Health Services Account Appropriation | \$ 20,000,000 | |
| Youth Tobacco Prevention Account Appropriation | \$ 1,830,000 | |
| Water Quality Account Appropriation | \$ 2,997,000 | |
| Health Services Account Appropriation | \$ ((11,174,000)) | <u>12,587,000</u> |

Waterworks Operator Certification Account

Appropriation \$ 522,000

TOTAL APPROPRIATION \$ ((352,699,999))

373,196,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,465,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$3,900,000 of the public health services account appropriation is provided solely to implement Second Substitute Senate Bill No. 5239 (centralizing poison information services). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.
- (3) \$2,750,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.
- (4) \$1,000,000 of the public health services account appropriation is provided solely for a counter message advertising campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.
- (5) \$100,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.
- (6) \$1,000,000 of the public health services account appropriation is provided solely for immunization programs to include: \$200,000 for provider and public education, \$200,000 for demonstration projects in low-income or economically distressed areas, and \$600,000 for competitive challenge grants to be matched on a one-to-one basis by applicant communities.
- (7) \$1,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.
- (8) \$250,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.
- (9) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (10) \$1,507,000 of the health services account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.
- (11) \$1,948,000 of the health services account appropriation is provided solely for training emergency medical service personnel.
- (12) \$280,000 of the health services account appropriation is provided solely for malpractice insurance for volunteer primary care providers.
- (13) \$613,000 of the health services account appropriation is provided solely for development of the health personnel improvement plan.
- (14) \$1,918,000 of the health services account appropriation is provided solely for special services for children from throughout the state through Children's hospital.
- (15) \$3,530,000 of the health services account appropriation is provided solely for data activities associated with health care reform.
- (16) \$1,375,000 of the health services account appropriation is provided solely for the state board of health and health policy activities of the department of health.
- (17) \$997,000 of the health services account appropriation is provided solely for the certification of emergency services personnel and ambulance services licensing activities performed by the department of health.
- (18) \$419,000 of the health services account appropriation is provided solely for the pesticide program activities in the department of health.
- (19) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.
- ~~((18) The department shall assess fees for certification and licensure of emergency medical service programs. Certification and licensure costs for volunteer personnel shall be paid from local government revenues under RCW 84.52.069.))~~
- (20) \$700,000 of the general fund--state appropriation is provided solely to the department for start up grants to fund up to seven healthy family programs throughout the state as contained in sections 101 through 105 of Second Substitute House Bill No. 2319 (violence prevention). If sections 101 through 105 of Second Substitute House Bill No. 2319 are not enacted by June 30, 1994, the appropriation provided in this subsection shall lapse.

(21) \$40,000 of the general fund--state appropriation is provided solely to implement sections 132 through 135 of Engrossed Second Substitute House Bill No. 2319 (violence prevention). If sections 132 through 135 of Engrossed Second Substitute House Bill No. 2319 are not enacted by June 30, 1994, the appropriation in this subsection shall lapse.

(22) Regardless of fund source, the department is prohibited from conducting a latex condom aging study.

Sec. 226. 1993 sp.s. c 24 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund--State Appropriation \$ ((144,578,000))

136,937,000

Drug Enforcement and Education Account

Appropriation \$ 114,000

TOTAL APPROPRIATION \$ ((144,692,000))

137,051,000

The appropriations in this subsection are subject to the following conditions and limitations: The department shall not expend any funds appropriated in this act for the supervision of misdemeanants, except in the case of agreements entered into by the department with units of local government pursuant to RCW 72.09.300.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ((546,408,000))

502,182,000

Drug Enforcement and Education Account

Appropriation \$ 1,836,000

~~((Transportation Account Appropriation--\$ 1,075,000))~~

TOTAL APPROPRIATION \$ ((549,049,000))

504,018,000

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund--State Appropriation \$ ((25,754,000))

27,253,000

State Capital Vehicle Parking Account

Appropriation \$ 90,000

Industrial Insurance Premium Refund Account

Appropriation \$ 147,000

TOTAL APPROPRIATION \$ ((25,904,000))

27,490,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$223,000 of the general fund--state appropriation is provided solely for the development of a centralized claims data collection system for health services provided by the department to inmates. Expenditures are contingent on the formal approval by the health care authority on the design of the system. The department shall report, by January 1, 1995, to the house of representatives corrections committee, the house of representatives appropriations committee, and the senate ways and means committee on savings that may result from centralized claims administration and bill review and plans to develop and implement cost management strategies recommended by the health care authority.

(b) By January 1, 1995, the department shall develop a standard set of health services available for inmates in correctional facilities consistent with the schedule of services that meets the coverage for subsidized enrollees in the basic health plan, pursuant to chapter 70.47 RCW. The services for incarcerated inmates shall exceed the level of services available under the basic health plan for subsidized enrollees only to the extent that they have been identified by the secretary as medically necessary. At such time as the legislature adopts a uniform benefits package pursuant to RCW 43.72.130, the department shall replace the schedule of services for incarcerated inmates with the health care services allowed under the uniform benefits package. The uniform benefits package of services for incarcerated inmates shall exceed the services available under the uniform benefits package only to the extent that they have been identified as medically necessary and appropriate supplemental benefits and services by the secretary.

(c) The department shall submit recommendations to the house of representatives appropriations committee, the house of representatives capital committee, and the senate ways and means committee by January 1, 1995, on methods of reducing operating costs in its facilities through the use of highest and best use analysis and life cycle cost analysis as developed by the legislative budget committee in its report Department of Corrections Capacity Planning and Implementation (LBC 94-1). In identifying options for reductions in its operating budget the department shall specify the capital costs and savings as well as operating budget savings related to each option.

(d) The department shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1994, on proposals to construct and operate adult correctional facilities in this state at a cost of no more than the national average. The department shall identify statutory, policy, and personnel decisions that have caused this state to have higher construction and operating costs than the national average.

| | | |
|--|--------------------|--------------------|
| (4) CORRECTIONAL INDUSTRIES | | |
| General Fund—State Appropriation | \$ ((3,795,000)) | <u>3,797,000</u> |
| (5) REVOLVING FUNDS | | |
| General Fund—State Appropriation | \$ ((10,404,000)) | <u>10,576,000</u> |
| Sec. 227. 1993 sp.s. c 24 s 227 (uncodified) is amended to read as follows: | | |
| FOR THE DEPARTMENT OF SERVICES FOR THE BLIND | | |
| General Fund--State Appropriation | \$ ((2,604,000)) | <u>2,587,000</u> |
| General Fund--Federal Appropriation | \$ ((8,552,000)) | <u>8,510,000</u> |
| General Fund--Private/Local Appropriation | \$ 80,000 | |
| TOTAL APPROPRIATION | \$ ((11,233,000)) | <u>11,177,000</u> |
| Sec. 228. 1993 sp.s. c 24 s 228 (uncodified) is amended to read as follows: | | |
| FOR THE SENTENCING GUIDELINES COMMISSION | | |
| General Fund--State Appropriation | \$ ((662,000)) | <u>723,000</u> |
| Sec. 229. 1993 sp.s. c 24 s 229 (uncodified) is amended to read as follows: | | |
| FOR THE EMPLOYMENT SECURITY DEPARTMENT | | |
| General Fund--State Appropriation | \$ ((1,397,000)) | <u>2,897,000</u> |
| General Fund--Federal Appropriation | \$ 144,834,000 | |
| General Fund--Local Appropriation | \$ 19,982,000 | |
| <u>Industrial Insurance Premium Account--State</u> | | |
| <u>Appropriation</u> | \$ 30,000 | |
| Administrative Contingency Fund--Federal | | |
| Appropriation | \$ ((7,528,000)) | <u>8,235,000</u> |
| Unemployment Compensation Administration Fund-- | | |
| Federal Appropriation | \$ ((152,409,000)) | <u>152,309,000</u> |
| Employment Service Administration Account | | |
| Federal Appropriation | \$ ((11,272,000)) | <u>11,304,000</u> |
| Employment Training Trust Fund Appropriation | \$ 7,804,000 | |
| TOTAL APPROPRIATION | \$ ((345,226,000)) | <u>347,395,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$63,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.
- (2) \$215,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.
- (3) \$643,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).
- (4) \$304,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).
- (5) \$289,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits (timber AB screening - UI benefits extensions).
- (6) \$671,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse coordinator.

(7) \$778,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse ex-offender program.

(8) \$313,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse career awareness program.

(9) \$1,790,471 of the administrative contingency fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$270,000 of the unemployment compensation account--federal appropriation is provided solely for the resource center for the handicapped.

(11) The employment security department shall spend no more than \$((13,778,544)) 22,069,000 of the general fund--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Of this amount, \$8,291,000 is transferred to the office of financial management to monitor the contract and expenditures for the GUIDE project. The office of financial management shall report to the appropriate legislative committees on the progress of GUIDE by January 1, 1995. Authority to expend this amount is conditioned on compliance with section 902 of chapter 24, Laws of 1993, 1st sp. sess.

(12) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(13) \$275,000 of the general fund--state appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) \$400,000 of the general fund--state appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.

(15) \$400,000 of the general fund--state appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(16) \$500,000 of the administrative contingency fund appropriation is provided solely to match \$750,000 of the general fund--federal appropriation for the department of social and health services. The \$1,250,000 is provided solely for additional job counselors required under section 9 of Engrossed Second Substitute House Bill No. 2798 (public assistance reform).

(17) \$1,500,000 of the general fund--state appropriation is provided solely for start-up grants to develop Youthbuild employee training programs for economically disadvantaged youth under sections 302 through 310 of Engrossed Second Substitute House Bill No. 2319 (violence prevention). The department shall report to the appropriate committees of the legislature no later than December 31, 1994, on the progress of implementing the Youthbuild program, and issue a subsequent follow-up report by January 1, 1995.

PART III NATURAL RESOURCES

Sec. 301. 1993 sp.s. c 24 s 301 (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

| | | |
|---|---------------------|-------------------|
| General Fund--State Appropriation | \$ ((1,548,000)) | |
| | | <u>1,488,000</u> |
| General Fund--Federal Appropriation | \$ ((23,675,000)) | |
| | | <u>22,922,000</u> |
| General Fund--Private/Local Appropriation | \$ 6,769,000 | |
| Geothermal Account--Federal Appropriation | \$ 41,000 | |
| Building Code Council Account Appropriation | \$ 92,000 | |
| Air Pollution Control Account Appropriation | \$ 6,007,000 | |
| Industrial Insurance Premium Refund Account | | |
| Appropriation | \$ 4,000 | |
| Energy Efficiency Services Account | | |
| Appropriation | \$ 1,056,000 | |
| | TOTAL APPROPRIATION | \$ ((39,162,000)) |
| | | <u>38,379,000</u> |

Sec. 302. 1993 sp.s. c 24 s 302 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

| | | |
|---|----------------|----------------|
| General Fund--State Appropriation | \$ ((574,000)) | |
| | | <u>563,000</u> |
| General Fund--Private/Local Appropriation | \$ ((542,000)) | |

| | | |
|--|-------------------|-------------------|
| TOTAL APPROPRIATION | \$ ((1,416,000)) | <u>531,000</u> |
| | | <u>1,094,000</u> |
| Sec. 303. 1993 sp.s. c 24 s 303 (uncodified) is amended to read as follows: | | |
| FOR THE DEPARTMENT OF ECOLOGY | | |
| General Fund--State Appropriation | \$ ((55,625,000)) | <u>56,151,000</u> |
| General Fund--Federal Appropriation | \$ ((45,064,000)) | <u>44,601,000</u> |
| General Fund--Private/Local Appropriation | \$ ((1,193,000)) | <u>946,000</u> |
| Special Grass Seed Burning Research Account Appropriation | \$ 132,000 | |
| Reclamation Revolving Account Appropriation | \$ ((1,696,000)) | <u>2,096,000</u> |
| Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s. | \$ 312,000 | |
| Litter Control Account Appropriation | \$ 6,388,000 | |
| State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26) | \$ ((2,680,000)) | <u>2,632,000</u> |
| Industrial Insurance Premium Refund Account Appropriation | \$ ((42,000)) | <u>172,000</u> |
| State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38) | \$ 1,349,000 | |
| Stream Gaging Basic Data Fund Appropriation | \$ ((303,000)) | <u>221,000</u> |
| Vehicle Tire Recycling Account Appropriation | \$ ((7,832,000)) | <u>9,782,000</u> |
| Water Quality Account Appropriation | \$ ((2,700,000)) | <u>2,651,000</u> |
| Wood Stove Education Account Appropriation | \$ ((1,382,000)) | <u>1,297,000</u> |
| Worker and Community Right-to-Know Fund Appropriation | \$ 410,000 | |
| State Toxics Control Account--State Appropriation | \$ ((55,242,000)) | <u>54,147,000</u> |
| Local Toxics Control Account Appropriation | \$ ((3,314,000)) | <u>3,207,000</u> |
| Water Quality Permit Account Appropriation | \$ 20,714,000 | |
| Solid Waste Management Account Appropriation | \$ 11,463,000 | |
| Underground Storage Tank Account Appropriation | \$ ((2,970,000)) | <u>2,835,000</u> |
| Hazardous Waste Assistance Account Appropriation | \$ 4,112,000 | |
| Air Pollution Control Account Appropriation | \$ ((14,217,000)) | <u>13,841,000</u> |
| Oil Spill Response Account Appropriation | \$ ((7,256,000)) | <u>7,060,000</u> |

| | | |
|--|---------------------|--------------------|
| Oil Spill Administration Account Appropriation | \$ ((3,738,000)) | |
| | | <u>3,526,000</u> |
| Fresh Water Aquatic Weed Control Account | | |
| Appropriation | \$ ((1,686,000)) | |
| | | <u>1,978,000</u> |
| Air Operating Permit Account Appropriation | \$ 4,566,000 | |
| Water Pollution Control Revolving Account--State | | |
| Appropriation | \$ ((196,000)) | |
| | | <u>177,000</u> |
| Water Pollution Control Revolving Account--Federal | | |
| Appropriation | \$ 1,034,000 | |
| Public Works Assistance Account Appropriation | \$ 4,000,000 | |
| | TOTAL APPROPRIATION | <u>261,800,000</u> |
| | \$ ((261,523,000)) | |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$6,222,000 of the general fund--state appropriation and \$1,071,000 of the general fund--federal appropriation are provided for the implementation of the Puget Sound water quality management plan.
- (2) \$7,800,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).
- (3) \$400,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.
- (4) \$3,100,000 of the state toxics control account appropriation is provided solely for the following purposes:
 - (a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;
 - (b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and
 - (c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.
- (5) \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 is not enacted by June 30, 1993, \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.
- (6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts provided in this subsection shall lapse.
- (7) \$2,000,000 of the general fund--state appropriation is provided solely for the continued implementation of the water resources data management system.
- (8) For fiscal year 1994, \$3,750,000 of the general fund--state appropriation is provided to administer the water rights permit program. For fiscal year 1995, not more than \$1,375,000 of the general fund--state appropriation may be expended for the program unless legislation to increase fees to fund at least fifty percent of the full cost of the water rights permit program, including data management, is enacted by June 30, 1994.
- (9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.
- (10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.
- (11) ~~\$((3,250,000))~~ 2,500,000 of the general fund--state appropriation is provided for funding labor-intensive environmental restoration projects, including projects using the Washington conservation corps. In awarding grant contracts, the department shall give priority to projects which implement watershed action plans. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.
- (12) \$256,000 of the general fund--state appropriation is provided to identify and designate regional water resource planning areas in the central Puget Sound region and to prepare one or more comprehensive water resource plans for the designated area or areas. To assist in preparing the report, the department shall assemble representatives from state agencies, local governments and tribal governments. The report shall identify suggested boundaries, water resource issues relevant to each planning area, and public and private groups having specific interests in the region's

water resource issues. The report shall be provided to the governor and the appropriate committees of the legislature by March 15, 1994. Within 90 days thereafter, the governor shall direct the development of a comprehensive water resources plan or plans required by RCW 90.54.040(1). Any amount of this appropriation in excess of \$156,000 shall not be expended unless matched by an equal amount from utilities and local governments.

(13) \$238,000 of the water quality permit account appropriation is provided solely for implementation of Substitute House Bill No. 1169 (marine finfish). If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) Within the appropriations provided in this section, sufficient funds are provided to implement sections 8 through 15 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(15) Pursuant to RCW 43.135.055, the department is authorized to increase water well operators' fees under chapter 18.104 RCW, by rule, to an amount not to exceed two hundred fifty dollars for a two-year period.

(16) Pursuant to RCW 43.135.055, the department is authorized to increase site use permit fees under RCW 43.200.080, by rule, to an amount sufficient to recover up to \$143,000 in costs associated with the Northwest interstate compact on low-level radioactive waste management.

(17) \$100,000 of the public works assistance account is provided solely for technical analysis and coordination with the army corps of engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

Sec. 304. 1993 sp.s. c 24 s 304 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ ((906,000))

903,000

Sec. 305. 1993 sp.s. c 24 s 305 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation \$ ((54,130,000))

68,938,000

General Fund--Federal Appropriation \$ 1,948,000

General Fund--Private/Local Appropriation \$ 1,280,000

Winter Recreation Program Account Appropriation \$ 879,000

ORV (Off-Road Vehicle) Account Appropriation \$ 242,000

Snowmobile Account Appropriation \$ ((1,636,000))

1,886,000

Public Safety and Education Account

Appropriation \$ 48,000

Litter Control Account Appropriation \$ 34,000

Motor Vehicle Fund Appropriation \$ 1,174,000

Oil Spill Administration Account Appropriation \$ ((64,000))

48,000

Aquatic Lands Enhancement Account Appropriation \$ 316,000

TOTAL APPROPRIATION \$ ((61,754,000))

76,793,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2) \$7,700,000 of the general fund--state appropriation is provided contingent upon the adoption and implementation of a fee schedule by the state parks and recreation commission that provides a like amount of revenue above the 1993-95 forecast for fees authorized under RCW 43.51.060(6) for fees in place as of January 1, 1993. Fees shall be based on the extent to which a facility is developed and maintained for year-round use. Maximum boat launch fees shall be assessed only at water access facilities where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis. Reduced fees may be assessed at water access facilities that are unimproved. Seasonal day area parking fees shall not be assessed. This subsection shall not preclude the assessment of a flat annual fee for use of all water access facilities and other state park facilities throughout the state))~~ (1) The state parks and recreation commission is directed to implement fees that provide at least \$3,000,000 of additional revenue for the 1993-95 biennium above that generated under the currently adopted fees. Seasonal day area parking fees shall not be assessed.

~~((3))~~ (2) \$2,824,000 of the general fund--state appropriation is provided solely to address stewardship needs for state parks. Of this amount, \$1,800,000 is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(3) The state parks and recreation commission is authorized to raise existing fees in excess of the fiscal growth factor established by Initiative Measure No. 601 in order to meet revenue targets assumed in subsection (1) of this section.

(4) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(5) \$15,000,000 of the general fund--state appropriation is provided solely to acquire trust lands that have been identified in section 459(1)(a), chapter 22, Laws of 1993 sp. sess. All provisions and conditions of section 459, chapter 22, Laws of 1993 sp. sess., as amended, shall apply to expenditure of this amount.

(6) \$60,000 of the general fund--state appropriation is provided solely for the implementation and development of the state scenic rivers program.

Sec. 306. 1993 sp.s. c 24 s 306 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation \$ 2,541,000

Outdoor Recreation Account--Federal Appropriation \$ ((34,000))

50,000

Firearms Range Account Appropriation \$ 25,000

TOTAL APPROPRIATION \$ ((2,600,000))

2,616,000

Sec. 307. 1993 sp.s. c 24 s 307 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ ((1,205,000))

1,361,000

~~((The appropriation in this section is subject to the following conditions and limitations: \$30,000 is provided solely for the increased costs associated with a half-time administrative law judge.))~~

Sec. 308. 1993 sp.s. c 24 s 309 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ ((1,670,000))

1,661,000

Water Quality Account Appropriation \$ 202,000

TOTAL APPROPRIATION \$ ((1,872,000))

1,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$((374,800)) 362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$750,000 of the general fund appropriation is provided solely for basic operation grants to conservation districts.

(4) \$158,000 of the general fund appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1309 (wild salmonid protection).

Sec. 309. 1993 sp.s. c 24 s 310 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation \$ ((3,959,000))

2,996,000

General Fund--Federal Appropriation \$ ((202,000))

198,000

Water Quality Account Appropriation \$ ((946,000))

927,000

TOTAL APPROPRIATION \$ ((4,207,000))

4,121,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((320,000)) 313,600 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$((232,000)) 227,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$681,000 of the general fund--state appropriation is provided solely to implement additional provisions of the Puget Sound water quality management plan.

Sec. 310. 1993 sp.s. c 24 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ ((55,740,000))

55,767,000

General Fund--Federal Appropriation \$ 25,048,000

General Fund--Private/Local Appropriation \$ 9,609,000
Aquatic Lands Enhancement Account Appropriation \$ ((4,092,000))

4,269,000

Industrial Insurance Premium Refund Account

Appropriation \$ 28,000

Oil Spill Administration Account Appropriation \$ 388,000

Recreational Fish Enhancement--State

Appropriation \$ ((4,049,000))

3,749,000

TOTAL APPROPRIATION \$ ((98,926,000))

98,858,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((1,136,418)) 1,049,410 of the general fund--state appropriation is provided to implement the Puget Sound water quality management plan.

(2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin. Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.

(3) \$((546,000)) 723,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.

(4) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

(5) \$((450,000)) 689,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(7) Within the appropriations provided in this section, sufficient funds are provided to implement sections 1 through 6 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(8) \$3,200,000 of the general fund--state appropriation is contingent upon the enactment of Substitute Senate Bill No. 5980 (fishing licenses). If Substitute Senate Bill 5980 is not enacted by June 30, 1993, \$3,200,000 of the general fund--state appropriation shall lapse.

(9) \$115,000 of the general fund--state appropriation is provided solely to maintain the south Puget Sound net pen facility.

Sec. 311. 1993 sp.s. c 24 s 312 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ ((40,226,000))

10,021,000

ORV (Off-Road Vehicle) Account Appropriation \$ 480,000

Aquatic Lands Enhancement Account Appropriation \$ 1,112,000

Public Safety and Education Account

Appropriation \$ 590,000

Wildlife Fund--State Appropriation \$ 50,723,000

Wildlife Fund--Federal Appropriation \$ 32,101,000

Wildlife Fund--Private/Local Appropriation \$ 12,402,000

Game Special Wildlife Account Appropriation \$ 1,012,000

Oil Spill Administration Account Appropriation \$ ((548,000))

520,000

TOTAL APPROPRIATION \$ ((409,194,000))

108,961,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) ~~\$(1,000,000)~~ 920,000 of the general fund appropriation is provided solely to address stewardship needs on state lands. Of this amount, ~~\$(900,000)~~ 820,000 is provided for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$140,000 of the general fund appropriation is provided for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

Sec. 312. 1993 sp.s. c 24 s 313 (uncodified) is amended to read as follows:

DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. ~~((If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.))~~ If either House Bill No. 2678 or Senate Bill No. 6346 or substantially similar legislation is enacted by the 1994 session of the legislature, then all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife on the date specified for the merger of the two departments in that legislation.

Sec. 313. 1993 sp.s. c 24 s 314 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

| | | |
|--|---------------------------|---------------------------|
| General Fund--State Appropriation | \$ ((49,394,000)) | <u>46,939,000</u> |
| General Fund--Federal Appropriation | \$ 906,000 | |
| General Fund--Private/Local Appropriation | \$ 264,000 | |
| ORV (Off-Road Vehicle) Account Appropriation | \$ 3,092,000 | |
| Forest Development Account Appropriation | \$ ((37,652,000)) | <u>37,614,000</u> |
| Survey and Maps Account Appropriation | \$ 1,519,000 | |
| Aquatic Lands Enhancement Account Appropriation | \$ 2,524,000 | |
| Surface Mining Reclamation Account Appropriation | \$ 1,271,000 | |
| Resource Management Cost Account Appropriation | \$ ((82,407,000)) | <u>81,990,000</u> |
| Aquatic Land Dredged Material Disposal Site | | |
| Account Appropriation | \$ ((830,000)) | <u>738,000</u> |
| Air Pollution Control Account Appropriation | \$ ((1,252,000)) | <u>852,000</u> |
| Natural Resources Conservation Areas Stewardship | | |
| Account Appropriation | \$ 1,119,000 | |
| Oil Spill Administration Account Appropriation | \$ ((430,000)) | <u>65,000</u> |
| Litter Control Account Appropriation | \$ 506,000 | |
| Industrial Insurance Premium Refund Account | | |
| Appropriation | \$ ((98,000)) | <u>76,000</u> |
| TOTAL APPROPRIATION | \$ ((482,664,000)) | <u>179,475,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~\$(8,072,000)~~ 7,072,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.
- (2) \$993,000 of the appropriations in this section are provided to implement the Puget Sound water quality management plan.
- (3) ~~\$(500,000)~~ 450,000 of the general fund--state appropriation and ~~\$(1,000,000)~~ 900,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.
- (4) ~~\$(1,500,000)~~ 1,400,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, ~~\$(1,350,000)~~ 1,250,000 shall be expended for the Washington conservation corps program established under chapter 43.220 RCW.
- (5) \$1,271,000 of the surface mining reclamation account is provided solely for surface mining regulation activities.
- (6) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(7) ~~\$(3,250,000)~~ 2,000,000 of the general fund--state appropriation is provided solely to fund labor-intensive natural resource and forest restoration projects. In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.

(8) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(9) \$60,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.

(10) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.

(11) \$1,555,000 of the general fund--state appropriation is provided solely for increased workload associated with forest practice compliance and watershed management.

Sec. 314. 1993 sp.s. c 24 s 315 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation \$ ~~((13,462,000))~~

14,823,000

General Fund--Federal Appropriation \$ ~~((4,320,000))~~

4,186,000

State Toxics Control Account Appropriation \$ 1,103,000

Weights and Measures Account Appropriation \$ ~~((864,000))~~

892,000

State Industrial Insurance Premium Refund Account

Appropriation \$ 74,000

TOTAL APPROPRIATION \$ ~~((19,749,000))~~

21,078,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.

(2) \$300,000 of the general fund--state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

(3) \$393,000 of the general fund--state appropriation is provided solely to promote international trade.

(4) The department shall report to the governor and the appropriate fiscal committees of the legislature, by November 15, 1994, regarding administrative costs of the agency and how such costs are being allocated between programs and funds sources within the agency.

Sec. 315. 1993 sp.s. c 24 s 317 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account

Appropriation \$ ~~((4,198,000))~~

3,992,000

State Toxics Control Account Appropriation \$ 298,000

TOTAL APPROPRIATION \$ ~~((4,496,000))~~

4,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$963,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program in accordance with Substitute House Bill No. 1144. The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

(2) ((The marine oversight board shall prepare a report that prioritizes state agencies' spill prevention and response activities on the marine waters of the state. The report shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 1994.)) \$224,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program on the Columbia river. This funding level assumes that the state of Oregon will provide office space and other forms of in-kind support.

(3) \$153,000 of the oil spill administration account appropriation is provided solely for the marine oversight board. After July 1, 1994, funding provided in this subsection is for meeting related costs only.

**PART IV
TRANSPORTATION**

Sec. 401. 1993 sp.s. c 24 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

| | | |
|---|------------------|-------------------|
| General Fund Appropriation | \$ ((6,536,000)) | <u>7,225,000</u> |
| Architects' License Account Appropriation | \$ ((1,040,000)) | <u>1,063,000</u> |
| Cemetery Account Appropriation | \$ ((216,000)) | <u>198,000</u> |
| ((Health Professions Account Appropriation \$ 521,000)) | | |
| Funeral Directors and Embalmers Account Appropriation | \$ ((521,000)) | <u>482,000</u> |
| ((Mortgage Broker Licensing Account Appropriation \$ 187,000)) | | |
| Professional Engineers' Account Appropriation | \$ ((2,509,000)) | <u>2,545,000</u> |
| Real Estate Commission Account Appropriation | \$ ((7,155,000)) | <u>6,956,000</u> |
| Uniform Commercial Code Account Appropriation | \$ ((5,246,000)) | <u>5,785,000</u> |
| Real Estate Education Account Appropriation | \$ 618,000 | |
| Master Licensing Account Appropriation | \$ ((6,747,000)) | <u>6,266,000</u> |
| TOTAL APPROPRIATION \$ ((30,755,000)) | | <u>31,138,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 2119 (professional athletic commission) is not enacted by June 30, 1993, the general fund appropriation shall be reduced by \$54,000.

(2) \$33,000 of the uniform commercial code account appropriation is provided solely to implement revisions to the uniform commercial code article governing bulk sales. If Substitute House Bill No. 1013 is not enacted by June 30, 1993, \$33,000 of the uniform commercial code account appropriation shall lapse.

(3) \$9,000 of the general fund appropriation is provided solely to implement registration of employment listing agencies. If Engrossed Substitute House Bill No. 1496 is not enacted by June 30, 1993, \$9,000 of the general fund appropriation shall lapse.

(4) \$87,000 of the general fund appropriation is provided solely to implement bail bond agent licensing. If Substitute House Bill No. 1870 is not enacted by June 30, 1993, \$87,000 of the general fund appropriation shall lapse.

~~(5) ((If Substitute Senate Bill No. 5026 is not enacted by June 30, 1993, the entire funeral directors and embalmers account appropriation is null and void. If Substitute Senate Bill No. 5026 is enacted by June 30, 1993, the entire health professions account appropriation is null and void.~~

~~(6)) \$47,000 of the architects' license account appropriation is provided solely for implementing revised architect experience requirements. If Engrossed Senate Bill No. 5545 is not enacted by June 30, 1993, \$47,000 of the architects' license account appropriation shall lapse.~~

~~((7) \$187,000 of the mortgage broker licensing account appropriation is provided solely to implement a temporary licensing program for mortgage brokers. If Substitute Senate Bill No. 5829 is not enacted by June 30, 1993, \$187,000 of the mortgage broker licensing account appropriation shall lapse.))~~

Sec. 402. 1993 sp.s. c 24 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

| | | |
|---|-------------------|-------------------|
| General Fund--State Appropriation | \$ ((14,223,000)) | <u>14,280,000</u> |
| General Fund--Federal Appropriation | \$ 1,037,000 | |
| General Fund--Private/Local Appropriation | \$ 184,000 | |

Death Investigations Account Appropriation \$ 24,000

Public Safety and Education Account

Appropriation \$ 1,000,000

Industrial Insurance Premium Refund Account

Appropriation \$ 28,000

TOTAL APPROPRIATION \$ ((46,468,000))

16,553,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(892,000))~~ 602,000 of the general fund--state appropriation is provided solely for the lease purchased upgrade and capacity increase of the Automated Fingerprint Identification System subject to office of financial management approval of a completed feasibility study. The feasibility study will include: The steps and costs required to achieve interoperability with local government fingerprint systems, compliance with the proposed federal bureau of investigation fingerprint standards, a discussion of the issues and costs associated with the potential adoption of "live scan" technology as they relate to the proposed upgrade, the interruption of service that may occur during conversion to the proposed new system, and the long term stability of maintenance contract charges.

(2) \$185,000 of the general fund--state appropriation is provided solely for additional costs associated with the provision of secure transportation of participants in the Asian Pacific Economic Conference held in Seattle during November 1993. The agency shall pursue federal reimbursement for the costs incurred during the conference. Should federal reimbursement be received for conference security costs, the agency shall revert a like amount to the general fund--state.

(3) The agency shall assist the Washington criminal justice training commission in developing a written model policy on vehicular pursuits, as provided in section 221 of this act.

PART V EDUCATION

Sec. 501. 1993 sp.s. c 24 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation \$ ((34,414,000))

36,321,000

General Fund--Federal Appropriation \$ 33,106,000

Public Safety and Education Account

Appropriation \$ 338,000

Drug Enforcement and Education Account

Appropriation \$ 3,197,000

TOTAL APPROPRIATION \$ ((71,055,000))

72,962,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.

(b) \$423,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(c) ~~\$(770,000))~~ 830,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

~~((e))~~ (d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

~~((f))~~ (e) \$10,000 of the general fund--state appropriation is provided solely for a contract through the Washington State Institute for Public Policy at The Evergreen State College for a bilingual education conference to disseminate information on best practices in bilingual instruction, including model programs from other states, and to develop strategies for incorporating the most effective instructional methods into the state's bilingual curriculum.

(f) The superintendent of public instruction shall provide staffing and research assistance as appropriate to fiscal studies initiated by the legislature including special education, the enhancement of kindergarten through grade three programs, and inservice education.

(2) STATE-WIDE PROGRAMS

(a) ~~\$(190,000))~~ 75,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) ~~\$(62,000))~~ 93,000 of the general fund--state appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine school district.

(c) \$2,415,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific science center.

(d) \$70,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$2,949,000 of the general fund--state appropriation is provided for educational clinics, including state support activities.

(f) \$3,437,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(g) \$4,855,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30B as developed on May 4, 1993, at 11:00 a.m.

(h) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) Districts receiving allocations from subsection (2) (f) and (g) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building.

(j) \$1,400,000 of the general fund--state appropriation is provided solely for start-up costs related to work transition education under sections 207 and 208 of Second Substitute House Bill No. 2319 (violence prevention). If Second Substitute House Bill No. 2319 is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(k) \$403,000 of the general fund--state appropriation is provided solely to implement section 4 of Engrossed Second Substitute House Bill No. 2798 (public assistance reform).

(l) \$25,000 of the general fund--state appropriation is provided solely for allocation to the Washington state holocaust education resource center for the purpose of reproducing the videotape and teachers guide, "Never Again, I Hope: The Holocaust", developed by the surviving generations of the holocaust oral history project.

(m) \$12,500 of the general fund--state appropriation is provided solely to publicize and make available to school districts a listing of the many instructional materials that encourage teenage sexual abstinence.

Sec. 502. 1993 sp.s. c 24 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 6,019,646,000)

6,006,768,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 507 of this act;

(ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;

(iii) An additional 5.3 certificated instructional staff units for grades K-3;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.

(B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under

RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and

(b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.29 percent in the 1993-94 school year and 21.29 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.73 percent in the 1993-94 school year and 18.73 percent in the 1994-95 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of (~~(\$7,468)~~) \$7,439 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of (~~(\$14,234)~~) \$14,176 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of (~~(\$4,945,000)~~) \$4,953,000 outside the basic education formula during fiscal years 1994 and 1995 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$409,000 may be expended in fiscal year 1994 and a maximum of (~~(\$410,000)~~) \$419,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of (~~(\$297,000)~~) \$296,000 may be expended for school district emergencies.

(10) The superintendent shall distribute a maximum of \$18,000,000 for the purchase of equipment and educational materials to improve the learning of all students through the use of technology. The superintendent shall allocate the funds at a maximum rate of \$19.71 per full time equivalent student beginning September 1, 1994, and ending June 30, 1995, except that each skill center shall receive \$40,000 instead of a per student allocation from participating school districts. The superintendent shall convene the Washington state education technology advisory committee to establish guidelines for purchases by school sites that are consistent with the objectives of education reform and recommendations of the interim report to the legislature on the Washington state technology plan for K-12 common schools. To the extent items are purchased from the appropriation in this subsection, school sites shall follow the guidelines established by the technology advisory committee. The expenditure of funds shall be for equipment and materials for use at school building sites only and shall be determined at each school site by building staff, parents, and the community where site-based decision-making has been adopted or, where not adopted, by the building staff including itinerant teachers. No expenditures shall be for indirect or administrative costs. These funds do not fall within the definition of basic education under Article IX of the State Constitution.

(11) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

~~((14))~~ (12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 1993 sp.s. c 24 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS

General Fund Appropriation \$ (~~(22,570,000)~~)

3,539,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of ~~((\\$350.25))~~ \$322.90 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of ~~((\\$32.46))~~ \$5.11 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

- (i) For pupil transportation, an increase of ~~((\$.30))~~ \$.05 per weighted pupil-mile for the 1994-95 school year;
- (ii) For learning assistance, an increase of ~~((\$.14))~~ \$1.28 per pupil for the 1994-95 school year;
- (iii) For education of highly capable students, an increase of ~~((\$.06))~~ \$.32 per pupil for the 1994-95 school year;
- (iv) For transitional bilingual education, an increase of ~~((\$.25))~~ \$.83 per pupil for the 1994-95 school year.

Sec. 504. 1993 sp.s. c 24 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((351,143,000))~~

344,886,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) ~~((A maximum of \$795,000 may be expended for regional transportation coordinators. However, to the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.))~~ A maximum of \$1,072,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall:

(a) Ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district;

(b) Prepare a catalog of hazardous walking conditions submitted for state funding by each school district by category such as: Type of hazard; number of years the hazard has been submitted for reimbursement (to the extent known); potential for mitigation; entity that would be responsible for mitigation; and status of mitigation effort, if any;

(c) Regarding small schools receiving bonus units under section 502 of this act, for comparison purposes, prepare an analysis of travel times for students to contiguous school districts. The analysis shall be submitted to the office of financial management and the fiscal committees of the legislature by December 1, 1994; and

(d) Prepare an analysis of the small fleet rate contained in the state transportation allocation formula. The analysis shall be submitted to the office of financial management and the fiscal committees of the legislature by December 1, 1994.

The superintendent of public instruction shall, to the extent possible, consolidate the functions of regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and ~~((\$.80))~~ \$1.79 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

Sec. 505. 1993 sp.s. c 24 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ ~~((867,314,000))~~

883,133,000

General Fund--Federal Appropriation \$ ~~((98,684,000))~~

85,308,000

TOTAL APPROPRIATION \$ ~~((965,995,000))~~

968,441,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on (~~March 22, 1993, at 13:13~~) January 31, 1994, at 15:30 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

Sec. 506. 1993 sp.s. c 24 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ (~~9,894,000~~)

10,016,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) (~~\$250,000~~) \$375,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$400,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5889 (collaborative development school projects). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(4) \$400,000 in savings is assumed from implementation of the efficiency and boundary study as provided in section 521 of this act and RCW 28A.500.010.

Sec. 507. 1993 sp.s. c 24 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ (~~22,869,000~~)

26,318,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ (~~34,417,000~~)

34,866,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

Sec. 508. 1993 sp.s. c 24 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ (~~8,983,000~~)

8,939,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.

(3) \$435,000 of the appropriation is for the Centrum program at Fort Worden state park.

Sec. 509. 1993 sp.s. c 24 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ (~~46,940,000~~)

47,057,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent shall distribute a maximum of \$628.90 per eligible bilingual student in the 1993-94 and the 1994-95 school years.

Sec. 510. 1993 sp.s. c 24 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((408,456,000))~~

107,913,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.
- (3) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.
- (4) The superintendent of public instruction shall develop a new allocation formula as required under section 520 of this act.

Sec. 511. 1993 sp.s. c 24 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund Appropriation \$ ~~((47,832,000))~~

47,587,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.
- (3) Allocations to school districts shall be calculated on the basis of full time enrollment at an annual rate of up to \$26.30 per student. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
 - (a) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
 - (b) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
 - (c) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.
- (4) Receipt by a school district of one-fourth of the district's allocation of funds under this section for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

Sec. 512. 1993 sp.s. c 24 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATIONAL REFORM PROGRAMS

General Fund Appropriation \$ ~~((57,990,000))~~

76,949,000

The appropriation in this section is subject to the following conditions and limitations:

- (1)(a) \$23,000,000 is provided solely for resources and planning time for the 1994-95 school year for certificated staff to implement education reform under the requirements of Engrossed Substitute House Bill No. 1209 (education reform).
- (b) \$39,934,000 is provided for student learning improvement grants for the 1994-95 school year to implement education reform under RCW 28A.300.138. The grants shall be allocated based on the number of full time equivalent certificated staff employed in eligible schools of a district. The allocation shall not exceed \$800 per full time equivalent certificated staff and shall be allocated in fiscal year 1995, beginning September 1, 1994. School districts may begin to use the planning days on July 1, 1994, for school year 1994-95 purposes. This appropriation allocates funds to support the equivalent of four planning days, and it is intended that funds for not more than four days per year will be allocated in the 1995-97 biennium.
- (c) Subsection (1)(a) of this section shall continue in effect only if House Bill No. 2918 or substantially similar legislation fails to become law by June 30, 1994. Subsection (1)(b) shall take effect only if House Bill No. 2918 or substantially similar legislation becomes law by June 30, 1994.
- (2) \$2,190,000 is provided solely for ~~((paraprofessional training for classified staff. Resources and planning time for classified staff will be provided through the paraprofessional training program funded in this act))~~ training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(3) \$3,900,000 is provided solely for the twenty-first century pilot programs for the remaining months of the 1992-93 school year and for the 1993-94 school year.

(4) \$3,317,000 is provided solely for the operation of the commission on student learning under Engrossed Substitute House Bill No. 1209 (education reform). The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(5) \$1,683,000 is provided solely for development of assessments as required in Engrossed Substitute House Bill No. 1209 (education reform).

(6) ~~\$(1,800,000)~~ 2,800,000 is provided for school-to-work transition projects in the common schools, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform) and Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(7) \$3,300,000 is provided for mentor teacher assistance, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$400,000 is provided to establish one to three pilot projects pairing full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers, as authorized under section 402 of Engrossed Substitute House Bill No. 1209.

(8) \$900,000 is provided for superintendent and principal internships, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(9) \$4,500,000 is provided for improvement of technology infrastructure and educational technology support centers, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(10) \$8,000,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to part IX of Engrossed Substitute House Bill No. 1209 (education reform).

(11) \$5,000,000 is provided solely for the meals for kids program under Substitute Senate Bill No. 5971 (school meals) and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs.

(b) \$4,558,000 is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(12) ~~\$(400,000)~~ 1,400,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction as specified in section 501 of Engrossed Substitute House Bill No. 1209.

(13) \$25,000 is provided solely for compliance review and assistance to school sites and districts applying for student learning improvement grants under conditions of House Bill No. . . . (H-4288/94).

NEW SECTION. Sec. 513. A new section is added to chapter 24, Laws of 1993 sp.s. (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION--COMMON SCHOOL CONSTRUCTION

General Fund Appropriation \$ 52,300,000

NEW SECTION. Sec. 514. A new section is added to chapter 24, Laws of 1993 sp.s. (uncodified) to read as follows:

FOR THE COMPACT FOR EDUCATION

General Fund--State Appropriation \$ 119,000

**PART VI
HIGHER EDUCATION**

Sec. 601. 1993 sp.s. c 24 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.

(2) The general fund--state appropriations in sections 602 through 608 of this act represent significant reductions in current funding levels.

In order to provide each institution of higher education with the capability of effectively managing within their unique requirements, some flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources. In establishing spending plans for the next biennium, each institution shall address the needs of its students in keeping with the following directives: (a) Establishing reductions of a permanent nature by avoiding short term solutions; (b) not reducing enrollments below budgeted levels; (c) maintaining the current resident to nonresident student proportions; (d) protecting undergraduate programs and support services; (e) protecting assessment activities; (f) protecting minority recruitment and retention efforts; (g) protecting the state's investment in facilities; (h) using institutional strategic plans as a guide for reshaping institutional expenditures; and (i) increasing efficiencies through administrative reductions, program consolidation, the elimination of duplication, the use of other resources, and productivity improvements. Each institution of higher education and the state board for community and technical colleges shall submit a report to the legislative fiscal committees by July 1, 1993, on their spending plans for the 1993-95 biennium. The report should address the approach taken with respect to each of the directives in this subsection. A second report responding to the same directives shall be submitted by November 1, 1993, which describes the implementation of the spending plan and its effects.

(3) For the 1995-97 biennium, it is the intent of the legislature to make further efficiency reductions in higher education. Related savings will go toward funding compensation increases. Reductions will be one and one quarter percent of 1993-95 general fund--state appropriations for four-year institutions and one percent for the community and technical college system. Institutions will be given maximum flexibility in implementing these reductions. However, each institution shall address the needs of its students by not reducing enrollments below budgeted levels. In order to accomplish this, institutions are encouraged to begin a review of instructional programs to identify duplicative and low-productivity programs for possible consolidation or termination.

(4) The appropriations in sections 602 through 608 of this act provide state general fund support for student full time equivalent enrollments at each institution of higher education. The state general fund budget is further premised on a level of specific student tuition revenue collected into and expended from the institutions of higher education--general local accounts. Listed below are the annual full time equivalent student enrollments by institution assumed in this act.

| | | 1993-94 | 1994-95 |
|--|---------------------|--------------------|--------------------|
| | | Annual | Annual |
| | | Average | Average |
| | FTE | FTE | |
| University of Washington | | | |
| Main campus | 29,762 | 29,826 | |
| Evening Degree Program | 465 | 525 | |
| Tacoma branch | 450 | 490 | |
| Bothell branch | 427 | 449 | |
| Washington State University | | | |
| Main campus | 15,965 | 15,991 | |
| Spokane branch | 248 | 258 | |
| Tri-Cities branch | 519 | 541 | |
| Vancouver branch | 511 | 595 | |
| Central Washington University 6,666 6,810 | | | |
| Eastern Washington University 7,429 7,573 | | | |
| The Evergreen State College 3,226 3,258 | | | |
| Western Washington University 9,216 9,360 | | | |
| State Board for Community and Technical Colleges 107,670 110,386 | | | |
| Higher Education Coordinating Board 50 50 | | | |
| Sec. 602. 1993 sp.s. c 24 s 602 (uncodified) is amended to read as follows: | | | |
| FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES | | | |
| General Fund--State Appropriation | \$ ((676,763,000)) | | <u>673,452,000</u> |
| General Fund--Federal Appropriation | \$ 11,403,000 | | |
| Industrial Insurance Premium Refund | | | |
| Account Appropriation | \$ 12,000 | | |
| Employment and Training Trust | | | |
| Fund Appropriation | \$ 35,120,000 | | |
| | TOTAL APPROPRIATION | \$ ((723,298,000)) | <u>719,987,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).

(2) \$35,120,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:

(a) \$27,630,000 shall provide enrollment opportunity for 3,500 full time equivalent students in fiscal year 1994 and 5,000 full time equivalent students in fiscal year 1995. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 each year to Grays Harbor College;

(b) ~~(\$3,245,000 shall provide child care for the children of the student enrollments funded in (a) of this subsection;~~

~~(c) \$500,000 shall provide transportation funding for the student enrollments funded in (a) of this subsection;~~

~~(d) \$3,745,000 shall provide financial aid for the student enrollments funded in (a) of this subsection))~~ \$7,490,000 shall provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.

(3) \$3,425,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.

(4) \$1,412,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.

(5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund--state level.

(6) For fiscal year 1994, the appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 41.56 or 41.06 RCW except as restricted under section 913 of this act.

(7) For fiscal year 1995, colleges allocated funds from appropriations in this section shall not grant salary increases from any fund source, but may grant increments to classified staff and full-time faculty whose annual base salary is less than \$45,000. Faculty increments shall be effective during the first month of the academic year. Funding of increments for faculty is limited to savings available from full-time faculty turnover. A maximum of \$1,140,000 of this appropriation may be expended to supplement turnover savings in the payment of full-time faculty increments.

(8) \$150,000 of the general fund--state appropriation is provided solely for the two-plus-two program at Olympic College.

~~((9))~~ (9) \$3,364,000 of the general fund--state appropriation is provided solely for instructional equipment for technical colleges.

(10) For fiscal year 1995, technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in chapter 18, Laws of 1993 sp. sess., notwithstanding RCW 43.135.055.

(11) \$225,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 2210 (creating a new community college district). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 603. 1993 sp.s. c 24 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

| | | |
|--|-------------------------------|--------------------|
| General Fund Appropriation | \$ ((507,648,000)) | <u>504,130,000</u> |
| Medical Aid Fund Appropriation | \$ ((3,756,000)) | <u>4,083,000</u> |
| Accident Fund Appropriation | \$ ((3,762,000)) | <u>3,840,000</u> |
| Death Investigations Account Appropriation | \$ ((1,282,000)) | <u>1,427,000</u> |
| Oil Spill Administration Account Appropriation | \$ ((236,000)) | <u>100,000</u> |
| Health Services Account Appropriation | \$ 5,800,000 | |
| TOTAL APPROPRIATION | \$ ((522,454,000)) | <u>519,380,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((10,004,000))~~ 7,201,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.

(2) ~~\$((10,499,000))~~ 7,713,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) The University of Washington shall prepare a plan to remedy the cause of disparate market gaps in compensation for professional/exempt employees and librarians. The plan shall be presented to the legislative fiscal and policy committees by January 1, 1994.

(4) \$2,300,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(5) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(6) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$2,900,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(9) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(10) The University of Washington shall maintain essential requirements level funding for the family practice residency network within the school of medicine.

(11) \$25,000 of the general fund appropriation is provided solely for the Thomas Burke Memorial Washington State Museum for meeting obligations created by the federal Native American Graves Protection and Repatriation Act of 1991, and for assistance in preparing rare Oligocene period whale fossils found on the Olympic Peninsula.

(12) The Death Investigation Council, in consultation with the Washington state toxicology laboratory, shall prepare a plan for billing clients for services. The plan is to be implemented in 1995-97, and revenue from client billings shall be sufficient to cover the projected budget deficit for 1995-97.

Sec. 604. 1993 sp.s. c 24 s 604 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ ((292,460,000))

290,469,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ ((293,860,000))

291,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((8,338,000)) 7,811,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$((6,420,000)) 5,697,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$((7,062,000)) 6,748,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$((85,000)) 1 of the general fund appropriation is provided solely for the implementation of section 7 of Second Engrossed Substitute House Bill No. 1309 or substantially similar legislation.

(7) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$262,000 of the general fund appropriation is provided solely for the poultry diagnostic lab.

(9) \$120,000 of the general fund appropriation is provided solely for the aquaculture certification center.

(10)(a) To protect children and adults from inappropriate pesticide exposure in public schools, the cooperative extension service shall develop a model integrated pest management program for use by local public school districts. The model program shall maximize reliance on natural pest controls least harmful to people and the environment.

(b) School district development of model integrated pest management programs shall involve parents, teachers, and staff. A curriculum to teach students integrated pest management principles and practices is encouraged as an integral part of the program.

Sec. 605. 1993 sp.s. c 24 s 605 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((72,843,000))

72,252,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ((73,043,000))

72,452,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

Sec. 606. 1993 sp.s. c 24 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((66,482,000))~~

66,003,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Health Services Account Appropriation \$ 140,000

TOTAL APPROPRIATION \$ ~~((66,622,000))~~

66,153,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$140,000 of the health services account appropriation is provided solely for health for benefits teaching and research assistants

pursuant to Engrossed House Bill No. 2123.

Sec. 607. 1993 sp.s. c 24 s 607 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ~~((37,207,000))~~

36,899,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$410,000 of the general fund(~~--state~~) appropriation is provided solely for the public schools partnership program.
- (4) \$976,000 of the general fund appropriation is provided solely for the Washington state institute for public policy to conduct studies requested by the legislature.

Sec. 608. 1993 sp.s. c 24 s 608 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((81,618,000))~~

81,088,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((81,818,000))~~

81,288,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provide solely to recruit and retain minorities.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants

pursuant to Engrossed House Bill No. 2123.

Sec. 609. 1993 sp.s. c 24 s 609 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ ~~((4,918,000))~~

7,319,000

General Fund--Federal Appropriation \$ 265,000

TOTAL APPROPRIATION \$ ~~((4,283,000))~~

7,584,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$717,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full time equivalent students per fiscal year.

(2) \$3,000,000 of the general fund--state appropriation is provided for transfer to the Washington distinguished professorship trust fund.

(a) For the biennium ending June 30, 1995, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts for distinguished professorships have been deposited pursuant to RCW 28B.10.866 through 28B.10.874:

(i) \$1,000,000 of the appropriation for the University of Washington;

(ii) \$1,000,000 of the appropriation for Washington State University;

(iii) \$250,000 of the appropriation for Eastern Washington University;

(iv) \$250,000 of the appropriation for Central Washington University;

(v) \$250,000 of the appropriation for Western Washington University;

(vi) \$250,000 of the appropriation for The Evergreen State College.

(b) As of June 30, 1995, if any funds reserved in (a) of this subsection have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the professorships allocated to it by this subsection may be eligible for such funds under rules established by the higher education coordinating board.

(3) \$400,000 of the general fund--state appropriation is provided solely for transfer to the Washington graduate fellowship trust fund.

(a) For the biennium ending June 30, 1995, all appropriations to the Washington graduate fellowship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts for graduate fellows have been deposited:

(i) \$100,000 of the appropriation for Eastern Washington University;

(ii) \$100,000 of the appropriation for Central Washington University;

(iii) \$100,000 of the appropriation for Western Washington University;

(iv) \$100,000 of the appropriation for The Evergreen State College.

(b) As of June 30, 1995, if any funds reserved in (a) of this subsection have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the fellowships allocated to it by this subsection may be eligible for such funds under rules established by the higher education coordinating board.

Sec. 610. 1993 sp.s. c 24 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation \$ ((426,345,000))

126,245,000

General Fund--Federal Appropriation \$ 6,381,000

Health Services Account Appropriation \$ 2,230,000

State Education Grant Account Appropriation \$ 40,000

TOTAL APPROPRIATION \$ ((434,966,000))

134,896,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, health professional conditional scholarship program. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, this appropriation shall lapse.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(4) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(5) \$((124,840,000)) 124,770,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$95,039,000 is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income. Any state need grant moneys not awarded by April 1st of each year may be transferred to the state work study program.

(b) \$24,200,000 is provided solely for the state work study program.

(c) \$1,000,000 is provided solely for educational opportunity grants.

(d) A maximum of \$((2,698,000)) 2,628,000 may be expended for financial aid administration.

~~((5) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).~~

~~((6)) (e) \$50,000 ((of the general fund--state appropriation)) is provided solely for a demonstration project that matches money raised for scholarships by new local chapters of the Citizen's Scholarship Foundation of America. To be eligible to receive a state matching grant, the new chapter must be created after June 30, 1993. Each chapter is limited to one matching grant and must raise at least \$2,000 before receiving matching funds.~~

~~((7)) (f) \$288,000 ((of the general fund--state appropriation)) is provided solely for the educator's excellence awards, which includes \$53,000 transferred from the office of the superintendent of public instruction.~~

(6) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).

Sec. 611. 1993 sp.s. c 24 s 611 (uncodified) is amended to read as follows:

FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation \$ ((744,000))

917,000

Sec. 612. 1993 sp.s. c 24 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ ((3,547,000))

3,447,000

General Fund--Federal Appropriation \$ 34,651,000

TOTAL APPROPRIATION \$ ((38,168,000))

38,098,000

The appropriations in this section are subject to the following conditions and limitations: In order for the agency to accomplish both its federally assigned and state responsibilities under chapter 28C.18 RCW, it may, with the concurrence of the office of financial management, exercise discretion in restructuring its general fund--state and general fund--federal resources within allowed FTE staff totals.

Sec. 613. 1993 sp.s. c 24 s 614 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation \$ ((14,062,000))

14,172,000

General Fund--Federal Appropriation \$ 4,796,000

General Fund--Private/Local Appropriation \$ 46,000

TOTAL APPROPRIATION \$ ((18,904,000))

19,014,000

The appropriations in this section are subject to the following conditions and limitations: \$2,385,516 of the general fund--state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

Sec. 614. 1993 sp.s. c 24 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation \$ ((4,274,000))

4,246,000

General Fund--Federal Appropriation \$ 934,000

TOTAL APPROPRIATION \$ ((5,208,000))

5,180,000

The appropriations in this section are subject to the following conditions and limitations: The portion of the general fund appropriation provided for the institutional and organizational support programs shall be awarded to applicants that have not added to any accumulated deficit in the most recently completed fiscal year. Applicants that provide artistic services to communities that are otherwise artistically underserved, are integral to the arts community in which they are based, or that have budgets of less than \$250,000 shall be exempt from this requirement.

Sec. 615. 1993 sp.s. c 24 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ ((2,321,000))

2,325,000

Sec. 616. 1993 sp.s. c 24 s 617 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ ((873,000))

891,000

Sec. 617. 1993 sp.s. c 24 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation \$ ((12,566,000))

12,536,000

General Fund--Private/Local Appropriation \$ 40,000

Industrial Insurance Premium Refund Account

Appropriation \$ 9,000

TOTAL APPROPRIATION \$ ((12,606,000))

12,585,000

Sec. 618. 1993 sp.s. c 24 s 619 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation \$ ((6,862,000))

6,844,000

General Fund--Private/Local Appropriation \$ 26,000

Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ ((6,888,000))

6,877,000

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 1993 sp.s. c 24 s 710 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--EMERGENCY TRAVEL FUND

General Fund--State Appropriation \$ ((3,553,000))

463,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used solely for providing for the cost of travel, lodgings, and related expenses for agencies that demonstrate a critical agency-related need as a result of the reductions in travel funding made by this act. Allocations from this appropriation shall be reported quarterly to the legislative fiscal committees.

NEW SECTION. Sec. 702. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE GOVERNOR--MAINFRAME REPROGRAMMING COSTS

General Fund Appropriation \$ 656,000

Forest Development Account Appropriation \$ 97,000

Resource Management Cost Account Appropriation \$ 236,000

Unemployment Compensation Administration

Account Appropriation \$ 732,000

Department of Retirement Systems Expense

Account Appropriation \$ 407,000

Accident Account Appropriation \$ 471,000

Medical Aid Account Appropriation \$ 470,000

TOTAL APPROPRIATION \$ 3,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided for reprogramming mainframe and other computer applications of the department of personnel, department of natural resources, department of information services, employment security department, department of retirement systems, and department of labor and industries.

(2) Funds shall not be expended until agency work plans are approved by the department of information services and the office of financial management.

(3) The appropriations in this section assume expenditure of \$404,000 from nonappropriated funds in the data processing revolving account. No more than this amount shall be expended by the department of personnel's human resources information services division.

NEW SECTION. Sec. 703. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION: PROGRAM C

General Fund Appropriation \$ 73,925,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for regular category C projects.

Sec. 704. 1993 sp.s. c 24 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ ((736,148,685))

698,685,618

This appropriation is for deposit into the accounts listed in section 801 of this act.

Sec. 705. 1993 sp.s. c 24 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ ((28,156,478))

35,218,846

Community College Refunding Bond Retirement

Fund 1974 Appropriation \$ 9,856,110
 Community College Capital Construction Bond
 Retirement Fund 1975, 1976, 1977
 Appropriation \$ 10,304,798
 Higher Education Bond Retirement Fund 1979
 Appropriation \$ 6,354,922
 Washington State University Bond Redemption
 Fund 1977 Appropriation \$ 516,452
 Higher Education Refunding Bond Redemption
 Fund 1977 Appropriation \$ 6,245,701
 State General Obligation Bond Retirement
 1979 Appropriation \$ ((65,033,822))

71,822,089

TOTAL APPROPRIATION \$ ((426,467,983))

140,318,918

Sec. 706. 1993 sp.s. c 24 s 705 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
 FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund
 1967 Appropriation \$ 6,923,625
 ((State Building Bond Redemption Fund 1967
 Appropriation \$ 654,200))
 State Building and Parking Bond Redemption
 Fund 1969 Appropriation \$ 2,456,980

TOTAL APPROPRIATION \$ ((40,034,805))

9,380,605

Sec. 707. 1993 sp.s. c 24 s 706 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
 FOR BOND SALE EXPENSES**

General Fund Appropriation \$ ((1,258,344))

2,453,714

Higher Education Construction Account
 Appropriation \$ 185,130
 State Convention and Trade Center Appropriation \$ 88,050
 ((Excess Earnings Account Appropriation \$ 1,195,400))
 State Building Construction Account
 Appropriation \$ 35,298,012
 Economic Development Account Appropriation \$ 162,000
 Puget Sound Capital Construction Account
 Appropriation \$ 2,716,792
 Motor Vehicle Fund Appropriation \$ 2,849,751
 Special Category C Account Appropriation \$ 974,359
 Energy Efficiency Construction Account
 Appropriation \$ 515,362
 Common School Reimbursable Construction Account
 Appropriation \$ 5,666,853
 Higher Education Reimbursable Construction Account
 Appropriation \$ 4,312,476
 Energy Efficiency Services Account
 Appropriation \$ 51,282

State and Local Improvements Revolving Account
Appropriation--Waste Disposal Facilities \$ 1,808

State and Local Improvements Revolving Account
Appropriation--Waste Disposal Facilities.

1980 \$ 7,370

State and Local Improvements Revolving Account

Appropriation--Water Supply Facilities \$ 6,285

Fruit Commission Facilities Account

Appropriation \$ 500

State Higher Education Bond Retirement Account

Appropriation, 1988 \$ 3,000

TOTAL APPROPRIATION \$ ((55,273,784))

55,292,744

Total Bond Retirement and Interest

Appropriations contained in sections 701
through 706 of this act \$ 1,181,971,582

NEW SECTION. Sec. 708. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of several accounts indicated, for the period from the effective date of this act to June 30, 1995, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Hospital Commission Account \$ 37
Archives and Records Management Account \$ 1,005
Winter Recreation Program Account \$ 75
Snowmobile Account \$ 226
Institutional Impact Account \$ 15,428
Forest Development Account \$ 2,034
Health Professions Account \$ 3,952
Flood Control Assistance Account \$ 34,460
Aquatic Lands Enhancement \$ 110
Public Safety and Education Account \$ 1,408
Real Estate Commission Account \$ 17,829
Reclamation Revolving Account \$ 104
State Investment Board Expense Account \$ 5,330
State Emergency Water Projects Revolving Account \$ 16
State Capitol Historical Association Museum Account \$ 37
Resource Management Cost Account \$ 7,734
Charitable, Educational, Penal (CEP), and
Reformatory Institutions (RI) Account \$ 19,384
Litter Control Account \$ 1,564
State and Local Improvement Revolving Account--
Waste Disposal Facilities \$ 461
Grade Crossing Protective Account \$ 33,791
State Patrol Highway Account \$ 121,716
State Wildlife Account \$ 33,800
Highway Safety Account \$ 99,707
Motor Vehicle Account \$ 84,214
Puget Sound Ferry Operations Account \$ 429
Special Wildlife Account \$ 868
Public Service Revolving Account \$ 5,408
Vehicle Tire Recycling Account \$ 149
Insurance Commissioner's Regulatory Account \$ 14,712
Water Quality Account \$ 89,017
High Capacity Transportation Account \$ 7,110
Basic Health Plan Trust Account \$ 462
State Toxics Control Account \$ 233,859
Local Toxics Control Account \$ 51,879

Water Quality Permit Account \$ 12
 Drug Enforcement and Education Account \$ 400
 Solid Waste Management Account \$ 1,127
 Hazardous Waste Assistance Account \$ 98
 State Treasurer's Service Account \$ 546
 Legal Services Revolving Account \$ 24,362
 Municipal Revolving Account \$ 9,512
 Department of Personnel Service Account \$ 1,931
 Auditing Services Revolving Account \$ 3,044
 Liquor Revolving Account \$ 25,029
 State Convention and Trade Center Operations Account \$ 4,037
 Department of Retirement Systems Expense Account \$ 4,537
 Accident Account \$ 5,289
 Medical Aid Account \$ 5,289

NEW SECTION. Sec. 709. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided as follows:

- (1) Gregory Johnson, for payment of claim
 number SCJ-93-10 \$ 10,993.52
- (2) Dale G. Horton, Jr., for payment of claim
 number SCJ-93-11 \$ 4,279.00
- (3) Joseph Flarity, for payment of claim
 number SCJ-93-12 \$ 6,754.47
- (4) Loren Mann, for payment of claim
 number SCJ-93-16 \$ 14,462.62

Sec. 710. 1993 sp.s. c 24 s 716 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

~~((General Fund--State Appropriation--\$ 8,960,000
 General Fund--Federal Appropriation--\$ 3,216,000
 Special Fund Salary and Insurance Contribution
 Increase Revolving Fund Appropriation--\$ 6,871,000
 TOTAL APPROPRIATION--\$ 19,047,000~~

~~The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.))~~

- (1) The ~~((appropriations in this section shall be distributed by the))~~ office of financial management ~~((te))~~ shall reduce the allotments of state agencies, excluding institutions of higher education, to ~~((fund the 1993-95 increased))~~ reflect decreased costs of health care benefits, administration, and margin in the self-insured medical and dental plans.
- (2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$317.79 per eligible employee for fiscal year 1994, and ~~\$(350.25))~~ 299.57 for fiscal year 1995.
- (b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.91 per eligible employee for fiscal year 1994, and ~~\$(6.24))~~ 5.75 for fiscal year 1995.
- (c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1993-95 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.
- (d) Funds provided ~~((under this section))~~ for insurance benefits, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision, except any school district or any bargaining unit within a school district, to which coverage is extended after ~~((the effective date of this act))~~ January 1, 1994, shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.
- (3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) ((A maximum of \$587,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for benefit increases for ferry workers consistent with the 1993-95 transportation appropriations act.)) The health care authority, subject to the approval of the public employees benefits board, shall provide the following subsidies for health benefit premiums provided to retirees pursuant to RCW 41.05.080 and 41.05.260 and Senate Bill No. (retiree health benefits):

(a) From July 1, 1994, through December 31, 1994, the health benefit subsidy for eligible retired or disabled school employees who are eligible for parts A and B of medicare shall be \$34.20 per month or a lower rate to the extent that funds are unavailable from the retired school employees' subsidy account.

(b) From July 1, 1994, through December 31, 1994, the health benefit subsidy for eligible retired or disabled school employees who are under age 65 shall be \$85.50 per month or a lower rate to the extent that funds are unavailable from the retired school employees' subsidy account.

(c) From January 1, 1995, to June 30, 1995, the health benefit subsidy for eligible retired or disabled school employees who are eligible for parts A and B of medicare shall be \$34.20 per month from the public employees and retirees insurance account in accordance with Senate Bill No. (retiree health benefits). If the bill is not enacted by June 30, 1994, this subsection (4)(c) shall lapse.

(d) From January 1, 1995, to June 30, 1995, the health benefit subsidy for eligible retired state employees who are eligible for parts A and B of medicare shall be \$34.20 per month from the public employees and retirees insurance account in accordance with Senate Bill No. (retiree health benefits). If the bill is not enacted by June 30, 1994, this subsection (4)(d) shall lapse.

Sec. 711. 1993 sp.s. c 24 s 721 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--LOANS

((General Fund Appropriation—For transfer to the

Convention and Trade Center Operating Account \$ 2,830,000))

General Fund Appropriation—For transfer to the

Community College Capital Projects Account \$ 4,550,000

((TOTAL APPROPRIATION—\$ 7,380,000))

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 1993 sp.s. c 24 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

Fisheries Bond Redemption Fund 1977

Appropriation \$ 1,369,050

Water Pollution Control Facilities Bond Redemption

Fund 1967 Appropriation \$ 640,313

State Building (Expo 74) Bond Redemption Fund 1973A

Appropriation \$ ((374,968))

158,287

State Building Bond Redemption Fund 1973

Appropriation \$ ((3,815,320))

843,556

State Higher Education Bond Redemption Fund 1973

Appropriation \$ ((4,395,023))

621,187

((State Building Authority Bond Redemption Fund

Appropriation—\$ 9,397,425))

Community College Capital Improvement Bond

Redemption Fund 1972 Appropriation \$ ((7,528,400))

923,167

State Higher Education Bond Redemption Fund 1974

Appropriation \$ ((1,187,200))

94,125

Waste Disposal Facilities Bond Redemption Fund

Appropriation \$ ((50,473,075))

34,146,747

Water Supply Facilities Bond Redemption Fund

| | | |
|---|-------------------------|--------------------|
| Appropriation | \$ 11,109,893 | |
| Recreation Improvements Bond Redemption Fund | | |
| Appropriation | \$ ((6,933,190)) | |
| | | <u>253,800</u> |
| Social and Health Services Facilities 1972 Bond | | |
| Redemption Fund Appropriation | \$ ((3,713,865)) | |
| | | <u>323,900</u> |
| Outdoor Recreation Bond Redemption Fund 1967 | | |
| Appropriation | \$ 1,593,098 | |
| Indian Cultural Center Construction Bond | | |
| Redemption Fund 1976 Appropriation | \$ 127,231 | |
| ((Fisheries Bond Redemption Fund 1976 | | |
| Appropriation | \$ 760,015 | |
| Higher Education Bond Redemption Fund 1975 | | |
| Appropriation | \$ 2,168,025 | |
| State Building Bond Retirement Fund 1975 | | |
| Appropriation | \$ 422,360)) | |
| Social and Health Services Bond Redemption Fund | | |
| 1976 Appropriation | \$ 9,464,773 | |
| Emergency Water Projects Bond Retirement Fund 1977 | | |
| Appropriation | \$ 2,639,480 | |
| Higher Education Bond Redemption Fund 1977 | | |
| Appropriation | \$ 13,296,100 | |
| Salmon Enhancement Bond Redemption Fund 1977 | | |
| Appropriation | \$ 3,706,950 | |
| Fire Service Training Center Bond Retirement Fund | | |
| 1977 Appropriation | \$ 745,706 | |
| State General Obligation Bond Retirement Bond 1979 | | |
| Appropriation | \$ ((601,579,585)) | |
| | | <u>616,628,255</u> |
| TOTAL APPROPRIATION | \$ ((736,148,685)) | <u>698,685,618</u> |

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

Sec. 802. 1993 sp.s. c 24 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

State General Obligation Bond Retirement

1979 Appropriation \$ 28,156,178

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

Sec. 803. 1993 sp.s. c 24 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premiums tax distribution \$ ((4,382,559))

4,369,500

General Fund Appropriation for public utility

district excise tax distribution \$ ((29,254,986))

27,050,294

General Fund Appropriation for prosecuting

attorneys' salaries \$ 3,300,000

General Fund Appropriation for motor vehicle

excise tax distribution \$ ((96,445,099))

| | |
|--|----------------------|
| | <u>96,797,347</u> |
| General Fund Appropriation for local mass transit assistance \$ ((294,186,744)) | |
| | <u>297,185,157</u> |
| General Fund Appropriation for camper and travel trailer excise tax distribution \$ ((3,112,354)) | |
| | <u>2,817,271</u> |
| General Fund Appropriation for boating safety/education and law enforcement distribution \$ ((789,528)) | |
| | <u>2,623,676</u> |
| Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 154,000 | |
| Liquor Excise Tax Fund Appropriation for liquor excise tax distribution \$ ((24,307,934)) | |
| | <u>22,875,500</u> |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ ((552,982,000)) | |
| | <u>410,702,520</u> |
| Liquor Revolving Fund Appropriation for liquor profits distribution \$ ((53,570,000)) | |
| | <u>44,296,710</u> |
| Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$ ((121,724,800)) | |
| | <u>139,375,055</u> |
| Municipal Sales and Use Tax Equalization Account Appropriation \$ ((51,882,670)) | |
| | <u>51,035,317</u> |
| County Sales and Use Tax Equalization Account Appropriation \$ ((17,476,268)) | |
| | <u>15,717,879</u> |
| Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$ 1,400,000 | |
| County Criminal Justice Account Appropriation \$ ((16,145,834)) | |
| | <u>58,818,768</u> |
| Municipal Criminal Justice Account Appropriation \$ ((6,458,226)) | |
| | <u>23,896,400</u> |
| TOTAL APPROPRIATION \$ (1,276,672,990)) | |
| | <u>1,202,415,394</u> |

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 804. 1993 sp.s. c 24 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Flood Control Assistance Account: For transfer to the General Fund--State \$ ((300,000))

0

State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ ((5,699,000))

9,587,000

Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made

at intervals coinciding with deposits of federal capitalization grant money into the revolving fund.

The amounts transferred shall not exceed the match required for each federal deposit \$ 21,500,000

Trust Land Purchase Account: For transfer to the General Fund \$ ((24,000,000))

22,300,000

General Government Special Revenue Fund--State

Treasurer's Service Account: For transfer to the General Fund on or before ((July 29)) June 30, 1995, an amount up to \$((7,400,000)) 8,400,000 in excess of the cash requirements of the state treasurer's service account \$ ((7,400,000))

8,400,000

Public Works Assistance Account:

For transfer to the General Fund \$ 35,000,000

Health Services Account:

For transfer to the Public Health Services account \$ 20,000,000

Economic Development Finance Authority Account:

For transfer to the General Fund--Federal an amount to include but not exceed all total federal equity in the account \$ 458,000

Oil Spill Response Account:

For transfer to the Oil Spill Administration Account \$ 955,000

TOTAL APPROPRIATION \$ ((143,899,000))

118,200,000

PART IX MISCELLANEOUS

Sec. 901. RCW 22.09.830 and 1989 c 354 s 52 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be deposited in the grain inspection revolving fund, which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW, but no appropriation is required for disbursements from the fund. The fund shall be used for all expenses directly incurred by the commodity inspection division in carrying out the provisions of this chapter and for departmental administrative expenses during the 1993-95 biennium. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on July 1, 1963, and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

Sec. 902. RCW 28B.102.900 and 1987 c 437 s 9 are each amended to read as follows:

No conditional scholarships shall be granted after June 30, ((1994)) 1995, until the program is reviewed by the legislative budget committee and is reenacted by the legislature.

Sec. 903. RCW 67.70.040 and 1991 c 359 s 1 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares. The use of electronic or mechanical devices or video terminals which allow for individual play against such devices or terminals shall be prohibited. Approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, (~~less amounts of unclaimed prizes deposited in the general fund under RCW 67.70.190 during the fiscal year ending June 30, 1989.~~) (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfers to the state's general fund, which during the fiscal year ending June 30, 1995, shall not be less than forty percent of the gross annual revenue from the lottery. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;

(l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

Sec. 904. RCW 70.146.080 and 1993 sp.s. c 24 s 924 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year~~(s)~~ 1992 (~~and 1993~~) and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 905. RCW 88.44.020 and 1991 c 200 s 902 are each amended to read as follows:

There is created the Washington state maritime commission to be known and designated and declared a corporate body. The powers and duties of the commission shall include the following:

(1) To adopt, rescind, and amend rules and orders for the exercise of its powers, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ, and at its pleasure discharge, a manager, secretary, agents, attorneys, consultants, companies, organizations, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices, incur expenses, enter into contracts, and create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To assess vessels transiting the waters of this state, to collect such assessments, investigate violations, and enforce the provisions of this chapter, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(6) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(7) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation;

(8) To expend funds for commission-related education and training programs as the commission deems appropriate;

(9) To borrow money and incur indebtedness;

(10) To establish an oil spill first response system, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon. This system will provide a mandatory emergency response communications network for vessels involved in commerce in Washington waters, and provide an immediate response to such vessels which, for whatever reason, discharge oil into the state's waters. In the event of an oil spill or threatened oil spill, the system must be able to provide a complete response for the first twenty-four hours after the initial report, which may include, but not be limited to, as needed, response vessel or vessels, boom equipment, skimmers, qualified personnel, and wildlife care centers.

The commission may establish, by or before July 1, 1992, an oil spill first response system for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(11) To enter into contracts with cleanup contractors to provide spill response, or with other organizations or companies for communication services;

(12) To recover oil spill first response system costs from a responsible vessel owner or operator in the event of a spill or threatened release;

(13) To hold response readiness drills with state and federal agencies;

(14) To work with other states' and countries' maritime organizations, cleanup cooperatives, and governmental response agencies;

(15) To develop an oil spill contingency plan to comply with state statutes and rules for those vessels covered by the commission, except for vessels operating on the portion of the Columbia river that runs between the states of Washington and Oregon. The commission shall develop an oil spill contingency plan for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon, not later than January 1, 1993;

(16) To develop a data base from existing information sources, of accidents, groundings, near misses, and oil discharges of all cargo and passenger vessels entering the waters of the state and to report any such information to the office of marine safety for the purposes of preparing a summary of accidents and near miss incidents; and

(17) To report annually to the governor, the office of marine safety, and the appropriate standing committees of the legislature on the commission's work and the number of incidents to which the commission's first response system has responded, and make recommendations to improve the safety of maritime transportation.

(18) The commission shall reimburse the oil spill administration account prior to July 1, 1995, from the assessments authorized under RCW 88.44.100 for the development and maintenance by the office of marine safety of a data base pursuant to subsection (16) of this section. The minimum reimbursement shall be one hundred fifty-two thousand dollars for costs incurred in the 1991-93 and the 1993-95 biennia by the office of marine safety.

Sec. 906. RCW 90.56.510 and 1993 c 162 s 2 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the ~~((period 1991-93))~~ biennium ending June 30, 1995, the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account in the omnibus appropriations act adopted not later than June 30, 1994.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

(a) Routine responses not covered under RCW 90.56.500;

(b) Management and staff development activities;

(c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;

(d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 907. The department of social and health services shall design and implement a public assistance reform program which incorporates, but is not limited to, the following initiatives:

(a) Mandatory participation in the job opportunities and basic skills program for recipients of aid to families with dependent children who are pregnant or parenting teens or who have received assistance for thirty-six of the last sixty months;

(b) Ineligibility for public assistance for pregnant or parenting teens who do not live with another adult or are not subject to protective payee requirements;

(c) Payment of cash instead of food stamps or use the electronic benefits transfer for participants in the job opportunities and basic skills program;

(d) An annual benefit reduction of ten percent for individuals who have received public assistance for forty-eight of the last sixty months, combined with freezing other benefits to ensure that reductions are not diluted by increases in other benefits; and

(e) The ability for recipients subject to the benefit reduction to earn back amounts lost due to length of stay.

The department of social and health services shall make any state plan amendments that may be necessary to implement any of the initiatives described in this section. The department shall request the governor to seek congressional action on any federal legislation that may be necessary to implement any of the initiatives described in this section. By October 1, 1994, the department shall request the governor to seek federal agency action on any federal regulation that may require a federal waiver.

By January 1, 1995, the department of social and health services shall submit a report to the appropriate committees of the legislature regarding the program design, necessary state legislation changes, status of waiver requests, a plan for implementation beginning on July 1, 1995, and the fiscal impact of the program.

NEW SECTION. Sec. 908. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 909. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6244 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6244 and the House amendment thereto: Senators Rinehart, McDonald and Quigley.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

MOTION

At 10:48 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of the Message from the House on Engrossed Substitute Senate Bill No. 6111, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Linda Smith, the President finds that Engrossed Substitute Senate Bill No. 6111 is a measure which establishes codes and standards of ethical conduct and interests for government officers and employees, and further creates enforcement mechanisms and procedures.

"The amendment proposed by the House of Representatives would also establish codes and standards of ethical conduct, create enforcement mechanisms and procedures, and additionally, in Section 122, makes a change in the campaign finance laws to permit the use of non-surplus campaign funds for payment of nonreimbursed, office-related expenses.

"The President, therefore, finds that the proposed amendment by the House of Representatives does change the scope and object of the bill and the point of order is well taken."

The striking amendment by the House of Representatives to Engrossed Substitute Senate Bill No. 6111 was ruled out of order.

MOTION

On motion of Senator Drew, the motion to concur in the House amendment to Engrossed Substitute Senate Bill No. 6111 was withdrawn.

MOTION

On motion of Senator Drew, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6111 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6426 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that government information is a strategic resource and needs to be managed as such and that broad public access to nonrestricted public information and records must be guaranteed. The legislature further finds that reengineering government processes along with capitalizing on advancements made in digital technology can build greater efficiencies in government service delivery. The legislature further finds that providing citizen electronic access to presently available public documents will allow increased citizen involvement in state policies and empower citizens to participate in state policy decision making.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

By January 1, 1995, the public disclosure commission shall design a program for electronic access to public documents filed with the commission. The 2program may include on-line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax-request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds.

Sec. 3. RCW 42.17.370 and 1986 c 155 s 11 are each amended to read as follows:

The commission is empowered to:

- (1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW;
- (2) Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;
- (3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;
- (4) Make from time to time, on its own motion, audits and field investigations;
- (5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;
- (6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985.

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

NEW SECTION. Sec. 4. A public information access policy task force is hereby created. The task force shall be composed of: The state librarian or the librarian's designee; the director of the department of information services or the director's designee; four members who are representatives of state and local governmental agencies, appointed by the governor; five representatives of the general public who have experience accessing information electronically or have particular interest in the policies that should govern access to information from public agencies, appointed by the governor; two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives; two members of the senate, one from each political party, appointed by the president of the senate; and, at the option of the chief justice of the state's supreme court, one representative of the state's judicial branch appointed by the chief justice. The state librarian or the librarian's designee and the director of information services or the director's designee shall serve as the cochairs of the task force. The department of information services and the state library shall provide staff support for the task force.

The purpose of the task force is to identify specific means of encouraging and establishing widespread, public, electronic access to the public records held by state government and by local governments. For the purposes of the task force's study and recommendations, providing such access to the public does not include providing the type of services beyond access, and beyond providing assistance with that access, that would be provided by a vendor for commercial purposes, including but not limited to providing such services by means of a geographic information system.

The task force shall cease to exist on June 30, 1996.

NEW SECTION. Sec. 5. (1) By December 1, 1994, the task force shall provide its initial recommendations to the legislature and the governor regarding: Protecting the privacy of the citizenry and complying with statutory nondisclosure requirements while providing to the public electronic access to records; the status and availability of records for electronic access; and the availability of various means of electronically linking individual citizens to the records they seek. The initial report shall identify implementation strategies for records found to be immediately available for such access.

(2) By December 1, 1995, the task force shall provide its final recommendations to the legislature and governor. The recommendations shall be consistent with the recommendations provided under subsection (1) of this section and shall include an implementation strategy for providing widespread, public, electronic access to the public records held by state and local governmental entities, deadlines for implementation, and findings as to costs.

(3) Nothing in this section or section 4 of this act precludes records from being made available to the public electronically prior to the dates established for the initial and final reports of the task force.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 6426.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6426, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6426, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Anderson - 1.

Absent: Senators Loveland and Pelz - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6426, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6081 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that chemical additives do, and that other types of additives may, contribute to septic system failure and ground water contamination. In order to determine which ingredients of nonchemically based additive products have adverse effects on public health or the environment, it is necessary to submit such products to a review procedure.

The purpose of this act is: (1) To establish a timely and orderly procedure for review and approval of on-site sewage disposal system additives; (2) to prohibit the use, sale, or distribution of additives having an adverse effect on public health or the water quality of the state; (3) to require the disclosure of the contents of additives that are advertised, sold, or distributed in the state; and (4) to provide for consumer protection.

Sec. 2. RCW 70.118.020 and 1993 c 321 s 2 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly indicates otherwise.

(1) "Nonwater-carried sewage disposal devices" means any device that stores and treats nonwater-carried human urine and feces.

(2) "Alternative methods of effluent disposal" means systems approved by the department of health, including at least, mound systems, alternating drain fields, anaerobic filters, evapotranspiration systems, and aerobic systems.

(3) "Failure" means: (a) Effluent has been discharged on the surface of the ground prior to approved treatment; or (b) effluent has percolated to the surface of the ground; or (c) effluent has contaminated or threatens to contaminate a ground water supply.

(4) "Additive" means any commercial product intended to affect the ((internal)) performance or aesthetics of an on-site sewage disposal system.

(5) "Department" means the department of health.

(6) "On-site sewage disposal system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on nearby property under the control of the user where the system is not connected to a public sewer system. For purposes of this chapter, an on-site sewage disposal system does not include indoor plumbing and associated fixtures.

(7) "Chemical additive" means those additives containing acids, bases, or other chemicals deemed unsafe by the department for use in an on-site sewage disposal system.

(8) "Additive manufacturer" means any person who manufactures, formulates, blends, packages, or repackages an additive product for sale, use, or distribution within the state.

Sec. 3. RCW 70.118.060 and 1993 c 321 s 3 are each amended to read as follows:

(1) After July 1, 1994, a person may not use, sell, or distribute ~~((an))~~ a chemical additive to on-site sewage disposal systems ~~((unless such additive has been specifically approved by the department. The department may approve an additive if it can be demonstrated to the satisfaction of the department that the additive has a positive benefit, and no adverse effect, on the operation or performance of an on-site sewage system. Upon written request by an additive manufacturer or distributor for product evaluation,))~~.

(2) After January 1, 1996, no person shall use, sell, or distribute any on-site sewage disposal additive whose ingredients have not been approved by the department.

(3) Each manufacturer of an on-site sewage disposal system additive that is sold, advertised, or distributed in the state shall submit the following information to the department: (a) The name and address of the company; (b) the name of the product; (c) the complete product formulation; (d) the location where the product is manufactured; (e) the intended method of product application; and (f) a request that the product be reviewed.

(4) The department shall adopt rules providing the criteria, review, and decision-making procedures to be used in reviewing on-site sewage disposal additives for use, sale, or distribution in the state. The criteria shall be designed to determine whether the additive has an adverse effect on public health or water quality. The department may charge a fee sufficient to cover the costs of evaluating the additive, including the development of ~~((standards))~~ criteria and review procedures.

~~((2))~~ The fee schedule shall be established by rule.

(5) The department shall issue a decision as to whether a product registered pursuant to subsection (3) of this section is approved or denied within forty-five days of receiving a complete evaluation as required pursuant to subsection (4) of this section.

(6) Manufacturers shall reregister their product as provided in subsection (3) of this section each time their product formulation changes. The department may require a new approval for products registered under this subsection prior to allowing the use, sale, or distribution within the state.

(7) The department may contract with private laboratories for the performance of any duties necessary to carry out the purpose of this section.

(8) The attorney general or appropriate city or county prosecuting attorney is authorized to bring an appropriate action to enjoin any violation of the prohibition on the sale or distribution of additives, or to enjoin any violation of the conditions in section 5 of this act.

~~((3))~~ (9) The department is responsible for providing written notification to ~~((major distributors and wholesalers of))~~ additives manufacturers of the ~~((state-wide prohibition on additives))~~ provisions of this section and sections 4 and 5 of this act. The notification shall be provided no later than ~~((October 1, 1993))~~ thirty days after the effective date of this section. Within thirty days of notification from the department, ~~((distributors and wholesalers))~~ manufacturers shall provide the same notification to their distributors, wholesalers, and retail customers. ~~((The department shall also provide notification to major distributors and wholesalers of additive products that have been approved.))~~

NEW SECTION. Sec. 4. A new section is added to chapter 70.118 RCW to read as follows:

The department shall hold confidential any information obtained pursuant to RCW 70.118.060 when shown by any manufacturer that such information, if made public, would divulge confidential business information, methods, or processes entitled to protection as trade secrets of the manufacturer.

NEW SECTION. Sec. 5. A new section is added to chapter 70.118 RCW to read as follows:

- (1) Each manufacturer of a certified and approved additive product advertised, sold, or distributed in the state shall:
- (a) Make no claims relating to the elimination of the need for septic tank pumping or proper septic tank maintenance;
 - (b) List the components of additive products on the product label, along with information regarding instructions for use and precautions;
 - (c) Make no false statements, design, or graphic representation relative to an additive product that is inconsistent with RCW 70.118.060, section 4 of this act, or this section; and
 - (d) Make no claims, either direct or implied, about the performance of the product based on state approval of its ingredients.
- (2) A violation of this section is an unfair act or practice in violation of the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 70.118 RCW to read as follows:

The department may not use funds appropriated to implement an element of the Puget Sound water quality authority plan to conduct any activity required under chapter . . ., Laws of 1994 (this act).

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Substitute Senate Bill No. 6081.

MOTIONS

On motion of Senator Oke, Senator Prince was excused.

On motion of Senator Drew, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6081, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6081, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Deccio and McCaslin - 2.

Excused: Senators Loveland and Prince - 2.

SUBSTITUTE SENATE BILL NO. 6081, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6003 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. As used in sections 1 through 4 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Minor" means any person under the age of seventeen years.

(2) "Harmful to minors" means any matter or live performance:

(a) Which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(b) Which explicitly depicts or describes, by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or

(iii) Sexual acts that are violent or destructive, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.

(3) "Sexually explicit conduct" means physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, perineum, or, if such person be a female, breast.

(4) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal; or the depiction of covered male genitals in a discernibly turgid state.

(5) "Sexually explicit nudity" means the showing of the human male or female genitals, pubic area, buttocks, or perineum with less than a full opaque covering; or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

(6) "Matter" means a motion picture film, a publication, a sexual device, or any combination thereof.

(7) "Motion picture film" means any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape; or

(f) Any other medium used to electronically transmit or reproduce images on a screen.

(8) "Publication" means any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, telephonic communication, or coin-operated machine.

(9) "Sexual device" means any artificial human penis, vagina, or anus, or other device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals, pubic area, perineum, or anal area, including dildoes, penisators, vibrators, vibrillators, penis rings, and erection enlargement or prolonging creams, jellies, or other such chemicals or preparations.

(10) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, or by telephonic communication, with or without consideration.

(11) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(12) "Knowledge of its character" means that the person has knowledge that the matter or performance contains, depicts, or describes activity or conduct which may be found to be patently offensive under subsection (2)(b) of this section. Such knowledge may be proved by direct or circumstantial evidence, or both.

(13) "Knowledge" means knowledge as defined in RCW 9A.08.010(1)(b).

NEW SECTION. Sec. 2. No person shall with knowledge of its character:

(1) Display matter which is harmful to minors, as defined in section 1(2) of this act, in such a way that minors, as part of the invited general public, will be exposed to view such matter; however, a person shall be deemed not to have displayed matter harmful to minors if the matter is kept behind devices commonly known as blinder racks so that the lower two-thirds of the matter is not exposed to view;

(2) Sell, furnish, present, distribute, allow to view or hear, or otherwise disseminate to a minor, with or without consideration, any matter which is harmful to minors as defined in section 1(2) of this act; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any live performance which is harmful to minors as defined in section 1(2) of this act.

NEW SECTION. Sec. 3. In any prosecution for violation of section 2 of this act, it shall be an affirmative defense that:

(1) The matter or performance involved was displayed or otherwise disseminated to a minor by the minor's parent or legal guardian, for bona fide purposes;

(2) The matter or performance involved was displayed or otherwise disseminated to a minor with the written permission of the minor's parent or legal guardian, for bona fide purposes; or

(3) The person made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

NEW SECTION. Sec. 4. Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor. Each day that any violation of section 2 of this act occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by section 2 of this act shall constitute a separate offense as to each item, issue, or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume, and number issue, or other such identical material shall constitute a single offense.

NEW SECTION. Sec. 5. No person shall be vicariously liable for the conduct of agents, employees, or employers who violate section 2 of this act except as provided in RCW 9A.08.030(2)(b).

Sec. 6. RCW 9A.08.030 and 1975 1st ex.s. c 260 s 9A.08.030 are each amended to read as follows:

(1) As used in this section:

(a) "Agent" means any director, officer, or employee of a corporation, or any other person who is authorized to act on behalf of the corporation;

(b) "Corporation" includes a joint stock association;

(c) "High managerial agent" means an officer or director of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

(2) A corporation is guilty of an offense when:

(a) The conduct constituting the offense consists of an omission to discharge a specific duty of performance imposed on corporations by law; or

(b) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and on behalf of the corporation; or

(c) The conduct constituting the offense is engaged in by an agent of the corporation, other than a high managerial agent, while acting within the scope of his employment and in behalf of the corporation and (i) the offense is a gross misdemeanor or misdemeanor, or (ii) the offense is one defined by a statute which clearly indicates a legislative intent to impose such criminal liability on a corporation. This subsection (2)(c) shall not apply to violations of section 2 of this act.

(3) A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

(4) Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows he has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if a high managerial agent, criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.

(5) Every corporation, whether foreign or domestic, which shall violate any provision of RCW 9A.28.040, shall forfeit every right and franchise to do business in this state. The attorney general shall begin and conduct all actions and proceedings necessary to enforce the provisions of this subsection.

NEW SECTION. Sec. 7. Nothing in this chapter applies to:

(1) The official circulation of material by a recognized historical society or museum, a library of a college or university, or an archive or library under the supervision and control of the state, county, municipality, or other political subdivision of the state;

(2) The official distribution or use of material by a public school;

(3) The official distribution or use of material by a health care provider, or health agency under the supervision and control, or funded in whole or in part by the state, county, municipality, or other political division of the state;

(4) Devices designed for contraceptive purposes; or

(5) The depiction of a female breast feeding an infant.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 9.68.050 and 1992 c 5 s 1 & 1969 ex.s. c 256 s 13;

(2) RCW 9.68.060 and 1992 c 5 s 2 & 1969 ex.s. c 256 s 14;

(3) RCW 9.68.070 and 1992 c 5 s 4 & 1969 ex.s. c 256 s 15;

(4) RCW 9.68.080 and 1969 ex.s. c 256 s 16;

(5) RCW 9.68.090 and 1992 c 5 s 3 & 1969 ex.s. c 256 s 17;

(6) RCW 9.68.100 and 1969 ex.s. c 256 s 18;

(7) RCW 9.68.110 and 1969 ex.s. c 256 s 19;

(8) RCW 9.68.120 and 1969 ex.s. c 256 s 20;

(9) RCW 9.68.130 and 1975 1st ex.s. c 156 s 1;

(10) RCW 9.68A.140 and 1987 c 396 s 1;

(11) RCW 9.68A.150 and 1987 c 396 s 2; and

(12) RCW 9.68A.160 and 1987 c 396 s 3.

NEW SECTION. Sec. 9. Sections 1 through 5 and 7 of this act are each added to chapter 9.68 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Senate Bill No. 6003 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6003 and the House amendment thereto: Senators Adam Smith, Linda Smith and Niemi.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6230 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.09.076 and 1993 c 471 s 4 are each amended to read as follows:

The application requirements of RCW 19.09.075 do not apply to the following:

- (1) Any charitable organization raising less than ~~((five thousand dollars))~~ an amount as set by rule adopted by the secretary in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;
- (2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:
 - (a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;
 - (b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and
 - (c) Such federal income tax forms as may be required by rule of the secretary.

All entities soliciting charitable donations shall comply with the requirements of RCW 19.09.100.

Sec. 2. RCW 19.09.100 and 1993 c 471 s 9 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;
- (c) If requested by the solicitee, the ~~((toll-free))~~ published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and

(c) If requested by the solicitee, the ~~((toll-free))~~ published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary. The disclosure must be made during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

- (a) The solicitation is conducted by a named commercial fund raiser, if it is;
- (b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and
- (c) The potential donor can obtain additional financial disclosure information at a ~~((toll-free))~~ published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, ~~((residence))~~ business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the secretary's office under the charitable solicitation act, registration number"

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

(a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;

(b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;

(c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "fire fighter," "firemen," or a similar name unless properly authorized by a bona fide police, sheriff, or fire fighter organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(12) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "Currently registered with the Washington state secretary of state as required by law. Registration number"

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No entity may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

(17)(a) No entity may place a telephone call for the purpose of charitable solicitation that will be received by the solicitee before eight o'clock a.m. or after nine o'clock p.m.

(b) No entity may, while placing a telephone call for the purpose of charitable solicitation, engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(18) Failure to comply with subsections (1) through (17) of this section is a violation of this chapter.

Sec. 3. RCW 19.09.230 and 1993 c 471 s 13 are each amended to read as follows:

No charitable organization, commercial fund raiser, or other entity may knowingly use the identical or deceptively similar name, symbol, or emblem of any other entity for the purpose of soliciting contributions from persons in this state without the written consent of such other entity. If the official name or the "doing business name" being registered is the same or deceptively similar as that of another entity, the secretary may request that a copy of the written consent from that entity be filed with the registration. Such consent may be deemed to have been given by anyone who is a director, trustee, or other authorized officer (~~(, employee, agent, or commercial fund raiser of the charitable organization, and)~~) of that entity. A copy of the written consent must be kept on file by the charitable organization or commercial fund raiser and made available to the secretary, attorney general, or county prosecutor upon demand.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

The secretary may revoke or deny any application for registration that violates this section.

NEW SECTION. Sec. 4. A new section is added to chapter 19.09 RCW to read as follows:

The secretary may waive penalties that have been set by rule and assessed by the secretary due from a registered charitable organization previously in good standing that would otherwise be penalized. A charitable organization desiring to seek relief under this section must, within fifteen days of discovery by its corporate officials, director, or other authorized officer of the missed filing or lapse, notify the secretary in writing. The notification must include the name and mailing address of the organization, the organization's officer to whom correspondence should be sent, and a statement under oath by a responsible officer of the organization, setting forth the nature of the missed filing or lapse, the circumstances giving rise to the missed filing or lapse, and the relief sought. Upon receipt of the notice, the secretary shall investigate the circumstances of the missed filing or lapse. If the secretary is satisfied that sufficient exigent or mitigating circumstances exist, that the organization has demonstrated good faith and a reasonable attempt to comply with the applicable corporate statutes of this state, the secretary may issue an order allowing relief from the penalty. If

the secretary determines the request does not comply with the requirements for relief, the secretary shall deny the relief and state the reasons for the denial. Notwithstanding chapter 34.05 RCW, a denial of relief by the secretary is not reviewable.

Sec. 5. RCW 19.77.090 and 1982 c 35 s 184 are each amended to read as follows:

The secretary of state shall be the agent for service of process in any action relating to the registration of any registrant who is at the time of such service a nonresident or a foreign firm, corporation, association, union, or other organization without a resident of this state designated as the registrant's agent for service of record with the secretary of state, or who cannot be found in this state, and service of process, pleadings and papers in such action made upon the secretary of state shall be held as due and sufficient process upon the registrant. The secretary of state shall charge and collect ~~((a fee of twenty five dollars))~~ an assessment, as set by rule by the secretary of state, at the time of any service of process upon the secretary of state under this section. The ~~((fee))~~ assessment may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action. The ~~((fee))~~ assessment shall be deposited in the secretary of state's revolving fund.

Sec. 6. RCW 23B.01.570 and 1991 c 72 s 30 are each amended to read as follows:

In the event any corporation, foreign or domestic, fails to file a full and complete initial report under RCW 23B.02.050(4) and 23B.16.220(3) or does business in this state without having paid its annual corporate license fee and without having filed a substantially complete annual report under RCW 23B.16.220(1) when either is due, there shall become due and owing the state of Washington a penalty ~~((of twenty five dollars))~~ as established by rule by the secretary.

A corporation organized under this title may at any time prior to its dissolution as provided in RCW 23B.14.200, and a foreign corporation qualified to do business in this state may at any time prior to the revocation of its certificate of authority as provided in RCW 23B.15.300, pay to the state of Washington its current annual license fee, provided it also pays an amount equal to all previously unpaid annual license fees plus the penalty ~~((specified in this section))~~ established by rule by the secretary.

Sec. 7. RCW 23B.14.200 and 1991 c 72 s 37 are each amended to read as follows:

The secretary of state may administratively dissolve a corporation under RCW 23B.14.210 if:

- (1) The corporation does not pay any license fees or penalties, imposed by this title, when they become due;
- (2) The corporation does not deliver its completed initial report or annual report to the secretary of state when it is due;
- (3) The corporation is without a registered agent or registered office in this state;
- (4) The corporation does not notify the secretary of state that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;
- (5) The corporation's period of duration stated in its articles of incorporation expired after July 1, 1990; or
- (6) The corporation's period of duration stated in its articles of incorporation expired prior to July 1, 1990, but the corporation has timely paid all license fees imposed by this title and set by rule by the secretary, has timely filed annual reports with the secretary of state, has never been without a registered agent or registered office in this state for sixty days or more, and has never failed to notify the secretary of state of changes in a registered agent or registered office within sixty days of such change.

Sec. 8. RCW 24.03.302 and 1993 c 356 s 5 are each amended to read as follows:

A corporation shall be administratively dissolved by the secretary of state upon the conditions prescribed in this section when the corporation:

- (1) Has failed to file or complete its annual report within the time required by law; or
- (2) Has failed for thirty days to appoint or maintain a registered agent in this state; or
- (3) Has failed for thirty days, after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change.

A corporation shall not be dissolved under this section unless the secretary of state has given the corporation not less than sixty days' notice of its delinquency or omission, by first class mail, postage prepaid, addressed to the registered office, or, if there is no registered office, to the last known address of any officer or director as shown by the records of the secretary of state, and unless the corporation has failed to correct the omission or delinquency before expiration of the sixty-day period.

When a corporation has given cause for dissolution under this section, and has failed to correct the delinquency or omission as provided in this section, the secretary of the state shall dissolve the corporation by issuing a certificate of administrative dissolution containing a statement that the corporation has been dissolved and the date and reason for which it was dissolved. The original certificate of administrative dissolution shall be filed in the records of the secretary of state, and a copy of the certificate shall forthwith be mailed to the corporation at its registered office or, if there is no registered office, to the last known address of the corporation or any officer, director, or incorporator of the corporation, as shown by the records of the secretary of state. Upon the filing of the certificate of administrative dissolution, the existence of the corporation shall cease, except as otherwise provided in this chapter, and its name shall be available to and may be adopted by another corporation after the dissolution.

Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the date on which dissolution will occur, and the action necessary to cure the delinquency or omission prior to dissolution.

A corporation which has been dissolved by operation of this section may be reinstated within a period of three years following its administrative dissolution if it completes and files a current annual report for the reinstatement year or if it appoints or maintains a registered agent, or if

it files with the secretary of state a required statement of change of registered agent or registered office and in addition, if it pays a reinstatement fee ((of twenty-five dollars)) as set by rule by the secretary plus the full amount of all annual fees that would have been assessed for the years of administrative dissolution had the corporation been in active status, including the reinstatement year plus any penalties established by rule by the secretary of state. If, during the period of dissolution, another person or corporation has reserved or adopted a corporate name which is identical to or deceptively similar to the dissolved corporation's name, the dissolved corporation seeking reinstatement shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles of incorporation accordingly. When a corporation has been dissolved by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 24.03.300 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and members.

Sec. 9. RCW 24.03.388 and 1993 c 356 s 9 are each amended to read as follows:

- (1) An application processing fee as provided in RCW 24.03.405 shall be charged for an application for reinstatement under RCW 24.03.386.
- (2) An application processing fee as provided in RCW 24.03.405 shall be charged for each amendment or supplement to an application for reinstatement.
- (3) The corporation seeking reinstatement shall file a current annual report and pay the full amount of all annual corporation fees which would have been assessed for the years of the period of administrative revocation, had the corporation been in active status, including the reinstatement year, plus any penalties as established by rule by the secretary.

Sec. 10. RCW 24.06.290 and 1993 c 356 s 18 are each amended to read as follows:

Failure of the corporation to file its annual report within the time required shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

A corporation shall be dissolved by the secretary of state upon the conditions prescribed in this section when the corporation:

- (1) Has failed to file or complete its annual report within the time required by law;
- (2) Has failed for thirty days to appoint or maintain a registered agent in this state; or
- (3) Has failed for thirty days, after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change.

A corporation shall not be dissolved under this section unless the secretary of state has given the corporation not less than sixty days' notice of its delinquency or omission, by first class mail, postage prepaid, addressed to the registered office, or, if there is no registered office, to the last known address of any officer or director as shown by the records of the secretary of state, and unless the corporation has failed to correct the omission or delinquency before expiration of the sixty-day period.

When a corporation has given cause for dissolution under this section, and has failed to correct the delinquency or omission as provided in this section, the secretary of state shall dissolve the corporation by issuing a certificate of involuntary dissolution containing a statement that the corporation has been dissolved and the date and reason for which it was dissolved. The original certificate of involuntary dissolution shall be filed in the records of the secretary of state, and a copy of the certificate shall forthwith be mailed to the corporation at its registered office or, if there is no registered office, to the last known address of the corporation or any officer, director, or incorporator of the corporation, as shown by the records of the secretary of state. Upon the filing of the certificate of involuntary dissolution, the existence of the corporation shall cease, except as otherwise provided in this chapter, and its name shall be available to and may be adopted by another corporation after the dissolution.

A corporation which has been dissolved by operation of this section may be reinstated within a period of three years following its dissolution if it ((shall file or)) completes and files a current annual report((,- appoint and maintain)) for the current reinstatement year or it appoints or maintains a registered agent, or files a required statement of change of registered agent or registered office and in addition pays the reinstatement fee ((of twenty-five dollars plus any other fees that may be due or owing the secretary of state including the full amount of all annual fees that would have been assessed for the years of administrative dissolution had the corporation been in active status, including the reinstatement year)) as set by rule by the secretary of state, plus the full amount of all annual fees that would have been assessed for the years of administrative dissolution had the corporation been in active status, including the reinstatement year plus any penalties as established by rule by the secretary of state. If during the period of dissolution another person or corporation has reserved or adopted a corporate name which is identical or deceptively similar to the dissolved corporation's name, the dissolved corporation seeking reinstatement shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles accordingly. When a corporation has been dissolved by operation of this section, remedies available to or against it shall survive in the manner provided by RCW 24.06.335 and thereafter the directors of the corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

Sec. 11. RCW 24.06.465 and 1969 ex.s. c 120 s 93 are each amended to read as follows:

Each corporation, domestic or foreign, which fails or refuses to file its annual report for any year within the time prescribed by this chapter shall be subject to a penalty ((of five dollars to be)) as established and assessed by the secretary of state.

Each corporation, domestic or foreign, which fails or refuses to answer truthfully and fully within the time prescribed by this chapter any interrogatories propounded by the secretary of state in accordance with the provisions of this chapter, shall be deemed to be guilty of a misdemeanor

and upon conviction thereof shall be fined in an amount not to exceed five hundred dollars on each count.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6230 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6230 and the House amendment thereto: Senators Adam Smith, Nelson and Quigley.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that when public funds are used to support private enterprise, the public may gain through the creation of new jobs, the diversification of the economy, or higher quality jobs for existing workers. The legislature further finds that such returns on public investments are not automatic and that tax-based incentives, in particular, may result in a greater tax burden on businesses and individuals that are not eligible for the public support. It is the purpose of this chapter to collect information sufficient to allow the legislature and the executive branch to make informed decisions about the merits of existing tax-based incentives and loan programs intended to encourage economic development in the state.

NEW SECTION. Sec. 2. (1) The department of revenue and the department of community, trade, and economic development shall gather such baseline data as is necessary to measure the effect on businesses of any of the following benefits: (a) A loan of one hundred thousand dollars or more from the development loan fund; (b) fifty thousand dollars or more in tax credits under chapter 82.62 RCW or chapter . . . (House Bill No. 2663), Laws of 1994; or (c) a deferral of one hundred thousand dollars or more in taxes under chapter 82.60 or 82.61 RCW, or chapter . . . (House Bill No. 2663), Laws of 1994. The departments shall measure the effect of the programs on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in investments, the movement of firms or the consolidation of firms' operation into the state, and such other factors as the departments select.

(2) The departments shall also measure whether the businesses receiving the benefits: (a) Have complied with federal and state requirements for affirmative action in hiring and promotion of its employees; (b) have provided an average wage that is above the average wage paid by firms located in the same county that share the same two-digit standard industrial code; (c) have provided basic health coverage at a level at least equivalent to basic health coverage under chapter 70.47 RCW; (d) have complied with all applicable federal and state environmental and employment laws and regulations; and (e) have complied with the requirements of all federal and state plant closure laws if reducing operations at a facility or relocating a facility.

(3) Businesses applying for one of the benefits specified in subsection (1) of this section shall submit employment impact estimates to the departments specifying the number and types of jobs, with wage rates and benefits for those jobs, that the business submitting the application expects to be eliminated, created, or retained on the project site and on other employment sites of the business in Washington as a result of the project that is the subject of the application.

(4) The departments shall specify that upon a certain date or dates, the businesses which receive one of the benefits specified in subsection (1) of this section shall submit to the department an employment impact statement stating the net number and types of jobs eliminated, created, or retained, with the wage rates and benefits for those jobs, by the business in Washington as a result of the benefit received.

(5) The information collected on individual businesses under this section is not subject to public disclosure.

(6) The departments shall report their findings to the executive-legislative committee on economic development policy, or the appropriate legislative committees, if the executive-legislative committee on economic development policy is not created by statute, by September 1, 1995. The report shall provide aggregate information on businesses that share the same two-digit standard industrial code.

(7) The executive-legislative committee on economic development policy shall evaluate the departments' report and make recommendations to the governor and the legislature on the continuation of the benefit programs and any conditions under which they should operate if they are to continue.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate refuses to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5468 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5468 and the House amendment thereto: Senators Skratek, Bluechel and Sheldon.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6041 with the following amendment(s):

On page 3, beginning on line 27, strike all material through "acts." on line 30, and insert:

"(13) "Criminal gang-related activity" is defined as illegal activity collectively engaged in by a group of three or more persons whose intent is to further the unlawful enterprise of a criminal gang."

On page 12, beginning on line 36, strike all material through "members." on line 39, and insert:

"(h) The offense was motivated by an intent to further criminal gang-related activity as defined in RCW 9.94A.030(13)."

On page 12, after line 39, insert:

NEW SECTION. Sec. 3. The sentencing guidelines commission shall study the effect of this act. This study shall be completed within 12 months of the effective date of this act and shall address the racially disparate impact, if any, which is found in the application of the basis for an exceptional sentence. This report shall be published and made a public document.

The legislature shall publicly address the racially disparate impact in hearings and legislation, if any is found by the sentencing guidelines commission."

Renumber the remaining sections consecutively and correct internal references accordingly., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendments to Senate Bill No. 6041 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6057 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.170 and 1979 c 158 s 3 are each amended to read as follows:

~~((It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of licensing, and such license is not to be issued by the director of licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That))~~ (1) It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, without first having obtained an alien firearm license from the director of licensing. Except as provided in subsection (2) of this section, the director of licensing may issue an alien firearm license only upon receiving from the consul domiciled in this state representing the country of the alien, a certified copy of the alien's criminal history in the alien's country indicating the alien is not ineligible under RCW 9.41.040 to own, possess, or control a firearm, and the consul's attestation that the alien is a responsible person.

(2)(a) Subject to the additional requirements of (b) of this subsection, the director of licensing may issue an alien firearm license without a certified copy of the alien's criminal history or the consul's attestation required by subsection (1) of this section, if the alien has been a resident of this state for at least two years and: (i) The alien is from a country without a consul domiciled within this state, or (ii) the consul has failed to provide, within ninety days after a request by the alien, the criminal history or attestation required by subsection (1) of this section.

(b) Before issuing an alien firearm license under this subsection (2), the director of licensing shall ask the local law enforcement agency of the jurisdiction in which the alien resides to complete a background check to determine the alien's eligibility under RCW 9.41.040 to own, possess, or control a firearm. The law enforcement agency shall complete a background check within thirty days after the request, unless the alien does not have a valid Washington driver's license or Washington state identification card. In the latter case, the law enforcement agency shall complete the background check within sixty days after the request.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring law enforcement agency.

(3) The fee for an alien firearm license shall be twenty-five dollars, and the license shall be valid for four years from the date of issue.

(4) This section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used ((as to weapons used in such contest)). Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. ((Any person violating the provisions of this section shall be guilty of a misdemeanor.))

Sec. 2. RCW 9.41.070 and 1992 c 168 s 1 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his or her person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such applicant's constitutional right to bear arms shall not be denied, unless he or she:

(a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his or her person; or

(g) Has been convicted of any of the following offenses: Assault in the third degree, indecent liberties, malicious mischief in the first degree, possession of stolen property in the first or second degree, or theft in the first or second degree. Any person who becomes ineligible for a concealed pistol permit as a result of a conviction for a crime listed in this subsection (1)(g) and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition the district court for a declaration that the person is no longer ineligible for a concealed pistol permit under this subsection (1)(g).

(2) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored.

(3) The license shall be revoked by the issuing authority immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years.

(4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the issuing authority shall:

- (a) On the first forfeiture, revoke the license for one year;
- (b) On the second forfeiture, revoke the license for two years;
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period. The issuing authority shall notify, in writing, the department of licensing upon revocation of a license. The department of licensing shall record the revocation.

(5) The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen, ~~((and if not a citizen whether the applicant has declared the intent to become a citizen))~~ and whether he or she has been required to register with the state or federal government and ~~((any))~~ has an identification or registration number ~~((, if applicable))~~. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. ~~((An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen.))~~ A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor. A person who is not a citizen of the United States ~~((, or has not declared his or her intention to become a citizen))~~ shall meet the additional requirements of RCW 9.41.170.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(6) The fee for the original issuance of a four-year license shall be twenty-three dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

- (a) Four dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (d) Three dollars to the firearms range account in the general fund.

(7) The fee for the renewal of such license shall be fifteen dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

- (a) Four dollars shall be paid to the state general fund;
- (b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (c) Three dollars to the firearms range account in the general fund.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (7) of this section. The fee shall be distributed as follows:

- (a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and
- (b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6057.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6057, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6057, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Loveland, McCaslin and Prince - 3.

ENGROSSED SENATE BILL NO. 6057, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6071 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 53.36.100 and 1982 1st ex.s. c 3 s 1 are each amended to read as follows:

(1) A port district having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue, for ~~((twelve))~~ six years only, and a second six years if the procedures are followed under subsection (2) of this section, in addition to all other revenues now authorized by law, by an annual levy not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district. In addition, if voters approve a ballot proposition authorizing additional levies by a simple majority vote, a port district located in a county bordering on the Pacific Ocean having adopted a comprehensive scheme of harbor improvements and industrial developments may impose these levies for a third six-year period. Said ~~((levy))~~ levies shall be used exclusively for the exercise of the powers granted to port districts under chapter 53.25 RCW except as provided in RCW 53.36.110. The levy of such taxes is herein authorized notwithstanding the provisions of RCW 84.52.050 and 84.52.043. The revenues derived from levies made under RCW 53.36.100 and 53.36.110 not expended in the year in which the levies are made may be paid into a fund for future use in carrying out the powers granted under chapter 53.25 RCW, which fund may be accumulated and carried over from year to year, with the right to continue to levy the taxes provided for in RCW 53.36.100 and 53.36.110 for the purposes herein authorized.

(2) If a port district intends to levy a tax under this section for one or more years after the first six years ~~((authorized in this section))~~ these levies were imposed, the port commission shall publish notice of this intention, in one or more newspapers of general circulation within the district, by June 1 of the year in which the first levy of the seventh through twelfth year period is to be made. If within ninety days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the port district for the office of the governor at the last preceding gubernatorial election, the county auditor shall canvass the signatures in the same manner as prescribed in

RCW 29.79.200 and certify their sufficiency to the port commission within two weeks. The proposition to make these levies in the seventh through twelfth year period shall be submitted to the voters of the port district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29.13.070. The levies may be made in the seventh through twelfth year period only if approved by a majority of the voters of the port district voting on the proposition.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Snyder moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 6071 and asks the House to recede therefrom.

MOTION

Senator Haugen moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6071.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Haugen that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6071.

The motion by Senator Haugen to concur in the House amendment to Engrossed Substitute Senate Bill No. 6071 failed on a rising vote.

The President declared the question before the Senate to be the motion by Senator Snyder that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 6071 and asks the House to recede therefrom.

The motion by Senator Snyder carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6071 and asks the House to recede therefrom.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on the following measures: Substitute House Bill No. 2226, without the Senate amendments; House Bill No. 2593, with the Senate amendments; and House Bill No. 2601, without the Senate amendments.

I would have voted 'yes' on all of the measures.

SENATOR ADAM SMITH, 33rd District

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on the following measures: Substitute House Bill No. 2226, without the Senate amendments; House Bill No. 2593, with the Senate amendments; and House Bill No. 2601, without the Senate amendments.

I would have voted 'yes' on all three measures.

SENATOR PHIL TALMADGE, 34th District

MESSAGE FROM THE HOUSE

March 5, 1994

MR. PRESIDENT:

The Speaker ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2226 beyond the scope and object of the bill. The House does not concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate receded from its amendments to Substitute House Bill No. 2226.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2226, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2226, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 3; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Cantu and Deccio - 2.

Absent: Senators Moyer, Smith, A. and Talmadge - 3.

Excused: Senators Loveland and Prince - 2.

SUBSTITUTE HOUSE BILL NO. 2226, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator West: "Mr. President, a point of personal privilege. Senator Moyer had asked that I excuse him prior to the last vote and I neglected to do that, so I would like it entered in the record that he did have to step off for a meeting."

MOTION

On motion of Senator West, Senator Moyer was excused.

MESSAGE FROM THE HOUSE

March 5, 1994

MR. PRESIDENT:

The Speaker ruled the Senate amendments to HOUSE BILL NO. 2593 beyond the scope and object of the bill. The House does not concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate receded from its amendments to House Bill No. 2593.

MOTION

On motion of Senator Drew, Senators Adam Smith and Talmadge were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2593, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2593, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Loveland, Moyer, Prince, Smith, A. and Talmadge - 5.

HOUSE BILL NO. 2593, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1994

MR. PRESIDENT:

The Speaker ruled the Senate amendments to HOUSE BILL NO. 2601 beyond the scope and object of the bill. The House does not concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate receded from its amendments to House Bill No. 2601.

MOTIONS

On motion of Senator Snyder, Senators Moore and Vognild were excused.

On motion of Senator Oke, Senator Roach was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2601, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2601, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senator Cantu - 1.

Excused: Senators Loveland, Moore, Moyer, Prince, Roach, Smith, A., Talmadge and Vognild - 8.

HOUSE BILL NO. 2601, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1159 and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate insists on its position regarding the Senate amendment(s) to Substitute House Bill No. 1159 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 5, 1994

MR. PRESIDENT:

The House concurs in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1743 on page 1, line 5; and does not concur in the amendment on page 2, line 16, and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate refuses to recede from the Senate amendment on page 2, line 16, to Substitute House Bill No. 1743 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1743 and the Senate amendment thereto: Senators Talmadge, Prince and Fraser.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6428 with the following amendments:

On page 6, after line 29, strike the remainder of the bill and insert the following new sections:

NEW SECTION. Sec. 5. A new section is added to chapter 35.13A RCW to read as follows:

A city assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on non-compliance with state or federal requirements for public drinking water systems, which pre-date the date of assuming responsibility and continue after the date of assuming responsibility, provided that the city has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith.

NEW SECTION. Sec. 6. A new section is added to chapter 35A.21 RCW to read as follows:

A code city assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on non-compliance with state or federal requirements for public drinking water systems, which pre-date the date of assuming responsibility and continue after the date of assuming responsibility, provided that the city has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith.

NEW SECTION. Sec. 7. A new section is added to chapter 36.94 RCW to read as follows:

A county assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on non-compliance with state or federal requirements for public drinking water systems, which pre-date the date of assuming responsibility and continue after the date of assuming responsibility, provided that the county has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith.

NEW SECTION. Sec. 8. A new section is added to chapter 57.24 RCW to read as follows:

A water district assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on non-compliance with state or federal requirements for public drinking water systems, which pre-date the date of assuming responsibility and continue after the date of assuming responsibility, provided that the water district has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith.

NEW SECTION. Sec. 9. A new section is added to chapter 80.28 RCW to read as follows:

A water company assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on non-compliance with state or federal requirements for public drinking water systems, which pre-date the date of assuming responsibility and continue after the date of assuming responsibility, provided that the water company has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith.

NEW SECTION. Sec. 10. A new section is added to chapter 54.16 RCW to read as follows:

A public utility district assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on non-compliance with state or federal requirements for public drinking water systems, which pre-date the date of assuming responsibility and continue after the date of assuming responsibility, provided that the public utility district has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith.

NEW SECTION. Sec. 11. A new section is added to chapter 87.03 RCW to read as follows:

An irrigation district assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on non-compliance with state or federal requirements for public drinking water systems, which pre-date the date of assuming responsibility and continue after the date of assuming responsibility, provided that the irrigation district has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith."

On page 8, after line 22, insert:

"Sec. 12. RCW 35.92.010 and 1991 c 347 s 18 are each amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

"Rates" as used in this section includes all lawful charges assessed by the utility, including, but not limited to, consumption charges, connection charges, contributions provided for by state law, charges for meters and other equipment provided to the customer, and charges in connection with repair, replacement or location of customer facilities.

In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate concurred in the House amendment on page 6, after line 29, but refuses to concur in the House amendment on page 8, line 22, to Substitute Senate Bill No. 6428 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6606 with the following amendments(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. RCW 82.04.2201 and 1993 sp.s. c 25 s 204 are each repealed.

NEW SECTION. Sec. 2. The repeals in section 1 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections repealed or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 3. This act shall take effect July 1, 1997.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6606 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6606 and the House amendment thereto: Senators Rinehart, Cantu and Owen.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5061 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.191 and 1989 c 375 s 11 and 1989 c 326 s 1 are each reenacted and amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm. This subsection shall not apply when (c) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; or (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm. This subsection (2)(b) shall not apply when (c) of this subsection applies.

(c) If a parent has been convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with a child that would otherwise be allowed

under this chapter. If a parent resides with an adult who has been convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds based on the evidence that limitation on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

((e)) (ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found in a civil or dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child if the parent resides with a person who is found in a civil or dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(e) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) and (d)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
 - (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;
 - (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
 - (d) The absence or substantial impairment of emotional ties between the parent and the child;
 - (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
 - (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
 - (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.
- (4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.
- (5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 2. RCW 26.10.160 and 1989 c 326 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm. This subsection shall not apply when (c) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; or (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(c) If a parent has been convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult who has been convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

~~((e))~~ (ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent in a civil or dependency action has been found to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not order a child to have contact with the parent under (b) of this subsection if the parent resides with a person who in a civil or dependency action has been found to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(e) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection, or if the court expressly finds based on the evidence that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) and (d)(ii) of this subsection apply.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Drew, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5061 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5061 and the House amendment thereto: Senators Hargrove, Nelson and Fraser.

MOTION

On motion of Senator Drew, the Conference Committee appointments were confirmed.

MOTION

At 12:33 p.m., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:39 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 7, 1994

GA 9119 EVELYN P. YENSON, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Director of the Lottery Commission.

Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, Newhouse, Pelz, Prince and Vognil.

HOLD.

March 7, 1994

GA 9368 ROBERT L. McCALLISTER, appointed June 29, 1993, for a term ending June 17, 1999, as a member of the Board of Industrial Insurance Appeals.

Reported by Committee on Labor and Commerce

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Moore, Chair; Prentice, Vice Chair; Deccio, Fraser, Newhouse, Pelz, Prince and Vognil.

HOLD.

March 7, 1994

GA 9446 MIKE FITZGERALD, appointed March 2, 1994, for a term ending at the Governor's pleasure, as Director of the Department of Community, Trade and Economic Development.

Reported by Committee on Trade, Technology and Economic Development

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Skratek, Chair; Sheldon, Vice Chair; Bluechel, Cantu, Erwin, Rasmussen and Williams.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended, Gubernatorial Appointment No. 9119, Gubernatorial Appointment No. 9368 and Gubernatorial Appointment No. 9446 were advanced to second reading and placed on the second reading calendar.

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

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2664 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Peery and Foreman.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Quigley, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2664 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2664 and the Senate amendment(s) thereto: Senators Rinehart, Cantu and Owen.

MOTION

On motion of Senator Quigley, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2627 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wineberry, Quall and Schoesler.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate grants the request of the House for a conference on Substitute House Bill No. 2627 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2627 and the Senate amendment(s) thereto: Senators Moore, Amondson and Prentice.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1756 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, Voloria and Chandler.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate grants the request of the House for a conference on Engrossed House Bill No. 1756 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1756 and the Senate amendment(s) thereto: Senators Sutherland, Hochstatter and Prentice.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2670 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Peery and Foreman.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Quigley, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2670 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2670 and the Senate amendment(s) thereto: Senators Rinehart, McDonald and Owen.

MOTION

On motion of Senator Quigley, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2671 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Peery and Foreman.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Quigley, the Senate grants the request of the House for a conference on Substitute House Bill No. 2671 and the2 Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2671 and the Senate amendment(s) thereto: Senators Rinehart, McDonald and Owen.

MOTION

On motion of Senator Quigley, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to HOUSE BILL NO. 2486 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ogden, Sommers and Reams.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate grants the request of the House for a conference on House Bill No. 2486 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 2486 and the Senate amendment(s) thereto: Senators Haugen, McDonald and Drew.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MOTION

At 2:55 p.m., on motion of Senator Spanel, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:10 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 2, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cynthia Curreri, appointed March 2, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Central Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 2, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edward Heavey, appointed March 2, 1994, for a term ending June 30, 1999, as a member of the Gambling Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

There being no objection, the President Pro Tempore advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6244. The Speaker has appointed the following members as conferees: Representatives Sommers, Peery and Silver.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4436, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4436 by Representative Peery

WHEREAS, It is the purpose of this resolution to extend the cut-off date solely for E2SSB 6291, 2SSB 6347, ESSB 6484, SB 6584, SSB 6608, SHB 2380, SHB 2646, HB 2665, ESHB 2676, ESHB 2696, SHB 2707, E2SHB 2798, and HB 2810, excluding all other bills, joint resolutions, and joint memorials;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That the 5:00 p.m., Friday, March 4, 1994, cut-off established in House Concurrent Resolution No. 4426 be extended solely for E2SSB 6291, 2SSB 6347, ESSB 6484, SB 6584, SSB 6608, SHB 2380, SHB 2646, HB 2665, ESHB 2676, ESHB 2696, SHB 2707, E2SHB 2798, and HB 2810.

MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4436 was advanced to second reading and read the second time.

Senator Gaspard moved that the rules be suspended and that House Concurrent Resolution No. 4436 be advanced to third reading, the second reading considered the third and the concurrent resolution be placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard to suspend the rules and advance House Concurrent Resolution No. 4436 to third reading and final passage.

HOUSE CONCURRENT RESOLUTION NO. 4436 was adopted by voice vote.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6547 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Leonard, Thibaudeau and Cooke.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate grants the request of the House for a conference on Engrossed Substitute Senate Bill No. 6547 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6547 and the House amendment(s) thereto: Senators Niemi, Deccio and Sheldon.

MOTION

On motion of Senator Talmadge, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2663 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Peery and Foreman.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Quigley, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2663 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2663 and the Senate amendment(s) thereto: Senators Rinehart, McDonald and Owen.

MOTION

On motion of Senator Quigley, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to REENGROSSED SUBSTITUTE HOUSE BILL NO. 1471 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives King, Orr and Sehlín.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Reengrossed Substitute House Bill No. 1471 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Reengrossed Substitute House Bill No. 1471 and the Senate amendment(s) thereto: Senators Snyder, Linda Smith and Owen.

MOTION

On motion of Senator Sutherland, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2741 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Pruitt, Linville and Stevens.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2741 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2741 and the Senate amendment(s) thereto: Senators Hargrove, Morton and Spanel.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2760 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Fisher, Brown and Schmidt.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Substitute House Bill No. 2760 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 2760 and the Senate amendment(s) thereto: Senators Vognild, Prince and Drew.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2237 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Ogden and Sehlin.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Quigley, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2237 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2237 and the Senate amendment(s) thereto: Senators Quigley, West and Snyder.

MOTION

On motion of Senator Prentice, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2270 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Johanson, Eide and Padden.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Substitute House Bill No. 2270 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 2270 and the Senate amendment(s) thereto: Senators Adam Smith, Nelson and Ludwig.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2347 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Bray, Kessler and Casada.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2347 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed House Bill No. 2347 and the Senate amendment(s) thereto: Senators Sutherland, Hochstatter and Owen.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2510 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Meyers, Anderson and Reams.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Engrossed Second Substitute House Bill No. 2510 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 2510 and the Senate amendment(s) thereto: Senators Moore, Anderson and Sheldon.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6255 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Leonard, Karahalios and Cook.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate grants the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 6255 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6255 and the House amendment(s) thereto: Senators Hargrove, Nelson and Wojahn.

MOTION

On motion of Senator Talmadge, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2190 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Ogden and McMorris.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2190 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed House Bill No. 2190 and the Senate amendment(s) thereto: Senators Prentice, Amondson and Pelz.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2605 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Quall and Carlson.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate grants the request of the House for a conference on Engrossed Second Substitute House Bill No. 2605 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 2605 and the Senate amendment(s) thereto: Senators Bauer, Prince and Drew.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1242 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, King and Lisk.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate grants the request of the House for a conference on Engrossed House Bill No. 1242 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed House Bill No. 1242 and the Senate amendment(s) thereto: Senators Prentice, Newhouse and Vognild.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
SECOND SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 2278,
SUBSTITUTE HOUSE BILL NO. 2351,
HOUSE BILL NO. 2447,
SUBSTITUTE HOUSE BILL NO. 2529,
ENGROSSED HOUSE BILL NO. 2555,
HOUSE BILL NO. 2558,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644,
HOUSE BILL NO. 2905.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1122,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182,

SUBSTITUTE HOUSE BILL NO. 2235,
HOUSE BILL NO. 2275,
HOUSE BILL NO. 2645, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1122,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182,
SUBSTITUTE HOUSE BILL NO. 2235,
HOUSE BILL NO. 2275,
HOUSE BILL NO. 2645.

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626 and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate refuses to recede from its amendment(s) to Engrossed Substitute House Bill No. 2626 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2626 and the Senate amendment(s) thereto: Senators Sutherland, Amondson and Prentice.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2646, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Foreman, Hansen, Chandler, Grant and Lisk)

Modifying apiary regulation.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Drew, Senators Niemi, Haugen and Moore were excused.

On motion of Senator Oke, Senators McCaslin and Nelson were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2646.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2646 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 2; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senator Pelz - 1.

Absent: Senators Rinehart and Smith, L. - 2.

Excused: Senators Haugen, McCaslin, Moore, Moyer, Nelson, Niemi and Vognild - 7.

SUBSTITUTE HOUSE BILL NO. 2646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Linda Smith was excused.

On motion of Senator Drew, Senator Rinehart was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2380, House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo and Dyer)

Modifying malpractice insurance coverage.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted:

On page 2, line 16, strike "receipt of malpractice coverage through a certified health plan" and insert "malpractice coverage provided by an employer"

POINT OF INQUIRY

Senator Newhouse: "I would like to ask that Senator Talmadge describe the purport of the bill and whether or not it was controversial. In a subject like this and this late at night, we would like to know what we are voting on."

Senator Talmadge: "Certainly, Senator Newhouse, the bill was not controversial in the committee at all. This is, as I said, a bill that deals with that portion of the law that relates to mandatory malpractice insurance as a condition of a professional maintaining his or her licensure. There were a couple of areas that were overlooked in that effort. One is the retired physicians who provide their services voluntarily. We didn't want to require that they carry separate independent malpractice coverage. The second group was those people who are employed by the federal government; they didn't need to maintain separate malpractice coverage as a condition of their licensure when they were covered by the federal government for their actions. The third group was the one

that we are trying to amend right here which was that group of people who are employed by an institution, for example like a hospital, that would maintain malpractice coverage for all the physicians on their staff. We saw no need for those people to have separate malpractice coverage as a condition of them maintaining licensure. This is, I believe, an amendment that was supported by the medical associations and others that were concerned about the legislation that is simply designed to clarify that issue."

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Health and Human Services amendment on page 2, line 16, to Substitute House Bill No. 2380.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 2380, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2380, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2380, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 41.

Excused: Senators McCaslin, Moore, Moyer, Nelson, Niemi, Rinehart, Smith, L. and Vognild - 8.

SUBSTITUTE HOUSE BILL NO. 2380, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:06 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Tuesday, March 8, 1994.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 7, 1994

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

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 8, 1994

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Deccio, Moyer, Newhouse, Rinehart, Roach, Sellar, Linda Smith and Talmadge. On motion of Senator Oke, Senators Cantu, Deccio, Moyer, and Linda Smith were excused. On motion of Senator Drew, Senator Rinehart was excused.

The Sergeant at Arms Color Guard, consisting of Pages Colleen Olvera and Dora Reeves, presented the Colors. Reverend Sig Lessrud, pastor of the Central Lutheran Church of Bellingham, and a guest of Senator Ann Anderson, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2154,
SECOND SUBSTITUTE HOUSE BILL NO. 2210,
SECOND SUBSTITUTE HOUSE BILL NO. 2228,
HOUSE BILL NO. 2512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2521.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The Speaker has passed signed:
SUBSTITUTE SENATE BILL NO. 5038,
SECOND SUBSTITUTE SENATE BILL NO. 5341,
SECOND SUBSTITUTE SENATE BILL NO. 5698,
SUBSTITUTE SENATE BILL NO. 5714,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,
SUBSTITUTE SENATE BILL NO. 6000,
SENATE BILL NO. 6023,
ENGROSSED SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6039,
SUBSTITUTE SENATE BILL NO. 6045,
SENATE BILL NO. 6061,
SENATE BILL NO. 6063,
SUBSTITUTE SENATE BILL NO. 6082,
SUBSTITUTE SENATE BILL NO. 6093,
SUBSTITUTE SENATE BILL NO. 6100,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SENATE BILL NO. 6146,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SENATE BILL NO. 6158,
SUBSTITUTE SENATE BILL NO. 6188,
SENATE BILL NO. 6205,
SENATE BILL NO. 6220, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 5449. The Speaker has appointed the following members as conferees: Representatives Johanson, Chappell and Ballasiotes.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 6025. The Speaker has appointed the following members as conferees: Representatives H. Myers, Springer and Edmondson.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SENATE BILL NO. 6055. The Speaker has appointed the following members as conferees: Representatives H. Myers, Dunshee and Edmondson.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6068. The Speaker has appointed the following members as conferees: Representatives Rust, L. Johnson and Horn.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6089. The Speaker has appointed the following members as conferees: Representatives R. Fisher, Jones and Mielke.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6204. The Speaker has appointed the following members as conferees: Representatives King, Quall and Talcott.

MARILYN SHOWALTER, Chief Clerk

March 7, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6243. The Speaker has appointed the following members as conferees: Representatives Wang, Ogden and Sehlín.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 6057,
SUBSTITUTE SENATE BILL NO. 6081,
SUBSTITUTE SENATE BILL NO. 6143,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6426,
ENGROSSED SENATE BILL NO. 6601.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5920,
SUBSTITUTE SENATE BILL NO. 6018,
ENGROSSED SENATE BILL NO. 6044,
SECOND SUBSTITUTE SENATE BILL NO. 6053,
SUBSTITUTE SENATE BILL NO. 6070,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6123,
SENATE BILL NO. 6203,
SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6228,
SENATE BILL NO. 6266,
SUBSTITUTE SENATE BILL NO. 6283,
ENGROSSED SENATE BILL NO. 6284,
SUBSTITUTE SENATE BILL NO. 6298,
SUBSTITUTE SENATE BILL NO. 6307,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6339,

ENGROSSED SENATE BILL NO. 6356,
SENATE BILL NO. 6377,
SENATE BILL NO. 6408,
SUBSTITUTE SENATE BILL NO. 6447,
SUBSTITUTE SENATE BILL NO. 6466,
SUBSTITUTE SENATE BILL NO. 6487,
ENGROSSED SENATE BILL NO. 6493,
SENATE BILL NO. 6516,
SUBSTITUTE SENATE BILL NO. 6556,
SUBSTITUTE SENATE BILL NO. 6571,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6585,
SENATE JOINT MEMORIAL NO. 8030.

MOTION

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

SENATE RESOLUTION 1994-8684

By Senators Sellar, Newhouse, Anderson and Rasmussen

WHEREAS, The apple is a symbol of health, and Washington State is famous for producing the finest apples in the world; and

WHEREAS, To address the critical decline in the condition of children's health and reinforce the healthy image of Washington apples, the Washington State Apple Growers have developed "Healthy Choices for America," an umbrella program targeted at improving the health and nutrition of all Americans; and

WHEREAS, One component is "Healthy Choices for Kids," a comprehensive nutrition education program and the first to integrate the Dietary Guidelines for Americans issued by the U.S. Departments of Agriculture and Health and Human Services; and

WHEREAS, Apples are provided by the growers of Washington apples to teachers nation-wide, and more than three million children participate in the program each school year; and

WHEREAS, "Healthy Choices for Kids" fills a void in elementary education since there is currently no national nutrition education requirement for elementary schools in the United States; and

WHEREAS, "Healthy Choices for Kids" is written by nutrition, fitness, and curriculum experts, and before publication, each kit is reviewed by an advisory board, learner-verified in classrooms, and revised to incorporate teacher suggestions; and

WHEREAS, The program encourages parental interaction, and Spanish take home materials and bilingual cookbooks were tested last year in eastern Washington schools before broader distribution this year; and

WHEREAS, Nationally, in 1993-94, twenty-seven grocery store chains "adopted" schools and offered "learn-to-shop tours" so children could apply what they learned in the classroom to a real-life situation; and

WHEREAS, In 1993, "Healthy Choices for Kids" was featured as the premier nutrition education program at the National Symposium on Urban School Reform, Health and Safety in Washington, D.C., convened to develop a national blue print for urban schools to address the state of children's health and safety; and

WHEREAS, The program has been endorsed by the American Institute for Cancer Research, the Council of Great City Schools, the Boston Public Schools, the National Food Service Management Institute, United Fresh Fruit and Vegetable Association, and the Association of Farmworker Opportunity Programs; and

WHEREAS, The Washington Apple Commission presented "Healthy Choices for Kids" to USDA Secretary Mike Espy and, in testimony before USDA hearings on school feeding programs, offered it as our state's contribution to USDA's initiative for overall classroom and cafeteria nutrition instructional partnerships; and

WHEREAS, Great distinction and exposure for the state of Washington has resulted from the 67,000,000 impressions featuring the program in print, television, and radio coverage nation-wide since 1991; and

WHEREAS, National media coverage has included the Associated Press, CNN, the Packer, Produce News, U.S. Farm Report, USA Today, The Today Show, Child Magazine, L.A. Times, Washington Post, Produce Business, School Food Service Journal, and Supermarket News; and

WHEREAS, In 1993, the regional and local media exposure in twenty cities featured more than two hundred stories including those by the Chicago Tribune, New News Day, San Diego Union-Tribune, the Atlantic Constitution, Detroit News, and the Denver Post;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the Washington Apple Commission, the number one agricultural commodity in the state generating more than one billion dollars to the state's economy, for its commitment to the health of children, for stepping in to fill a void with national nutrition education programs that target the consumers of tomorrow, and for educating children to develop healthy eating habits to ensure our future leaders will understand the importance of diet to their overall well-being; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to the Washington State Apple Commission.

MOTION

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

SENATE RESOLUTION 1994-8689

By Senators Franklin, McAuliffe, Sheldon, Prentice, Fraser, L. Smith, Anderson, Wojahn, Niemi, Winsley, Haugen, Skratek, Spanel, Rasmussen, Roach, Drew and Loveland

WHEREAS, Women have made, and continue to make, significant contributions to the social fabric, cultural institutions, political activities, and commerce in our communities, state, and nation; contributions often unrecognized in official histories; and

WHEREAS, Settlement of Washington and the West would not have been possible without a woman, Sacajawea, acting as guide, interpreter, peacemaker, and diplomat for the Lewis and Clark expedition; and

WHEREAS, Tacoma's first hospital was due to the unsung efforts of a woman, Fannie C. Paddock, who collected money as she traveled to her new home to build a hospital in the City of Destiny. She died en route, but what is now Tacoma General Hospital remains her legacy; and

WHEREAS, Nellie Centennial Cornish brought the arts and arts education to Seattle and the state of Washington through her Cornish School of Allied Arts and inspired countless artists including gifted choreographer Martha Graham; and

WHEREAS, Women have been instrumental in education throughout our history, including such women as Mary McCloud Bethune, founder of the still-thriving Bethune-Cookman College in Florida; and

WHEREAS, Mother Joseph exemplified the pioneering women of Washington and the West with establishment of eleven hospitals, a dozen schools, two orphanages, and a home for the aged, and also earned recognition as the Pacific Northwest's first architect; and

WHEREAS, Assunta Eng pioneered Asian-American publishing in the Northwest with the Seattle Chinese Post and Northwest Asian Weekly newspapers and continues to publish her history-making newspapers for both Asian-American and non-Asian-heritage peoples; and

WHEREAS, Suffragette Susan B. Anthony was the first woman to address an assembled Legislature in the United States, the Washington Territorial Legislature, on October 19, 1871; and

WHEREAS, The first big-city mayor in America was Bertha Knight Landes, elected to guide Seattle in the 1920's; and

WHEREAS, The women members of this legislature are, themselves, historic, by comprising the largest percentage of women in a State Legislature in the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate declare March as Women's History Month in the state of Washington and recognize March 8th as International Women's Day in acknowledgement of the contributions and accomplishments of women here and around the world; achievements that make for a better life for us all.

MOTION

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

SENATE RESOLUTION 1994-8683

By Senator Vognild

WHEREAS, Armored vehicle operators provide a highly specialized service transporting, almost exclusively: Gold, silver, currency, valuable securities, jewels, and other property of very high value; and

WHEREAS, Armored vehicle operators are required to follow much more extensive regulations and incur higher expenses than other motor carriers with regard to: The type of armored vehicle that must be purchased, the type of insurance that must be purchased, higher standards for financial responsibility, and the licensing requirements for armored vehicle guards; and

WHEREAS, Armored vehicle operators are currently regulated by the Utilities and Transportation Commission as common or contract motor carriers; and

WHEREAS, The combination of regulations for motor carriers and additional regulations for armored vehicle operators may create excessive regulation without serving any public interest;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Legislative Transportation Committee, in consultation with the Utilities and Transportation Commission, study the regulation of armored vehicle operators under chapter 81.80 RCW and chapter 480-12 WAC to determine whether regulations and procedures should be revised, particularly in the areas of processing and hearing applications for permits or extensions for permanent or temporary common or contract authority, and the designation of service areas; and

BE IT FURTHER RESOLVED, That the Legislative Transportation Committee, in consultation with the Utilities and Transportation Commission, be encouraged to take any actions it deems appropriate within current statutory authority to remedy any excessive regulations identified by the study; and

BE IT FURTHER RESOLVED, That the Legislative Transportation Committee report its findings and actions taken, along with any suggested legislation, to the Senate and House of Representatives Standing Committees on Transportation at the regular session held in 1995.

Senators Vognild and Hargrove spoke to Senate Resolution 1994-8683.

MOTION

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

SENATE RESOLUTION 1994-8677

By Senators Sutherland, Ludwig, Williams, Amondson and Hochstatter

WHEREAS, Deployment of advanced telecommunications services, including digital broadband and wireless technologies, is a stimulus to economic development, in both urban and rural areas; and

WHEREAS, Deployment of advanced telecommunications services creates needed jobs for the people of Washington; and

WHEREAS, Deployment of advanced telecommunications services provides improved educational services, expanded health care, improved public safety, decreased traffic and air pollution, more efficient government services, and other services to the people of Washington; and

WHEREAS, Deployment of advanced telecommunications services is enhanced by the existence of a favorable investment climate and ease of market entry; and

WHEREAS, Developing and maintaining an effectively competitive marketplace is the best way to ensure the availability of advanced telecommunications services at fair, just, and reasonable prices; and

WHEREAS, Effective competition results in a marketplace in which advanced telecommunications service providers are not subject to inequitable regulatory treatment; and

WHEREAS, Deployment of advanced telecommunications services to rural areas is dependent on a fair and equitable system of universal service subsidies;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that it shall be the goal of the state to promote deployment of advanced telecommunications services throughout Washington; and

BE IT FURTHER RESOLVED, That it shall be the goal of the state to ensure the availability of the benefits of advanced telecommunications services to all the people of the state, regardless of income, place of residence, education, gender, age, or race; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Governor, the Attorney General, Washington Utilities and Transportation Commission, the Department of Community, Trade, and Economic Development, the Department of Information Services, the Information Services Board, and the Office of the Superintendent of Public Instruction.

SECOND READING GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Skratek, Gubernatorial Appointment No. 9446, Mike Fitzgerald, as Director of the Department of Community, Trade and Economic Development, was confirmed.

Senators Skratek and Bluechel spoke to the confirmation of Mike Fitzgerald as Director of the Department of Community, Trade and Economic Development.

Senator Wojahn spoke against the confirmation of Mike Fitzgerald as Director of the Department of Community, Trade and Economic Development.

APPOINTMENT OF MIKE FITZGERALD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 7; Absent, 4; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McDonald, Moore, Morton, Nelson, Niemi, Owen, Pelz, Prince, Quigley, Rasmussen, M., Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Winsley - 33.

Voting nay: Senators Haugen, McAuliffe, McCaslin, Oke, Prentice, West and Wojahn - 7.

Absent: Senators Newhouse, Roach, Sellar and Talmadge - 4.

Excused: Senators Cantu, Deccio, Moyer, Rinehart and Smith, L. - 5.

MOTIONS

On motion of Senator Oke, Senators Roach and Sellar were excused.

On motion of Senator Drew, Senator Sheldon was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2707, by House Committee on Transportation (originally sponsored by Representatives R. Fisher and Johanson) (by request of Transportation Improvement Board)

Revising transportation improvement funding procedures.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2707 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2707.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2707 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 40.

Absent: Senator Talmadge - 1.

Excused: Senators Cantu, Deccio, Moyer, Rinehart, Roach, Sellar, Sheldon and Smith, L. - 8.

SUBSTITUTE HOUSE BILL NO. 2707, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Anderson was excused.

On motion of Senator Drew, Senators Talmadge and Vognild were excused.

SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9119, Evelyn P. Yenson, as Director of the Lottery Commission, was confirmed.

APPOINTMENT OF EVELYN P. YENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Anderson, Cantu, Moyer, Rinehart, Sheldon, Talmadge and Vognild - 7.

MOTION

On motion of Senator Drew, Senator Hargrove was excused.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9368, Robert L. McCallister, as a member of the Board of Industrial Insurance Appeals, was confirmed.

APPOINTMENT OF ROBERT L. McCALLISTER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Anderson, Cantu, Hargrove, Moyer, Rinehart, Sheldon and Vognild - 7.

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

MESSAGE FROM THE HOUSE

March 7, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to THIRD SUBSTITUTE SENATE BILL NO. 5918 and asks the Senate to concur therein, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment(s) to Third Substitute Senate Bill No. 5918.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5918, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5918, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Absent: Senators Moore and Sellar - 2.

Excused: Senators Anderson, Moyer, Rinehart and Sheldon - 4.

THIRD SUBSTITUTE SENATE BILL NO. 5918, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2676 and the pending Committee on Government Operations striking amendment, deferred March 4, 1994.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 2676 is a measure which makes changes in the duties and organization of various government entities and abolishes certain entities.

"The amendment proposed by the Committee on Government Operations would also make organizational changes in these entities and, in addition, establishes procedures and requirements for licensure and practice for specified health professions.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The Committee on Government Operations striking amendment to Engrossed Substitute House Bill No. 2676 was ruled out of order.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2676.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8691

By Senator Amondson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and
WHEREAS, The Rochester High School Warriors Baseball Team exhibited the highest level of excellence in winning the 1993 Washington State High School Baseball "A" Championship; and

WHEREAS, The Rochester High School Warrior Baseball Team players compiled a 23-3 overall record for the 1993 season; and

WHEREAS, The Rochester High School Warriors Baseball Team were also the 1993 Academic State Champions with a 3.766 GPA, the third time in the past five years they have won this distinction; and

WHEREAS, The Rochester High School Warriors Baseball Team demonstrated amazing skill and admirable sportsmanship in achieving this outstanding accomplishment; and

WHEREAS, Head Coach Larry Heinz, and Assistant Coach Bob Wollan, and all the players, Brion Douglas, Chris Hamilton, Tony Hawes, Ryan Holman, Bill Kenelty, Matt Kirpes, Willy Kytta, Ron Murphy, Aaron Norquist, Justin Rotter, Steve Taylor, Tony Wagner, Brandon Wolslegel, Colin Wolslegel, Ben Scott and Nicole Sharp, share in the Rochester High School Warriors Baseball Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, All these extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1993 Rochester High School Warriors Baseball Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Rochester High School Warriors Baseball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the 1993 Rochester High School Warriors Baseball Team; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to the 1993 Rochester High School Warriors Baseball Team Head Coach, Larry Heinz, and the Principal of Rochester High School, Dean Noffziger.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Rochester High School Warriors Baseball Team, the 1993 Washington State Class "A" Champions, and their coaches who were seated in the gallery.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2676, deferred earlier today after the Committee on Government Operations amendment was ruled out of order.

MOTIONS

On motion of Senator Haugen, the following amendment by Senators Deccio, Haugen, Talmadge, Winsley and Wojahn was adopted:

On page 83, after line 20, insert the following:

NEW SECTION. Sec. 604. A new section is added to chapter 18.130 RCW to read as follows:

(1) The settlement process must be substantially uniform for licensees governed by regulatory entities having authority under this chapter.

(2) Disclosure of the identity of reviewing disciplining authority members who participate in the settlement process is available to the respondents or their legal representative upon request.

(3) The settlement conference will occur only if a settlement is not achieved through written documents. Respondents will have the opportunity to conference either by phone or in person with the reviewing disciplining authority member if the respondent

chooses. Respondents may also have their attorney conference either by phone or in person with the reviewing disciplining authority member without the respondent being present personally.

(4) If the respondent wants to meet in person with the reviewing disciplining authority member, he or she will travel to the reviewing disciplinary authority member and have such a conference with the attorney general in attendance either by phone or in person."

Renumber the section following consecutively and correct any internal references accordingly.

On motion of Senator Haugen, the following amendment by Senators Haugen, Winsley, Vognild, McCaslin and Drew was adopted:

On page 134, after line 13, insert the following:

Sec. 754. RCW 43.63A.300 and 1993 c 280 s 68 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. The legislature further finds that the paramount duty of the state in fire protection services is to enhance the capacity of all local jurisdictions to assure that their personnel with fire suppression, prevention, inspection, origin and cause, and arson investigation responsibilities are adequately trained to discharge their responsibilities. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the (~~director of community, trade, and economic development~~) governor and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. It is the further intent of the legislature that the fire protection services program be implemented incrementally to assure a smooth transition, to build local, regional, and state capacity, and to avoid undue burdens on jurisdictions with limited resources.

Sec. 755. RCW 43.63A.310 and 1986 c 266 s 55 are each amended to read as follows:

There is created the state fire protection policy board consisting of (~~ten~~) eight members appointed by the governor:

(1) (~~Three~~) One representative(s) of fire chiefs(~~—At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district~~);

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

(5) (~~Two~~) One full-time, paid, career fire fighter(s);

(6) One volunteer fire fighter; (~~and~~)

(7) One representative of fire commissioners; and

(8) One representative of fire control programs of the department of natural resources.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: Three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy of a member appointed under subsections (1) through (7) of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent. The members of the board appointed pursuant to subsections (1) and (5) of this section and holding office on the effective date of this act shall serve the remainder of their terms, and the reduction of the board required by section 855, chapter ---, Laws of 1994 (this section), shall occur upon the expiration of their terms.

The appointed members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The board shall select its own chairperson and shall meet at the request of the governor or the chairperson and at least four times per year.

Sec. 756. RCW 43.63A.320 and 1993 c 280 s 69 are each amended to read as follows:

Except for matters relating to the statutory duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

(1)(a) Adopt a state fire training and education master plan which allows to the maximum feasible extent for negotiated agreements: (i) With the state board for community and technical colleges to provide academic, vocational, and field training programs for the fire service and (ii) with the higher education coordinating board and the state colleges and universities to provide instructional programs requiring advanced training, especially in command and management skills;

(b) Adopt minimum standards for each level of responsibility among personnel with fire suppression, prevention, inspection, and investigation responsibilities which assure continuing assessment of skills and are flexible enough to meet emerging technologies. With particular respect to training for fire investigations, the master plan shall encourage cross training in appropriate law enforcement skills. To meet special local needs, fire agencies may adopt more stringent requirements than those adopted by the state;

(c) Cooperate with the common schools, technical and community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities;

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule;

(d) Develop and adopt a master plan for constructing, equipping, maintaining, and operating necessary fire service training and education facilities subject to the provisions of chapter 43.19 RCW; and

(e) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary for fire service training and education facilities in a manner provided by law.

(2) In addition to its responsibilities for fire service training, the board shall:

(a) Adopt a state fire protection master plan;

(~~(2)~~) (b) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens including:

(i) The comprehensiveness of state and local inspections required by law for fire and life safety; (ii) the level of skills and training of inspectors, as well as needs for additional training; and (iii) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication among inspection efforts;

(~~(3)~~) (c) Establish and promote state arson control programs and ensure development of local arson control programs;

(~~(4)~~) (d) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials control;

(~~(5)~~) (e) Seek and solicit grants, gifts, bequests, (~~(devices)~~) devises, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(~~(6)~~) (f) Promote mutual aid and disaster planning for fire services in this state;

~~((7)) (g) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;~~
~~((8)) (h) Submit ((annually-a) an annual report to the governor ((containing a statement of) describing its ((official-acts)) activities undertaken pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested; and~~
~~((9) Adopt a state fire training and education master plan;~~
~~(10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;~~
~~(11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;~~
~~(12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;~~
~~(13) Assure the administration of) (i) Implement any legislation enacted by the legislature ((in pursuance of the aims and purposes)) to meet the requirements of any acts of congress ((insofar as the provisions thereof may)) that apply(;~~
~~(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.~~
This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule) to this section.
~~(3) In carrying out its statutory duties, the board shall give particular consideration to the appropriate roles to be played by the state and by local jurisdictions with fire protection responsibilities. Any determinations on the division of responsibility shall be made in consultation with local fire officials and their representatives.~~
To the extent possible, the board shall encourage development of regional units along compatible geographic, population, economic, and fire risk dimensions. Such regional units may serve to: (a) Reinforce coordination among state and local activities in fire service training, reporting, inspections, and investigations; (b) identify areas of special need, particularly in smaller jurisdictions with inadequate resources; (c) assist the state in its oversight responsibilities; (d) identify funding needs and options at both the state and local levels; and (e) provide models for building local capacity in fire protection programs.

Sec. 757. RCW 43.63A.340 and 1993 c 280 s 71 are each amended to read as follows:

- (1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.
- (2) The ~~((director of community, trade, and economic development))~~ governor shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the ~~((director))~~ governor, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the ~~((director))~~ governor a list containing the names of three persons whom the board believes meet its qualifications. If requested by the ~~((director))~~ governor, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.
- (3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.
- (4) The ~~((director of community, trade, and economic development, through the))~~ director of fire protection~~((;))~~ shall~~((-after consultation with the board;))~~ prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.
- (5) The ~~((director of community, trade, and economic development, through the))~~ director of fire protection~~((;))~~ shall implement and administer, within the constraints established by budgeted resources, the policies of the board ~~((and all duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection)).~~ Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW 43.63A.320. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and utilizing existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.
- (6) The ~~((director of community, trade, and economic development, through the))~~ director of fire protection~~((;))~~ shall seek the advice of the board in carrying out his or her duties under law.

Sec. 758. RCW 43.63A.377 and 1991 c 135 s 3 are each amended to read as follows:

- Money from the fire services trust fund may be expended for the following purposes:
- (1) Training of fire service personnel, including both classroom and hands-on training at the state fire training center or other locations approved by the director through the director of fire protection services;
 - (2) Maintenance and operation at the state's fire training center near North Bend. If in the future the state builds or leases other facilities as other fire training centers, a portion of these moneys may be used for the maintenance and operation at these centers;
 - (3) Lease or purchase of equipment for use in the provisions of training to fire service personnel;
 - (4) Grants or other subsidies to local ~~((entities))~~ jurisdictions to allow them to perform their functions under this section;
 - (5) Costs of administering these programs under this section;
 - (6) Licensing and enforcement of state laws governing the sales of fireworks; and
 - (7) Development with the legal fireworks industry and funding of a state-wide public education program for fireworks safety.

Sec. 759. RCW 48.48.060 and 1986 c 266 s 71 are each amended to read as follows:

- (1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause~~((;))~~ and origin, and document extent of ~~((less))~~ damage of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the ~~((director of community development, through the))~~ director of fire protection~~((;))~~ of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause~~((;))~~ and origin, and document extent of ~~((less))~~ damage of all fires occurring within his or her respective jurisdiction.
- (2) The ~~((director of community development, through the))~~ director of fire protection or his or her deputy~~((;))~~ may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The ~~((director of community development, through the))~~ director of fire protection or his or her deputy~~((;))~~ shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the ~~((director of community development and the))~~ director of fire protection or his or her deputy~~((;))~~ are vested with police powers to enforce the laws of this state. To exercise these powers, authorized deputies must receive prior written authorization from the ~~((director of community development, through the))~~ director of fire protection~~((;))~~ and shall have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 760. RCW 48.48.065 and 1986 c 266 s 72 are each amended to read as follows:

(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the (~~director of community development, through the~~) director of fire protection(;) on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the (~~director of community development, through the director of~~) fire protection policy board. The (~~director of community development, through the~~) director of fire protection(;) and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The (~~director of community development, through the~~) director of fire protection(;) shall analyze the information and data reported, compile a report, and distribute a copy annually by (~~January 31~~) June 30 to each chief fire official in the state. Upon request, the (~~director of community development, through the~~) director of fire protection(;) shall also furnish a copy of the report to any other interested person at cost.

(3) In carrying out the duties relating to collecting, analyzing, and reporting statistical fire data, the fire protection policy board may contract with a qualified individual or organization to gather and report such information under the following conditions:

(a) The contractor may be selected under the sole source provisions of chapter 39.29 RCW, so long as the contractor meets the qualifications of that chapter; and

(b) The information provided meets the diverse needs of state and local fire reporting agencies and is (i) defined in understandable terms of common usage in the fire community; (ii) adaptable to the varying levels of resources available, including whether a given client's system is operated electronically or not; (iii) maintained in a manner which will foster both technical support and resource sharing; and (iv) designed to meet both short and long-term needs.

NEW SECTION. Sec. 761. A new section is added to chapter 43.10 RCW to read as follows:

(1) The legislature finds that provisions for information systems relating to statistics and reporting for fire prevention, suppression, and damage control do not adequately address the needs of ongoing investigations of fire incidents where the cause is suspected or determined to be the result of negligence or otherwise suggestive of some criminal activity, particularly that of arson. It is the intent of the legislature to establish an information and reporting system designed specifically to assist state and local officers in conducting such investigations and, where substantiated, to undertake prosecution of individuals suspected of such activities.

(2)(a) In addition to the information provided by local officials about the cause, origin, and extent of loss in fires under chapter 48.48 RCW, there is hereby created the state arson investigation information system in the office of the attorney general.

(b) The attorney general shall develop the arson investigation information system in consultation with representatives of the various state and local officials charged with investigating fires resulting from suspicious or criminal activities under chapter 48.48 RCW and of the insurance industry.

(c) The arson investigation information system shall be designed to include at least the following attributes: (i) The information gathered and reported shall meet the diverse needs of state and local investigating agencies; (ii) the forms and reports are drafted in understandable terms of common usage; and (iii) the results shall be adaptable to the varying levels of available resources, maintained in a manner to foster data sharing and mutual aid activities, and made available to other law enforcement agencies responsible for criminal investigations.

(d) All insurers required to report claim information under the provisions of chapter 48.50 RCW shall cooperate fully with any requests from the attorney general in developing and maintaining the arson investigation information system. The confidentiality provisions of that chapter shall be fully enforced.

Sec. 762. RCW 48.48.080 and 1986 c 266 s 74 are each amended to read as follows:

If as the result of any such investigation, or because of any information received, the (~~director of community development, through the~~) director of fire protection(;) is of the opinion that there is evidence sufficient to charge any person with any crime, he or she may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within his or her possession relative to the offense.

Sec. 763. RCW 52.12.031 and 1986 c 311 s 1 are each amended to read as follows:

Any fire protection district organized under this title may:

(1) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) Contract with any governmental entity under chapter 39.34 RCW or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, investigation, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, investigation, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;

(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;

(8) Perform acts consistent with this title and not otherwise prohibited by law.

NEW SECTION. Sec. 764. The association of fire commissioners that is authorized to be formed under RCW 52.12.031(4), the association of Washington cities, and the Washington state association of counties shall submit a report on achieving greater efficiency in the delivery of fire protection services to the government operations committee of the senate and the local government committee of the house of representatives on or before December 31, 1994.

NEW SECTION. Sec. 765. The state fire protection policy board shall conduct a study on the overlapping and confusing jurisdiction and responsibilities of local governments concerning fire investigation. The board shall make recommendations to the government operations committee of the senate and the local government committee of the house of representatives on or before December 31, 1994.

NEW SECTION. Sec. 766. The department of natural resources and the association of fire commissioners shall submit a report on the feasibility of providing fire protection for lands that are not federally protected, not protected by the department of natural resources, and not within the boundaries of a fire protection district to the government operations committee of the senate and the local government committee of the house of representatives on or before December 31, 1994.

NEW SECTION. Sec. 767. This act does not apply to forest fire service personnel and programs.

NEW SECTION. Sec. 768. RCW 48.48.120 and 1947 c 79 s .33.12 are each repealed.

Sec. 769. RCW 84.52.043 and 1993 c 337 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state under RCW 84.52.065 shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by the state under section 770 of this act shall not exceed two cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for state fire protection services; (c) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; ~~((e))~~ (d) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and ~~((d))~~ (e) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

NEW SECTION. Sec. 770. A new section is added to chapter 84.52 RCW to read as follows:

(1) Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year a tax of two cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state, except classified or designated forest land under chapter 84.33 RCW, adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2) The state fire protection services account is hereby created in the state treasury. All receipts from the tax levied under this section shall be deposited in the account. Except for unanticipated receipts under chapter 43.79 RCW, moneys in the account may be spent only after appropriation by statute. Expenditures from the account may be used only for state fire protection responsibilities.

NEW SECTION. Sec. 771. A new section is added to chapter 84.52 RCW to read as follows:

When a county assessor finds that the aggregate of all regular tax levies upon real and personal property by the state and all taxing districts other than a port or public utility district exceeds the limitation set forth in RCW 84.52.050, the assessor shall recompute and establish a consolidated levy as follows:

(1) If the limitation is exceeded only as a result of the levy authorized in section 770 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department, the certified property tax levy rates authorized under RCW 84.52.043(1)(e) and 52.16.140 shall be reduced on a pro rata basis until the limitation is not exceeded;

(2) If the limitation is exceeded as a result of both the levy authorized in section 770 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department and other tax levies, the pro rationing process provided in RCW 84.52.010 shall be followed until the limitation is exceeded only as a result of the levy authorized in section 770 of this act, and the consolidated levy shall then be further reduced in accordance with subsection (1) of this section.

NEW SECTION. Sec. 772. Sections 754 through 771 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

MOTION

Senator Quigley moved that the following amendments be considered simultaneously and be adopted:

On page 177, after line 36, insert the following:

"Sec. 872. RCW 66.04.010 and 1991 c 192 s 1 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Agency" means the liquor control agency, the state agency established under section 2 of this act.

(2) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

~~((2))~~ (3) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

~~((3))~~ (4) "Board" means the liquor control review board comprised of five individuals appointed by the governor to conduct hearings on appeals of certain actions of the director.

(5) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

~~((4))~~ "Board" means the liquor control board, constituted under this title.

~~((5))~~ (6) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

~~((6))~~ (7) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

~~((7))~~ (8) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.32 RCW.

~~((8))~~ (9) "Director" means the director of the liquor control agency.

(10) "Distiller" means a person engaged in the business of distilling spirits.

~~((9))~~ (11) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

~~((10))~~ (12) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

~~((14))~~ (13) "Employee" means any person employed by the ~~((board))~~ director, including a vendor, as hereinafter in this section defined.

~~((12))~~ (14) "Fund" means "liquor revolving fund."

~~((13))~~ (15) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the ~~((board))~~ director, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking

and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the ((board)) director shall have authority to waive the provisions requiring twenty or more rooms.

((14)) (16) "Imprisonment" means confinement in the county jail.

((15)) (17) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

((16)) (18) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

((17)) (19) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

((18)) (20) "Package" means any container or receptacle used for holding liquor.

((19)) (21) "Permit" means a permit for the purchase of liquor under this title.

((20)) (22) "Person" means an individual, copartnership, association, or corporation.

((21)) (23) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.71 RCW.

((22)) (24) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

((23)) (25) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

((24)) (26) "Regulations" or "rules" means (~~regulations made~~) rules adopted under chapter 34.05 RCW by the ((board)) agency under the powers conferred by this title.

((25)) (27) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

((26)) (28) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the ((board)) agency to a person not licensed by the ((board)) agency, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the ((board)) agency.

((27)) (29) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

((28)) (30) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

((29)) (31) "Store" means a state liquor store established under this title.

((30)) (32) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

((31)) (33) "Vendor" means a person employed by the ((board)) agency as a store manager under this title.

((32)) (34) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

((33)) (35) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

((34)) (36) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing not more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

((35)) (37) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

((36)) (38) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

NEW SECTION. Sec. 873. A new section is added to chapter 66.08 RCW to read as follows:

There is an agency of state government known as the "Washington state liquor control agency."

The executive head of the liquor control agency is the director. The director is appointed by, and serves at the pleasure of, the governor. The appointment of the director is subject to confirmation by the senate. The director is paid a salary to be fixed by the governor in accordance with RCW 43.03.040. The director shall have: (1) At least five years of demonstrated successful business or public management experience; (2) demonstrable competence in establishing and using management information systems; and (3) a demonstrated understanding of distribution and retail sales operations and the relevance of that knowledge to the Washington's controlled sales environment.

NEW SECTION. Sec. 874. All powers, duties, and functions vested by law in the liquor control board are transferred to the director of the liquor control agency, except those powers, duties, and functions which are expressly assigned to the liquor control review board. This transfer shall take place July 1, 1995. This act does not create a new agency, but establishes the Washington state liquor control review board and provides for a new administrative structure within the renamed agency.

NEW SECTION. Sec. 875. A new section is added to chapter 66.08 RCW to read as follows:

There shall be a right of appeal of decisions of the director made under RCW 66.24.010, on decisions made under the authority granted to the director under RCW 66.08.030(2)(a), on decisions made under chapter 66.44 RCW, or on decisions made under section 9(9) of this act. These appeals shall be heard by the liquor control review board.

The final decision of the liquor control review board shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

Sec. 876. RCW 66.08.012 and 1961 c 307 s 7 are each amended to read as follows:

~~(There shall be a board, known as the "Washington state liquor control board," consisting of three.)~~ The liquor control review board shall consist of five members, to be appointed by the governor, with the consent of the senate, ((who shall) to serve six-year staggered terms. Each member shall be (paid an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040)) compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The governor may, in his or her discretion, appoint one of the members as ((chairman) chair of the board, and a majority of the members shall constitute a quorum of the board. The board shall meet to hear appeals on licensing decisions made under RCW 66.24.010, on decisions made under the authority granted by RCW 66.08.030(2)(a), on decisions made under chapter 66.44 RCW, or on decisions made under section 9(9) of this act.

Sec. 877. RCW 66.08.014 and 1986 c 105 s 1 are each amended to read as follows:

(1) ~~The members of the board ((to be appointed after December 2, 1948)) shall be appointed for terms beginning ((January 15, 1949)) July 1, 1995, and expiring as follows: ((One member)) Two members of the board for ((a)) terms of ((three)) two years from ((January 15, 1949; one member)) July 1, 1995; two members of the board for ((a)) terms of ((six)) four years from ((January 15, 1949)) July 1, 1995; and one member of the board for a term of ((nine)) six years from ((January 15, 1949)) July 1, 1995. Each of the members of the board appointed hereunder shall hold office until his or her successor is appointed and qualified. ((After June 11, 1986, the term that began on January 15, 1985, will end on January 15, 1989, the term beginning on January 15, 1988, will end on January 15, 1993, and the term beginning on January 15, 1991, will end on January 15, 1997.)) Thereafter, upon the expiration of the term of any member appointed after ((June 11, 1986)) July 1, 1995, each succeeding member of the board shall be appointed and hold office for the term of six years. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the board shall impair the right of the remaining member or members to act, except as herein otherwise provided.~~

(2) ~~The principal office of the board shall be at the state capitol((- and it may establish such other offices as it may deem necessary)).~~

(3) Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

~~((4) Each member of the board shall devote his entire time to the duties of his office and no member of the board shall hold any other public office. Before entering upon the duties of his office, each of said members of the board shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor in the penal sum of fifty thousand dollars conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the board.))~~

Sec. 878. RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended to read as follows:

The administration of this title, including the general control, management, and supervision of all liquor stores, shall be vested in the ~~((liquor control board, constituted under this title.))~~ director, who shall carry out this administrative function in accordance with the rules adopted under this title.

In addition to any other powers granted or transferred to the director, the director shall have the following powers and duties as may be necessary to carry out the purposes of this title:

(1) Supervise and administer the operations of the liquor control agency in accordance with the provisions of this title;

(2) Appoint personnel and prescribe their duties;

(3) Enter into contracts on behalf of the agency;

(4) Accept and expend donations, grants, or other funds;

(5) Delegate powers, duties, and functions of the liquor control agency to employees of the agency as the director deems necessary to ensure efficient administration;

(6) Appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the agency;

(7) Perform such other duties as are consistent with this title; and

(8) The director may summarily suspend a license or permit for a period of up to thirty days without a prior hearing if he or she finds that public health, safety, or welfare imperatively require emergency action, and incorporates a finding to that effect in his or her order; and proceedings for revocation or other action must be promptly instituted and determined.

Sec. 879. RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of this title according to their true intent or of supplying any deficiency therein, the ~~((board may make such regulations))~~ director may adopt those rules not inconsistent with the spirit of this title as are deemed necessary or advisable. All ~~((regulations))~~ rules so made shall be a public record and shall be filed in the office of the code reviser, and thereupon shall have the same force and effect as if incorporated in this title. Such ~~((regulations))~~ rules, together with a copy of this title, shall be published in pamphlets and shall be distributed as directed by the ~~((board))~~ director.

(2) The director shall adopt rules applicable to adjudicative proceedings that are subject to the applicable provisions of chapter 34.05 RCW as provided in (a), (b), and (c) of this subsection.

(a) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(b) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in RCW 66.08.020(8), prior to the suspension of any permit or license.

(c) No hearing shall be required until demanded by the applicant, permittee, or licensee.

~~((board to make regulations))~~ director to adopt rules in the manner set out in that subsection shall extend to:

~~((regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the board;~~

~~(b) prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;~~

~~(e)) Governing the purchase of liquor by the state and the furnishing of liquor to stores established under this title;~~

~~((d)) (b) Determining the classes, varieties, and brands of liquor to be kept for sale at any store;~~

~~((e)) (c) Prescribing, subject to RCW 66.16.080, the hours during which the state liquor stores shall be kept open for the sale of liquor;~~

~~((f)) (d) Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this title;~~

~~((g)) (e) Prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;~~

~~((h)) (f) Providing for the payment by the ((board)) liquor control agency in whole or in part of the carrying charges on liquor shipped by freight or express;~~

~~((i)) (g) Prescribing forms to be used for purposes of this title or the ((regulations)) rules, and the terms and conditions to be contained in permits and licenses issued under this title;~~

~~((j)) (h) Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the ((regulations)) rules;~~

~~((k)) (i) Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the ((board)) director;~~

~~((f))~~ ~~(i)~~ Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

~~((m))~~ ~~(k)~~ Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the ~~((board))~~ agency, and providing for inspection of the records so kept;

~~((n))~~ ~~(l)~~ Prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

~~((o))~~ ~~(m)~~ Prescribing the manner of giving and serving notices required by this title or the ~~((regulations))~~ rules, where not otherwise provided for in this title;

~~((p))~~ ~~(n)~~ Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the ~~((board))~~ agency, and providing for the inspection of the premises and the books, records and the liquor so kept;

~~((q))~~ ~~(o)~~ Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

~~((r))~~ ~~(p)~~ Prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

~~((s))~~ ~~(q)~~ Specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

~~((t))~~ ~~(r)~~ Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

~~((u))~~ ~~(s)~~ Providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

~~((v))~~ ~~(t)~~ Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

~~((w))~~ ~~(u)~~ Providing for the giving of fidelity bonds by any or all of the employees of the ~~((board))~~ liquor control agency: PROVIDED, That the premiums therefor shall be paid by the ~~((board))~~ agency;

~~((x))~~ ~~(v)~~ Providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

~~((y))~~ ~~(w)~~ Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the ~~((board))~~ liquor control agency; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

~~((z))~~ ~~(x)~~ Seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the ~~((regulations))~~ rules of the ~~((board))~~ agency: PROVIDED, Nothing ~~((herein contained))~~ in this section shall be construed as authorizing the liquor ~~((board))~~ control agency to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages.

NEW SECTION. Sec. 880. A new section is added to chapter 66.08 RCW to read as follows:

The director, subject to the provisions of this title and the rules adopted under this title, shall:

- (1) Establish all necessary warehouses for the storing and bottling, diluting, and rectifying of stocks of liquors for the purposes of this title;
- (2) Provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the director;
- (3) Execute or cause to be executed, all contracts, papers, and documents in the name of the agency, under such rules as the agency may adopt;
- (4) Pay all customs, duties, excises, charges, and obligations whatsoever relating to the business of the agency;
- (5) Require bonds from all employees in the discretion of the director, and to determine the amount of fidelity bond of each such employee;
- (6) Perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the director and the commission;
- (7) Perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: PROVIDED, That the director shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language;
- (8) Determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;
- (9) Appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the liquor control agency and be authorized to sell liquor to such persons, firms, or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules consistent with this title; and
- (10) Determine the nature, form, and capacity of all packages to be used for containing liquor kept for sale under this title.

NEW SECTION. Sec. 881. A new section is added to chapter 66.08 RCW to read as follows:

The director shall prepare, update, and execute an integrated liquor plan that includes, but is not limited to, the following elements:

- (1) A program to achieve efficiencies and ensure operational integration of regulatory, merchandising, and administrative services;
- (2) A program of public and consumer information and coordination with other public agencies and private organizations that emphasizes alcohol abuse prevention and responsible consumption; and
- (3) A strategy for implementation of the plan.

Sec. 882. RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to read as follows:

The ~~((board))~~ agency shall not advertise liquor in any form or through any medium whatsoever. The ~~((board))~~ agency shall have power to adopt any and all reasonable regulations as to the kind, character, and location of advertising of liquor.

Sec. 883. RCW 66.08.070 and 1985 c 226 s 2 are each amended to read as follows:

- (1) Every order for the purchase of liquor shall be authorized by the ~~((board))~~ agency, and no order for liquor shall be valid or binding unless it is so authorized and signed by the ~~((board))~~ agency or its authorized designee.
- (2) A duplicate of every such order shall be kept on file in the office of the ~~((board))~~ agency.
- (3) All cancellations of such orders made by the ~~((board))~~ agency shall be signed in the same manner and duplicates thereof kept on file in the office of the ~~((board))~~ agency. Nothing in this title shall be construed as preventing the ~~((board))~~ agency from accepting liquor on consignment.
- (4) In the purchase of wine or malt beverages the ~~((board))~~ agency shall not require, as a term or condition of purchase, any warranty or affirmation with respect to the relationship of the price charged the ~~((board))~~ agency to any price charged any other buyer.

Sec. 884. RCW 66.08.075 and 1937 c 217 s 5 (adding new section 42-A to 1933 ex.s. c 62) are each amended to read as follows:

No official or employee of the ~~((liquor control board of the state of Washington))~~ agency shall, during his or her term of office or employment, or for a period of two years immediately following the termination thereof, represent directly or indirectly any manufacturer or wholesaler of liquor in the sale of liquor to the ~~((board))~~ agency.

Sec. 885. RCW 66.08.090 and 1933 ex.s. c 62 s 31 are each amended to read as follows:

No employee shall sell liquor in any other place, nor at any other time, nor otherwise than as authorized by the ((board)) agency under this title and the regulations.

Sec. 886. RCW 66.08.100 and 1935 c 174 s 9 (adding new section 62-A to 1933 ex.s. c 62) are each amended to read as follows:

No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the ((board)) agency or any member thereof for anything done or omitted to be done in or arising out of the performance of ((his or their)) the member's duties under this title. Neither the ((board)) agency nor any member or members thereof shall be personally liable in any action at law for damages sustained by any person because of any acts performed or done or omitted to be done by the ((board)) agency or any employee of the ((board)) agency in the performance of his or her duties and in the administration of this title.

Sec. 887. RCW 10.93.020 and 1988 c 36 s 5 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol is a general authority Washington law enforcement agency.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources, ((fisheries,)) fish and wildlife, and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control ((board)) agency, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 888. RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each amended to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this chapter:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of ((fisheries)) fish and wildlife;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of community, trade, and economic development;
- (i) Liquor control ((board)) agency;
- (j) Department of health;
- (k) Department of licensing;
- (l) Utilities and transportation commission; and
- (m) Other agencies as determined by the governor.

Sec. 889. RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17, and 1993 c 280 s 18 are each reenacted and amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, ((and)) (14) the department of health, ((and)) (15) the department of financial institutions, and (16) the liquor control agency, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 890. RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18, and 1993 c 280 s 19 are each reenacted and amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ((and)) (14) the secretary of health, ((and)) (15) the director of financial institutions, and (16) the director of the liquor control agency.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 891. RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488, and 1993 c 281 s 43 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the liquor control agency, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, ~~((the director of trade and economic development,))~~ the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, ~~((liquor control board,))~~ lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 892. RCW 43.82.010 and 1990 c 47 s 1 are each amended to read as follows:

(1) The director of the department of general administration, on behalf of the agency involved, shall purchase, lease, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section.

(3) The director is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(4) If the director determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsections (1) or (3) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(5) In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

(6) The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

(7) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director or the director's designee, and recorded with the county auditor of the county in which the property is located.

(8) The director may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(9) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control ~~((board))~~ agency for liquor stores and warehouses; and

(c) The department of natural resources, the department of ~~((fisheries, the department of))~~ fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(10) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 893. The following acts or parts of acts are each repealed:

(1) RCW 66.08.016 and 1961 c 1 s 30, 1947 c 113 s 2, & 1933 ex.s. c 62 s 65;

(2) RCW 66.08.050 and 1993 c 25 s 1, 1986 c 214 s 2, 1983 c 160 s 1, 1975 1st ex.s. c 173 s 1, 1969 ex.s. c 178 s 1, 1963 c 239 s 3, 1935 c 174 s 10, & 1933 ex.s. c 62 s 69; and

(3) RCW 66.08.150 and 1989 c 175 s 122, 1967 c 237 s 23, & 1933 ex.s. c 62 s 62.

NEW SECTION. Sec. 894. Nothing in this act requires the liquor control agency to discard stationery or signs, rename its facilities or stores, or incur similar expenses attributable to the renaming of the agency.

NEW SECTION. Sec. 895. The code reviser shall prepare and present to the 1995 legislature a bill which corrects references to the liquor control board that are rendered inaccurate by this act."

Renumber remaining sections consecutively.

On page 178, line 7, after "1994" insert ": PROVIDED, That sections 872 through 894 of this act shall take effect July 1, 1995"

MOTION

On motion of Senator Quigley, the amendments on page 177, after line 36, and page 178, line 7, to Engrossed Substitute House Bill No. 2676 were withdrawn.

MOTION

Senator Quigley moved that the following amendments be considered simultaneously and be adopted:

On page 177, after line 36, insert the following:

"Sec. 872. RCW 66.04.010 and 1991 c 192 s 1 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Agency" means the liquor control agency, the state agency established under section 2 of this act.

(2) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

~~((2))~~ (3) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

~~((3))~~ (4) "Board" means the liquor control review board comprised of five individuals appointed by the governor to conduct hearings on appeals of certain actions of the director.

(5) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

~~((4))~~ "Board" means the liquor control board, constituted under this title.

~~((5))~~ (6) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

~~((6))~~ (7) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

~~((7))~~ (8) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.32 RCW.

~~((8))~~ (9) "Director" means the director of the liquor control agency.

(10) "Distiller" means a person engaged in the business of distilling spirits.

~~((9))~~ (11) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

~~((10))~~ (12) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

~~((11))~~ (13) "Employee" means any person employed by the ~~((board))~~ director, including a vendor, as hereinafter in this section defined.

~~((12))~~ (14) "Fund" means 'liquor revolving fund.'

~~((13))~~ (15) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the ~~((board))~~ director, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the ~~((board))~~ director shall have authority to waive the provisions requiring twenty or more rooms.

~~((14))~~ (16) "Imprisonment" means confinement in the county jail.

~~((15))~~ (17) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

~~((16))~~ (18) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

~~((17))~~ (19) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

~~((18))~~ (20) "Package" means any container or receptacle used for holding liquor.

~~((19))~~ (21) "Permit" means a permit for the purchase of liquor under this title.

~~((20))~~ (22) "Person" means an individual, copartnership, association, or corporation.

~~((21))~~ (23) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.71 RCW.

~~((22))~~ (24) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

~~((23))~~ (25) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

~~((24))~~ (26) "Regulations" or "rules" means ~~((regulations made))~~ rules adopted under chapter 34.05 RCW by the ~~((board))~~ agency under the powers conferred by this title.

~~((25))~~ (27) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

~~((26))~~ (28) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and

"sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the ~~((board))~~ agency to a person not licensed by the ~~((board))~~ agency, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the ~~((board))~~ agency.

~~((27))~~ (29) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

~~((29))~~ (30) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

~~((29))~~ (31) "Store" means a state liquor store established under this title.

~~((30))~~ (32) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

~~((34))~~ (33) "Vendor" means a person employed by the ~~((board))~~ agency as a store manager under this title.

~~((32))~~ (34) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

~~((33))~~ (35) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((34))~~ (36) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

~~((35))~~ (37) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

~~((36))~~ (38) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

NEW SECTION. Sec. 873. A new section is added to chapter 66.08 RCW to read as follows:

There is an agency of state government known as the "Washington state liquor control agency."

The executive head of the liquor control agency is the director. The director is appointed by, and serves at the pleasure of, the governor. The appointment of the director is subject to confirmation by the senate. The director is paid a salary to be fixed by the governor in accordance with RCW 43.03.040. The director shall have: (1) At least five years of demonstrated successful business or public management experience; (2) demonstrable competence in establishing and using management information systems; and (3) a demonstrated understanding of distribution and retail sales operations and the relevance of that knowledge to the Washington's controlled sales environment.

NEW SECTION. Sec. 874. All powers, duties, and functions vested by law in the liquor control board are transferred to the director of the liquor control agency, except those powers, duties, and functions which are expressly assigned to the liquor control review board. This transfer shall take place July 1, 1995. This act does not create a new agency, but establishes the Washington state liquor control review board and provides for a new administrative structure within the renamed agency.

NEW SECTION. Sec. 875. A new section is added to chapter 66.08 RCW to read as follows:

There shall be a right of appeal of decisions of the director made under RCW 66.24.010, on decisions made under the authority granted to the director under RCW 66.08.030(2)(a), on decisions made under chapter 66.44 RCW, or on decisions made under section 9(9) of this act. These appeals shall be heard by the liquor control review board.

The final decision of the liquor control review board shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

Sec. 876. RCW 66.08.012 and 1961 c 307 s 7 are each amended to read as follows:

~~((There shall be a board, known as the "Washington state liquor control board," consisting of three))~~ The liquor control review board shall consist of five members, to be appointed by the governor, with the consent of the senate, ~~((who shall))~~ to serve six-year staggered terms. Each member shall be ~~((paid an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040))~~ compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The governor may, in his or her discretion, appoint one of the members as ~~((chairman))~~ chair of the board, and a majority of the members shall constitute a quorum of the board. The board shall meet to hear appeals on licensing decisions made under RCW 66.24.010, on decisions made under the authority granted by RCW 66.08.030(2)(a), on decisions made under chapter 66.44 RCW, or on decisions made under section 9(9) of this act.

Sec. 877. RCW 66.08.014 and 1986 c 105 s 1 are each amended to read as follows:

(1) The members of the board ~~((to be appointed after December 2, 1948))~~ shall be appointed for terms beginning ~~((January 15, 1949))~~ July 1, 1995, and expiring as follows: ~~((One member))~~ Two members of the board for ~~((a))~~ terms of ~~((three))~~ two years from ~~((January 15, 1949; one member))~~ July 1, 1995; two members of the board for ~~((a))~~ terms of ~~((six))~~ four years from ~~((January 15, 1949))~~ July 1, 1995; and one member of the board for a term of ~~((nine))~~ six years from ~~((January 15, 1949))~~ July 1, 1995. Each of the members of the board appointed hereunder shall hold office until his or her successor is appointed and qualified. ~~((After June 11, 1986, the term that began on January 15, 1985, will end on January 15, 1989, the term beginning on January 15, 1988, will end on January 15, 1993, and the term beginning on January 15, 1991, will end on January 15, 1997.))~~ Thereafter, upon the expiration of the term of any member appointed after ~~((June 11, 1986))~~ July 1, 1995, each succeeding member of the board shall be appointed and hold office for the term of six years. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the board shall impair the right of the remaining member or members to act, except as herein otherwise provided.

(2) The principal office of the board shall be at the state capitol ~~((and it may establish such other offices as it may deem necessary)).~~

(3) Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

~~((4) Each member of the board shall devote his entire time to the duties of his office and no member of the board shall hold any other public office. Before entering upon the duties of his office, each of said members of the board shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor in the penal sum of fifty thousand dollars conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the board.))~~

Sec. 878. RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended to read as follows:

The administration of this title, including the general control, management, and supervision of all liquor stores, shall be vested in the ~~((liquor control board, constituted under this title.))~~ director, who shall carry out this administrative function in accordance with the rules adopted under this title. In addition to any other powers granted or transferred to the director, the director shall have the following powers and duties as may be necessary to carry out the purposes of this title:

(1) Supervise and administer the operations of the liquor control agency in accordance with the provisions of this title;

- (2) Appoint personnel and prescribe their duties;
(3) Enter into contracts on behalf of the agency;
(4) Accept and expend donations, grants, or other funds;
(5) Delegate powers, duties, and functions of the liquor control agency to employees of the agency as the director deems necessary to ensure efficient administration;
(6) Appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the agency;
(7) Perform such other duties as are consistent with this title; and
(8) The director may summarily suspend a license or permit for a period of up to thirty days without a prior hearing if he or she finds that public health, safety, or welfare imperatively require emergency action, and incorporates a finding to that effect in his or her order; and proceedings for revocation or other action must be promptly instituted and determined.

Sec. 879. RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of this title according to their true intent or of supplying any deficiency therein, the ~~((board may make such regulations))~~ liquor control review board may adopt those rules not inconsistent with the spirit of this title as are deemed necessary or advisable. All ~~((regulations))~~ rules so made shall be a public record and shall be filed in the office of the code reviser, and thereupon shall have the same force and effect as if incorporated in this title. Such ~~((regulations))~~ rules, together with a copy of this title, shall be published in pamphlets and shall be distributed as directed by the ~~((board))~~ liquor control review board.

(2) The liquor control review board shall adopt rules applicable to adjudicative proceedings that are subject to the applicable provisions of chapter 34.05 RCW as provided in (a), (b), and (c) of this subsection.

(a) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(b) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in RCW 66.08.020(8), prior to the suspension of any permit or license.

(c) No hearing shall be required until demanded by the applicant, permittee, or licensee.

~~((board to make regulations))~~ liquor control review board to adopt rules in the manner set out in that subsection shall extend to:

~~((a))~~ (a) (regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the board;

~~((b))~~ (b) prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

~~((e))~~ (e) Governing the purchase of liquor by the state and the furnishing of liquor to stores established under this title;

~~((d))~~ (d) Determining the classes, varieties, and brands of liquor to be kept for sale at any store;

~~((e))~~ (e) Prescribing, subject to RCW 66.16.080, the hours during which the state liquor stores shall be kept open for the sale of liquor;

~~((f))~~ (f) Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this title;

~~((g))~~ (g) Prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;
~~((h))~~ (h) Providing for the payment by the ~~((board))~~ liquor control agency in whole or in part of the carrying charges on liquor shipped by freight or express;

~~((i))~~ (i) Prescribing forms to be used for purposes of this title or the ~~((regulations))~~ rules, and the terms and conditions to be contained in permits and licenses issued under this title;

~~((j))~~ (j) Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the ~~((regulations))~~ rules;

~~((k))~~ (k) Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the ~~((board))~~ director;

~~((l))~~ (l) Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

~~((m))~~ (m) Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the ~~((board))~~ agency, and providing for inspection of the records so kept;

~~((n))~~ (n) Prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

~~((o))~~ (o) Prescribing the manner of giving and serving notices required by this title or the ~~((regulations))~~ rules, where not otherwise provided for in this title;

~~((p))~~ (p) Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the ~~((board))~~ agency, and providing for the inspection of the premises and the books, records and the liquor so kept;

~~((q))~~ (q) Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

~~((r))~~ (r) Prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

~~((s))~~ (s) Specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

~~((t))~~ (t) Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

~~((u))~~ (u) Providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

~~((v))~~ (v) Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

~~((w))~~ (w) Providing for the giving of fidelity bonds by any or all of the employees of the ~~((board))~~ liquor control agency: PROVIDED, That the premiums therefor shall be paid by the ~~((board))~~ agency;

~~((x))~~ (x) Providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

~~((y))~~ (y) Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the ~~((board))~~ liquor control agency; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

~~((z))~~ (z) Seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the ~~((regulations))~~ rules of the ~~((board))~~ agency: PROVIDED, Nothing ~~((herein contained))~~ in this section shall be construed as authorizing the liquor ~~((board))~~ control agency to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages.

NEW SECTION. Sec. 880. A new section is added to chapter 66.08 RCW to read as follows:

The director, subject to the provisions of this title and the rules adopted under this title, shall:

- (1) Establish all necessary warehouses for the storing and bottling, diluting, and rectifying of stocks of liquors for the purposes of this title;
- (2) Provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the director;
- (3) Execute or cause to be executed, all contracts, papers, and documents in the name of the agency, under such rules as the agency may adopt;
- (4) Pay all customs, duties, excises, charges, and obligations whatsoever relating to the business of the agency;
- (5) Require bonds from all employees in the discretion of the director, and to determine the amount of fidelity bond of each such employee;
- (6) Perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the director and the commission;
- (7) Perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: PROVIDED, That the director shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language;
- (8) Determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;
- (9) Appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the liquor control agency and be authorized to sell liquor to such persons, firms, or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules consistent with this title; and
- (10) Determine the nature, form, and capacity of all packages to be used for containing liquor kept for sale under this title.

NEW SECTION. Sec. 881. A new section is added to chapter 66.08 RCW to read as follows:

The director shall prepare, update, and execute an integrated liquor plan that includes, but is not limited to, the following elements:

- (1) A program to achieve efficiencies and ensure operational integration of regulatory, merchandising, and administrative services;
- (2) A program of public and consumer information and coordination with other public agencies and private organizations that emphasizes alcohol abuse prevention and responsible consumption; and
- (3) A strategy for implementation of the plan.

Sec. 882. RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to read as follows:

The ((beard)) agency shall not advertise liquor in any form or through any medium whatsoever. The ((beard)) agency shall have power to adopt any and all reasonable regulations as to the kind, character, and location of advertising of liquor.

Sec. 883. RCW 66.08.070 and 1985 c 226 s 2 are each amended to read as follows:

- (1) Every order for the purchase of liquor shall be authorized by the ((beard)) agency, and no order for liquor shall be valid or binding unless it is so authorized and signed by the ((beard)) agency or its authorized designee.
- (2) A duplicate of every such order shall be kept on file in the office of the ((beard)) agency.
- (3) All cancellations of such orders made by the ((beard)) agency shall be signed in the same manner and duplicates thereof kept on file in the office of the ((beard)) agency. Nothing in this title shall be construed as preventing the ((beard)) agency from accepting liquor on consignment.
- (4) In the purchase of wine or malt beverages the ((beard)) agency shall not require, as a term or condition of purchase, any warranty or affirmation with respect to the relationship of the price charged the ((beard)) agency to any price charged any other buyer.

Sec. 884. RCW 66.08.075 and 1937 c 217 s 5 (adding new section 42-A to 1933 ex.s. c 62) are each amended to read as follows:

No official or employee of the ((liquor control board of the state of Washington)) agency shall, during his or her term of office or employment, or for a period of two years immediately following the termination thereof, represent directly or indirectly any manufacturer or wholesaler of liquor in the sale of liquor to the ((beard)) agency.

Sec. 885. RCW 66.08.090 and 1933 ex.s. c 62 s 31 are each amended to read as follows:

No employee shall sell liquor in any other place, nor at any other time, nor otherwise than as authorized by the ((beard)) agency under this title and the regulations.

Sec. 886. RCW 66.08.100 and 1935 c 174 s 9 (adding new section 62-A to 1933 ex.s. c 62) are each amended to read as follows:

No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the ((beard)) agency or any member thereof for anything done or omitted to be done in or arising out of the performance of ((his or their)) the member's duties under this title. Neither the ((beard)) agency nor any member or members thereof shall be personally liable in any action at law for damages sustained by any person because of any acts performed or done or omitted to be done by the ((beard)) agency or any employee of the ((beard)) agency in the performance of his or her duties and in the administration of this title.

Sec. 887. RCW 10.93.020 and 1988 c 36 s 5 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol is a general authority Washington law enforcement agency.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources, ((fisheries,)) fish and wildlife, and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control ((beard)) agency, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 888. RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each amended to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this chapter:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of ~~((fisheries))~~ fish and wildlife;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of community, trade, and economic development;
- (i) Liquor control ~~((board))~~ agency;
- (j) Department of health;
- (k) Department of licensing;
- (l) Utilities and transportation commission; and
- (m) Other agencies as determined by the governor.

Sec. 889. RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17, and 1993 c 280 s 18 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, ~~((and))~~ (14) the department of health, ~~((and))~~ (15) the department of financial institutions, and (16) the liquor control agency, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 890. RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18, and 1993 c 280 s 19 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ~~((and))~~ (14) the secretary of health, ~~((and))~~ (15) the director of financial institutions, and (16) the director of the liquor control agency.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 891. RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488, and 1993 c 281 s 43 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the liquor control agency, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, ~~((the director of trade and economic development,))~~ the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, ~~((liquor control board,))~~ lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 892. RCW 43.82.010 and 1990 c 47 s 1 are each amended to read as follows:

(1) The director of the department of general administration, on behalf of the agency involved, shall purchase, lease, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell,

lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section.

(3) The director is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(4) If the director determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsections (1) or (3) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(5) In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

(6) The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

(7) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director or the director's designee, and recorded with the county auditor of the county in which the property is located.

(8) The director may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(9) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control (board) agency for liquor stores and warehouses; and

(c) The department of natural resources, the department of (fisheries, the department of) fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(10) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 893. The following acts or parts of acts are each repealed:

(1) RCW 66.08.016 and 1961 c 1 s 30, 1947 c 113 s 2, & 1933 ex.s. c 62 s 65;

(2) RCW 66.08.050 and 1993 c 25 s 1, 1986 c 214 s 2, 1983 c 160 s 1, 1975 1st ex.s. c 173 s 1, 1969 ex.s. c 178 s 1, 1963 c 239 s 3, 1935 c 174 s 10, & 1933 ex.s. c 62 s 69; and

(3) RCW 66.08.150 and 1989 c 175 s 122, 1967 c 237 s 23, & 1933 ex.s. c 62 s 62.

NEW SECTION. Sec. 894. Nothing in this act requires the liquor control agency to discard stationery or signs, rename its facilities or stores, or incur similar expenses attributable to the renaming of the agency.

NEW SECTION. Sec. 895. The code reviser shall prepare and present to the 1995 legislature a bill which corrects references to the liquor control board that are rendered inaccurate by this act."

Renumber remaining sections.

On page 178, line 7, after "1994" insert: "PROVIDED, That sections 872 through 894 of this act shall take effect July 1, 1995"

MOTION

On motion of Senator Quigley, and there being no objection, the amendments on page 177, after line 36, and page 178, line 7, to Engrossed Substitute House Bill No. 2676 were withdrawn.

MOTIONS

On motion of Senator Quigley, the following amendment was adopted:

On page 177, after line 36, insert the following:

NEW SECTION. Sec. 872. The legislature declares there has been an excessive proliferation of boards and commissions within state government. These boards and commissions are often created without legislative review or input and without an assessment of whether there is a resulting duplication of purpose or process. Once created, they frequently duplicate the duties of existing governmental entities, create additional expense, and obscure responsibility. It has been difficult to control the growth of boards and commissions because of the many special interests involved. Accordingly, the legislature establishes the process in this chapter to eliminate redundant and obsolete boards and commissions and to restrict the establishment of new boards and commissions.

NEW SECTION. Sec. 873. (1) The governor shall conduct a review of all of the boards and commissions identified under section 4 of this act and, by January 1, 1995, submit to the legislature a report recommending which boards and commissions should be terminated or consolidated based upon the criteria set forth in subsection (3) of this section. The report must state which of the criteria were relied upon with respect to each recommendation. The governor shall submit an executive request bill by January 10, 1995, to implement the recommendations by expressly terminating the appropriate boards and commissions and by providing for the transfer of duties and obligations under this section. The governor shall accept and review with special attention recommendations made, not later than June 1, 1994, by the standing committees of the legislature.

(2) In addition to terminations and consolidations under subsection (1) of this section, the governor may recommend the transfer of duties and obligations from a board or commission to another existing state entity.

(3) In preparing his or her report and legislation, the governor shall make an evaluation based upon answers to the questions set forth in this subsection. The governor shall give these criteria priority in the order listed.

(a) Has the mission of the board or commission been completed or ceased to be critical to effective state government?

(b) Does the work of the board or commission directly affect public safety, welfare, or health?

(c) Can the work of the board or commission be effectively done by another state agency without adverse impact on public safety, welfare, or health?

(d) Will termination of the board or commission have a significant adverse impact on state revenue because of loss of federal funds?

(e) Will termination of the board or commission save revenues, be cost neutral, or result in greater expenditures?

(f) Is the work of the board or commission being done by another board, commission, or state agency?

(g) Could the work of the board or commission be effectively done by a nonpublic entity?

- (h) Will termination of the board or commission result in a significant loss of expertise to state government?
- (i) Will termination of the board or commission result in operational efficiencies that are other than fiscal in nature?
- (j) Could the work of the board or commission be done by an ad hoc committee?

NEW SECTION. Sec. 874. The legislature shall consider and enact or not enact the legislation requested by the governor under section 2 of this act in accordance with the rules of each house, except that either house of the legislature may not add to or delete from the list of boards and commissions as requested by the governor unless done so by a unanimous vote of the members voting. The legislature may adopt such technical amendments as are necessary by a majority vote.

NEW SECTION. Sec. 875. The boards and commissions to be reviewed by the governor must be all entities that are required to be included in the list prepared by the office of financial management under RCW 43.88.505, other than entities established under: (1) Constitutional mandate; (2) court order or rule; (3) requirement of federal law; or (4) requirement as a condition of the state or a local government receiving federal financial assistance if, in the judgment of the governor, no other state agency, board, or commission would satisfy the requirement.

NEW SECTION. Sec. 876. A new section is added to chapter 43.88 RCW to read as follows:

(1) A new board or commission not established or required in statute that must be included in the report required by RCW 43.88.505 may not be established between the effective date of this section and December 31, 1997, without the express approval of the director of financial management. The director shall, before the first Monday of January each year, submit to the legislature a list of those boards and commissions that were requested for approval and those that were approved during the preceding calendar year.

(2) Effective July 1, 1995, the total number of boards and commissions approved by the director of financial management may not exceed the difference between the number of boards and commissions terminated under section 873 of this act and any boards and commissions created by the legislature.

NEW SECTION. Sec. 877. A new section is added to chapter 43.88 RCW to read as follows:

When acting on a request to establish a new board or commission under section 876 of this act, the director of the office of financial management shall consider the following criteria giving priority in the order listed:

- (1) If approval is critical to public safety, health, or welfare or to the effectiveness of state government;
- (2) If approval will not result in duplication of the work or responsibilities of another governmental agency;
- (3) If approval will not have a significant impact on state revenues;
- (4) If approval is for a limited duration or on an ad hoc basis;
- (5) If the work of the board or commission could be effectively done by a nonpublic entity;
- (6) If approval will result in significant enhancement of expertise in state government; and
- (7) If approval will result in operational efficiencies other than fiscal savings.

NEW SECTION. Sec. 878. The following acts or parts of acts are each repealed:

- (1) Section 873 of this act;
- (2) Section 874 of this act; and
- (3) Section 875 of this act.

NEW SECTION. Sec. 879. The following acts or parts of acts are each repealed:

- (1) Section 872 of this act;
- (2) Section 876 of this act; and
- (3) Section 877 of this act.

NEW SECTION. Sec. 880. (1) Sections 872 through 877 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 878 of this act shall take effect December 31, 1995.

(3) Section 879 of this act shall take effect January 1, 1997."

Renumber remaining sections consecutively.

On motion of Senator Quigley, the following amendment was adopted:

On page 177, after line 36, insert the following:

"NEW SECTION. Sec. 872. (1) There is created a legislative task force on liquor control administration. The task force shall be comprised of the following members:

- (a) Two members from each caucus of the senate, appointed by the president of the senate; and
- (b) Two members from each caucus of the house of representatives, appointed by the speaker of the house of representatives.

(2) The task force shall solicit the involvement of at least one representative of the following entities: the liquor control board; the office of financial management; state employee unions; liquor manufacturers; liquor wholesalers; and liquor retailers.

(3) The task force shall examine the current administrative structure of the liquor control board and consider alternative administrative structures, including the appointment of an executive director and the creation of a part-time board. The task force shall make recommendations regarding:

- (a) Whether an executive director position should be created; and
- (b) If so, the divisions of the following responsibilities between the board and the director: (i) management of liquor stores and agencies; (ii) rule-making; (iii) licensing; (iv) enforcement; and (v) marketing; and
- (c) Whether a part-time board should be created.

(4) The task force shall complete its work and issue any recommendations by December 31, 1994. The task force shall expire December 31, 1994."

Renumber remaining sections

MOTIONS

On motion of Senator Haugen, the following amendment was adopted:

On page 107, line 31, after "the" strike "committee" and insert "((committee)) board"

Senator Loveland moved that the following amendments be considered simultaneously and be adopted:

On page 70, after line 19, strike all of sections 502 and 503 and insert the following:

"Sec. 502. RCW 4.24.240 and 1985 c 326 s 25 are each amended to read as follows:

(1)(a) A person licensed by this state to provide health care or related services, including, but not limited to, a ((certified)) licensed acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, ((pediatrist)) podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, including, in the event such person is deceased, his or her estate or personal representative;

(b) An employee or agent of a person described in subparagraph (a) of this subsection, acting in the course and scope of his or her employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subparagraph (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, trustee, employee, or agent thereof acting in the course and scope of his or her employment, including in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative; shall be immune from civil action for damages arising out of the good faith performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

(2) No member, employee, staff person, or investigator of a professional review committee shall be liable in a civil action as a result of acts or omissions made in good faith on behalf of the committee; nor shall any person be so liable for filing charges with or supplying information or testimony in good faith to any professional review committee; nor shall a member, employee, staff person, or investigator of a professional society, of a professional examining or licensing board, of a professional disciplinary board, of a governing board of any institution, or of any employer of professionals be so liable for good faith acts or omissions made in full or partial reliance on recommendations or decisions of a professional review committee or examining board.

Sec. 503. RCW 7.70.020 and 1985 c 326 s 27 are each amended to read as follows:

As used in this chapter "health care provider" means either:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a ~~((certified))~~ licensed acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, ~~((pediatrist))~~ podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his or her estate or personal representative;

(2) An employee or agent of a person described in part (1) above, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in part (1) above, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his or her employment, including in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative.

Sec. 504. RCW 18.06.010 and 1992 c 110 s 1 are each amended to read as follows:

The following terms in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Acupuncture" means a health care service based on ~~((a traditional))~~ an Oriental system of medical theory utilizing Oriental diagnosis and treatment to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians. Acupuncture includes ~~((but is not necessarily limited to))~~ the following techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

(d) Acupressure;

(e) Cupping;

(f) Dermal friction technique;

(g) Infra-red;

(h) Sonopuncture;

(i) Laserpuncture;

(j) ~~((Dietary advice based on traditional Oriental medical theory; and~~

~~((k))~~ Point injection therapy (aquapuncture); and

k) Dietary advice based on Oriental medical theory provided in conjunction with techniques under (a) through (i) of this subsection.

(2) "Acupuncturist" means a person ~~((certified))~~ licensed under this chapter.

(3) "Department" means the department of health.

(4) "Secretary" means the secretary of health or the secretary's designee.

Sec. 505. RCW 18.06.020 and 1991 c 3 s 5 are each amended to read as follows:

(1) No one may hold themselves out to the public as an acupuncturist or ~~((certified))~~ licensed acupuncturist or any derivative thereof which is intended to or is likely to lead the public to believe such a person is an acupuncturist or ~~((certified))~~ licensed acupuncturist unless ~~((certified))~~ licensed as provided for in this chapter.

(2) A person may not practice acupuncture if the person is not licensed under this chapter.

(3) No one may use any configuration of letters after their name (including Ac.) which indicates a degree or formal training in acupuncture unless ~~((certified))~~ licensed as provided for in this chapter.

~~((3))~~ (4) The secretary may by rule proscribe or regulate advertising and other forms of patient solicitation which are likely to mislead or deceive the public as to whether someone is ~~((certified))~~ licensed under this chapter.

Sec. 506. RCW 18.06.045 and 1992 c 110 s 2 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice ~~((by an individual licensed, certified, or registered))~~ by an individual credentialed under the laws of this state and performing services within such individual's authorized scope of practice. Health professions authorized to perform acupuncture under other chapters of state law may follow recommended guidelines developed by the acupuncture advisory committee to assist in determining the level of training sufficient to allow for the provision of safe acupuncture services;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) The practice of acupuncture by any person ~~((licensed or certified))~~ credentialed to perform acupuncture in any other jurisdiction where such person is doing so in the course of regular instruction of a school of acupuncture approved by the secretary or in an educational seminar by a professional organization of acupuncture, provided that in the latter case, the practice is supervised directly by a person ~~((certified pursuant to))~~ licensed under this chapter or licensed under any other healing art whose scope of practice includes acupuncture.

Sec. 507. RCW 18.06.080 and 1992 c 110 s 3 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a ~~((certification))~~ licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by ~~((certified))~~ licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of ~~((Certified))~~ Licensed Acupuncturist.

Sec. 508. RCW 18.06.090 and 1985 c 326 s 9 are each amended to read as follows:

Before ~~((certification))~~ licensure, each applicant shall demonstrate sufficient fluency in reading, speaking, and understanding the English language to enable the applicant to communicate with other health care providers and patients concerning health care problems and treatment.

Sec. 509. RCW 18.06.110 and 1991 c 3 s 11 are each amended to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of ~~((certificates))~~ licenses, and the disciplining of ~~((certificate))~~ license holders under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 510. RCW 18.06.120 and 1992 c 110 s 4 are each amended to read as follows:

(1) Every person ~~((certified))~~ licensed in acupuncture shall register with the secretary annually and pay an annual renewal ~~((registration))~~ fee determined by the secretary as provided in RCW 43.70.250 on or before the ~~((certificate))~~ license holder's birth anniversary date. The ~~((certificate))~~ license of the person shall be renewed for a period of one year or longer in the discretion of the secretary. A person whose practice is exclusively out-of-state or who is on sabbatical shall be granted an inactive ~~((certification))~~ licensure status and pay a reduced ~~((registration))~~ fee. The reduced fee shall be set by the secretary under RCW 43.70.250.

(2) Any failure to register and pay the annual renewal ~~((registration))~~ fee shall render the ~~((certificate))~~ license invalid. The ~~((certificate))~~ license shall be reinstated upon: (a) Written application to the secretary; (b) payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250; and (c) payment to the state of all delinquent annual ~~((certificate))~~ license renewal fees.

(3) Any person who fails to renew his or her ~~((certification))~~ license for a period of three years shall not be entitled to renew ~~((such certification))~~ the licensure under this section. Such person, in order to obtain a ~~((certification))~~ licensure in acupuncture in this state, shall file a new application under this chapter, along with the required fee, and shall meet examination or continuing education requirements as the secretary, by rule, provides.

(4) All fees collected under this section and RCW 18.06.070 shall be credited to the health professions account as required under RCW 43.70.320.

Sec. 511. RCW 18.06.130 and 1991 c 3 s 13 are each amended to read as follows:

The secretary shall develop a form to be used by an acupuncturist to inform the patient of the acupuncturist's scope of practice and qualifications. All ~~((certificate))~~ license holders shall bring the form to the attention of the patients in whatever manner the secretary, by rule, provides.

Sec. 512. RCW 18.06.140 and 1991 c 3 s 14 are each amended to read as follows:

Every ~~((certified))~~ licensed acupuncturist shall develop a written plan for consultation, emergency transfer, and referral to other health care practitioners operating within the scope of their authorized practices. The written plan shall be submitted with the initial application for ~~((certification))~~ licensure as well as annually thereafter with the ~~((certificate))~~ license renewal fee to the department. The department may withhold ~~((certification))~~ licensure or renewal of ~~((certification))~~ licensure if the plan fails to meet the standards contained in rules ~~((promulgated))~~ adopted by the secretary.

When the acupuncturist sees patients with potentially serious disorders such as cardiac conditions, acute abdominal symptoms, and such other conditions, the acupuncturist shall immediately request a consultation or recent written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW. In the event that the patient with the disorder refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued.

Sec. 513. RCW 18.06.170 and 1991 c 3 s 16 are each amended to read as follows:

(1) The acupuncture advisory committee is created. The committee shall be composed of one physician licensed under chapter 18.71 or 18.57 RCW, three acupuncturists ~~((certified))~~ licensed under this chapter, and ~~((one))~~ two public members, who ~~((does))~~ do not have any financial interest in the rendering of health services.

(2) The secretary shall appoint members to staggered terms so as to provide continuity in membership. Members shall serve at the pleasure of the secretary but may not serve more than five years total. Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) Each member of the committee shall receive fifty dollars for each day the member attends an official meeting of the group or performs statutorily prescribed duties approved by the secretary.

(4) The committee shall meet only on the request of the secretary and consider only those matters referred to it by the secretary. The committee is authorized to develop recommended guidelines to assist health professions authorized to perform acupuncture under other practice laws in determining the level of training sufficient to allow for the provision of safe acupuncture services.

Sec. 514. RCW 18.06.190 and 1991 c 3 s 18 are each amended to read as follows:

The secretary may ~~((certify))~~ license a person without examination if such person is ~~((licensed or certified))~~ credentialed as an acupuncturist in another jurisdiction if, in the secretary's judgment, the requirements of that jurisdiction are equivalent to or greater than those of Washington state.

Sec. 515. RCW 18.06.200 and 1985 c 326 s 20 are each amended to read as follows:

Nothing in this chapter may be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person ~~((registered or certified))~~ licensed under this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 81, line 29, after "Acupuncturists" strike "certified" and insert "~~((certified))~~ licensed"

On page 84, line 8, after "acupuncturist" strike "certified" and insert "~~((certified))~~ licensed"

On page 94, beginning on line 10, after "acupuncturists" strike "certified" and insert "~~((certified))~~ licensed"

POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the amendments expand the scope and object of Engrossed Substitute House Bill No. 2676. These are the very same amendments that were buried inside the Government Operations Committee amendment. The President has already ruled that the Committee of Government Operations amendment is outside the scope and object, because the amendment contained issues pertaining to scope of practice in a bill that was designed to consolidate and eliminate boards and commissions. These amendments are the very same thing that were found in the Government Operation's committee amendment. I believe they expand the scope and object of the bill that is before us, for the same reason."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2676.

At 9:34 a.m., and there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:06 a.m. by President Pritchard.

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

MOTION

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

SENATE RESOLUTION 1994-8690

By Senators Wojahn, Rasmussen, Franklin, Gaspard, Schow, Oke, Roach and Winsley

WHEREAS, The port of Tacoma has been awarded the President's "E Star" for excellence in exporting, which is the most prestigious of American export commendations; and

WHEREAS, In 1975, the United States Department of Commerce first recognized the port of Tacoma's ability to build a profitable export business, by honoring it with the "E" award; and

WHEREAS, the "E Star" award is given only to organizations that win the first award and continue to excel; and

WHEREAS, The port of Tacoma is the first port in the Pacific Northwest to ever earn the award; and

WHEREAS, Since first winning the "E" award, the port has grown to become the sixth-largest port in North America and is responsible for seventy thousand jobs state-wide; and

WHEREAS, The port's export trade has grown four hundred percent in eighteen years; and

WHEREAS, Export tonnage has grown from 2.2 million in 1975 to 8.2 million; and

WHEREAS, The port has developed new shipping terminals and expanded its land base and facilities for attracting export-oriented manufacturers and warehouse companies; and

WHEREAS, The port provides a model labor agreement which emphasizes shared responsibilities and full participation of its longshoring and other port employees; and

WHEREAS, The port of Tacoma is unique because of a close and interdependent relationship between companies, unions, government, and port commissioners; and

WHEREAS, The port of Tacoma is expanding Washington state's export markets and helping to diversify its economy; and

WHEREAS, The port of Tacoma provides a vital link between Tacoma and to the Pacific Rim and beyond;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors the port of Tacoma for its work in benefiting the state and for creating an exemplary model for other ports and businesses; and

BE IT FURTHER RESOLVED, That the Washington State Senate also recognizes the port of Tacoma as a recipient of the coveted "E Star" award, as it is only the sixth port in the United States to win "E Star" flag.

Senators Wojahn, Rasmussen and Franklin spoke to Senate Resolution 1994-8690.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Port of Tacoma officials who were seated in the gallery.

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

MESSAGE FROM THE HOUSE

March 3, 1994

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6107, with the following amendment(s):

On page 2, line 17, after "under" strike "section 1" and insert "sections 1, 2, and 7", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 6107 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 6107 and the House amendment thereto: Senators Skratek, Cantu and Prentice.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2676 and the pending amendments by Senator Loveland on page 70, after line 19; page 81, line 29; page 84, line 8; and page 94, beginning on line 10; deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 2676 is a measure which makes changes in the duties and organizations of various government entities and abolishes certain entities.

"The amendments previously adopted by the Senate would, in addition, add a settlement process for disciplinary actions, change the duties and responsibilities of various entities involved in fire protection and prevention, authorize a property tax, create a special fund in the state treasury, direct the Governor to submit a bill on termination of boards and commissions, forbids the Legislature to amend such bill without a unanimous vote and creates a legislative task force.

"The amendments by Senator Loveland would change the statutory requirement for acupuncturists from certified to licensed and limit the definition of acupuncture.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the point of order is not well taken."

The amendments by Senator Loveland on page 70, after line 19; page 81, line 29; page 84, line 8; and page 94, beginning on line 10; to Engrossed Substitute House Bill No. 2676 were ruled in order.

The President declared the question before the Senate to be the adoption of the amendments by Senator Loveland on page 70, after line 19; page 81, line 29; page 84, line 8; and page 94, beginning on line 10; to Engrossed Substitute House Bill No. 2676.

Debate ensued.

The motion by Senator Loveland failed and the amendments were not adopted on a rising vote.

MOTION

Senator Vognild moved that the following amendment be adopted:

On page 178, before line 1, insert the following:

NEW SECTION. Sec. 872. The Washington traffic safety commission is hereby abolished and its powers, duties, and functions are hereby transferred to the Washington state patrol.

NEW SECTION. Sec. 873. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington traffic safety commission shall be delivered to the custody of the Washington state patrol. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Washington traffic safety commission shall be made available to the Washington state patrol. All funds, credits, or other assets held by the Washington traffic safety commission shall be assigned to the Washington state patrol.

Any appropriations made to the Washington traffic safety commission shall, on the effective date of this section, be transferred and credited to the Washington state patrol.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 874. All employees of the Washington traffic safety commission are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 875. All rules and all pending business before the Washington traffic safety commission shall be continued and acted upon by the Washington state patrol. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state patrol.

NEW SECTION. Sec. 876. The transfer of the powers, duties, functions, and personnel of the Washington traffic safety commission shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 877. If apportionments of budgeted funds are required because of the transfers directed by sections 873 through 876 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 878. Nothing contained in sections 872 through 877 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 879. A new section is added to chapter 43.06 RCW to read as follows:

The governor shall be responsible for the administration of the traffic safety program of the state and shall be the official of the state having ultimate responsibility for dealing with the federal government with respect to all programs and activities of the state and local governments pursuant to the Highway Safety Act of 1966 (P.L. 89-564; 80 Stat. 731). The governor is authorized and empowered to accept and disburse federal grants or other funds or donations from any source for the purpose of improving traffic safety programs in the state of Washington, and is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall be assisted in these duties and responsibilities by the Washington state patrol.

NEW SECTION. Sec. 880. A new section is added to chapter 43.06 RCW to read as follows:

The governor shall be assisted in the duties and responsibilities under section 879 of this act by the advisory committee on traffic safety. The advisory committee on traffic safety shall be composed of the governor as chair, the superintendent of public instruction, the director of licensing, the secretary of transportation, the chief of the state patrol, the secretary of health, the secretary of social and health services, a representative of the association of Washington cities to be appointed by the governor, a member of the Washington state association of counties to be appointed by the governor, a representative of the judiciary to be appointed by the governor, and four public citizens representing traffic safety interests to be appointed by the governor. In addition, appointments to any vacancies among appointee members shall be as in the case of original appointment.

The governor or any advisory committee member except those appointed by the governor under this section may designate an employee of his or her office or agency to act on his or her behalf during the absence of the governor or member at one or more of the meetings of the committee. The vote of the designee shall have the same effect as if cast by the member if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence.

The chief of the state patrol shall be responsible for convening the committee and shall serve as secretary.

NEW SECTION. Sec. 881. A new section is added to chapter 43.06 RCW to read as follows:

The advisory committee on traffic safety shall provide assistance and guidance in the development of the highway safety plan required pursuant to the Highway Safety Act of 1966; develop recommendations for the creation, revision, or enforcement of traffic safety laws; promote programs to improve traffic safety; and advise and assist the governor and the state patrol, as requested, in carrying out their duties and responsibilities pertaining to the state's traffic safety program. Staff support for the committee shall be provided by the state patrol. The committee shall meet at least one time per year.

NEW SECTION. Sec. 882. A new section is added to chapter 43.43 RCW to read as follows:

In addition to other responsibilities set forth in this chapter the state patrol shall:

- (1) Assist the governor to carry out duties and responsibilities pertaining to the traffic safety program of the state and the Highway Safety Act of 1966 (P.L. 89-564; 80 Stat. 731) as provided in section 879 of this act;
- (2) Advise and confer with the governing authority of any political subdivision of the state deemed eligible under the federal Highway Safety Act of 1966 for participation in the aims and programs and purposes of that act;
- (3) Advise and confer with all agencies of state government whose programs and activities are within the scope of the Highway Safety Act including those agencies that are not subject to direct supervision, administration, and control by the governor under existing laws;
- (4) Provide staff support to the advisory committee on traffic safety as provided under section 881 of this act;
- (5) Succeed to and be vested with all powers, duties, and jurisdictions previously vested in the Washington traffic safety commission;
- (6) Carry out such other responsibilities as may be consistent with section 883 of this act.

NEW SECTION. Sec. 883. A new section is added to chapter 43.43 RCW to read as follows:

The governor's traffic safety program as provided in section 879 of this act shall be located in the office of the chief. As the agency carrying out the governor's traffic safety program, the Washington state patrol shall have the following responsibilities: To find solutions to the problems that have been created as a result of the tremendous increase of motor vehicles on our highways and the attendant traffic death and accident tolls; to plan and supervise programs for the prevention of accidents on streets and highways including but not limited to educational campaigns designed to reduce traffic accidents in cooperation with all official and unofficial organizations interested in traffic safety; to coordinate the activities at the state and local levels in the development of state-wide and local traffic safety programs; to promote a uniform enforcement of traffic safety laws and establish standards for investigation and reporting of traffic accidents; to promote and improve driver education; and to authorize the governor to perform all functions required to be performed under the federal Highway Safety Act of 1966.

NEW SECTION. Sec. 884. A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall submit a report each biennium outlining programs planned and steps taken toward improving traffic safety to the chair of the legislative transportation committee.

NEW SECTION. Sec. 885. A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall produce and disseminate through all possible media, informational and educational materials explaining the extent of the problems caused by drinking drivers, the need for public involvement in their solution, and the penalties of existing and new laws against driving while under the influence of intoxicating liquor or any drug.

Sec. 886. RCW 28A.170.050 and 1987 c 518 s 209 are each amended to read as follows:

The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and noncertificated staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the ~~((traffic safety commission))~~ Washington state patrol; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation.

Sec. 887. RCW 43.03.028 and 1993 c 281 s 45 and 1993 c 101 s 14 are each reenacted and amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; ~~((the traffic safety commission;))~~ the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian-American affairs; the state board for volunteer fire fighters; the transportation improvement board; the public employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 888. RCW 43.43.390 and 1991 c 214 s 1 are each amended to read as follows:

Bicycling is increasing in popularity as a form of recreation and as an alternative mode of transportation. To make bicycling safer, the various law enforcement agencies should enforce traffic regulations for bicyclists. By enforcing bicycle regulations, law enforcement officers are reinforcing educational programs. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

A bicycle awareness program is created within the Washington state patrol. In developing the curriculum for the bicycle awareness program the patrol shall consult with ~~((the traffic safety commission and with))~~ bicycling groups providing bicycle safety education. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six. The patrol shall ensure that each safety educator presenting the bicycle awareness program has received specialized training in bicycle safety education and has been trained in effective defensive bicycle riding skills.

Sec. 889. RCW 43.70.410 and 1990 c 270 s 3 are each amended to read as follows:

As used in RCW 43.70.400 through 43.70.440, the term "head injury" means traumatic brain injury.

A head injury prevention program is created in the department of health. The program's functions may be integrated with those of similar programs to promote comprehensive, integrated, and effective health promotion and disease prevention.

In consultation with the ~~((traffic safety commission))~~ Washington state patrol, the department shall, directly or by contract, identify and coordinate public education efforts currently underway within state government and among private groups to prevent traumatic brain injury, including,

but not limited to, bicycle safety, pedestrian safety, bicycle passenger seat safety, motorcycle safety, motor vehicle safety, and sports safety. If the department finds that programs are not available or not in use, it may, within funds appropriated for the purpose, provide grants to promote public education efforts. Grants may be awarded only after recipients have demonstrated coordination with relevant and knowledgeable groups within their communities, including at least schools, brain injury support organizations, hospitals, physicians, traffic safety specialists, police, and the public. The department may accept grants, gifts, and donations from public or private sources to use to carry out the head injury prevention program.

The department may assess or contract for the assessment of the effectiveness of public education efforts coordinated or initiated by any agency of state government. Agencies are directed to cooperate with assessment efforts by providing access to data and program records as reasonably required. The department may seek and receive additional funds from the federal government or private sources for assessments. Assessments shall contain findings and recommendations that will improve the effectiveness of public education efforts. These findings shall be distributed among public and private groups concerned with traumatic brain injury prevention.

Sec. 890. RCW 43.70.420 and 1990 c 270 s 4 are each amended to read as follows:

The department of health, the department of licensing, and the ~~((traffic safety commission))~~ Washington state patrol shall jointly prepare information for driver license manuals, driver education programs, and driving tests to increase driver awareness of pedestrian safety, to increase driver skills in avoiding pedestrian and motor vehicle accidents, and to determine drivers' abilities to avoid pedestrian motor vehicle accidents.

Sec. 891. RCW 44.40.070 and 1988 c 167 s 10 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the utilities and transportation commission, the transportation improvement board, the Washington state patrol, the department of licensing, ~~((the traffic safety commission,))~~ the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

Sec. 892. RCW 46.01.030 and 1990 c 250 s 14 are each amended to read as follows:

The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol ~~((and traffic safety commission))~~;
- (11) such other activities as the legislature may provide.

Sec. 893. RCW 46.52.120 and 1993 c 501 s 12 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, ~~((the director of the Washington traffic safety commission))~~, and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

Sec. 894. RCW 46.82.300 and 1984 c 287 s 93 are each amended to read as follows:

(1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state ~~((traffic safety commission))~~ patrol. Members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; and

(d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

Sec. 895. RCW 46.90.010 and 1993 c 400 s 2 are each amended to read as follows:

In consultation with the chief of the Washington state patrol, ~~((and the traffic safety commission))~~, the director shall adopt in accordance with chapter 34.05 RCW a model traffic ordinance for use by any city, town, or county. The addition of any new section to, or amendment or repeal of any section in, the model traffic ordinance is deemed to amend any city, town, or county, ordinance which has adopted by reference the model traffic ordinance or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).

Sec. 896. RCW 47.01.250 and 1990 c 266 s 5 are each amended to read as follows:

The chief of the Washington state patrol, ~~((the director of the traffic safety commission,))~~ the executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, ~~((the director of the traffic safety commission,))~~ the executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on

the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, ~~((the director of the traffic safety commission,))~~ the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, ~~((the traffic safety commission's,))~~ the county road administration board's, and the department of licensing's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

NEW SECTION. Sec. 897. The following acts or parts of acts are each repealed:

- (1) RCW 43.59.010 and 1967 ex.s. c 147 s 1;
- (2) RCW 43.59.020 and 1967 ex.s. c 147 s 2;
- (3) RCW 43.59.030 and 1991 c 3 s 298, 1982 c 30 s 1, 1979 c 158 s 105, 1971 ex.s. c 85 s 7, 1969 ex.s. c 105 s 1, & 1967 ex.s. c 147 s 3;

- (4) RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 & 1967 ex.s. c 147 s 4;
- (5) RCW 43.59.050 and 1975-'76 2nd ex.s. c 34 s 120 & 1967 ex.s. c 147 s 6;
- (6) RCW 43.59.060 and 1967 ex.s. c 147 s 7;
- (7) RCW 43.59.070 and 1967 ex.s. c 147 s 8;
- (8) RCW 43.59.080 and 1967 ex.s. c 147 s 9;
- (9) RCW 43.59.130 and 1987 c 505 s 31, 1971 ex.s. c 195 s 5, & 1967 ex.s. c 147 s 14; and
- (10) RCW 43.59.140 and 1991 c 290 s 4 & 1983 c 165 s 42.

NEW SECTION. Sec. 898. This act shall take effect July 1, 1994."
Renumber the remaining sections consecutively.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I would rise to a point of order on the scope and object of this amendment. If the President would clearly look at this particular amendment, it is, in fact, the content of Senate Bill No. 6523 and Senate Bill No. 6523 is referenced in the transportation budget, not in Engrossed Substitute House Bill No. 2676. But, more to the content of the amendment, if you will look at this amendment, Mr. President, you will notice that it does establish new--a brand new--advisory committee on traffic safety. It is not restructuring; it is not eliminating; it is establishing a new one and that is in Section 879. It also adds a new set of activity beyond the Traffic Safety Commission's activity that will be obligated to the State Patrol and that is in Sections 881, 883 and 884. I think we have gone far beyond the scope and object of this bill by adding this particular amendment."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Engrossed Substitute House Bill No. 2676 is a measure which makes changes in the duties and organizations of various government entities and abolishes certain entities.

"The Chair believes because the bill, as it has been amended, has become so broad that the remarks by Senator Vognild are proper and it does not change the scope and object of the bill."

The amendment by Senator Vognild on page 178, before line 1, to Engrossed Substitute House Bill No. 2676 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 178, before line 1, to Engrossed Substitute House Bill No. 2676.

The motion by Senator Vognild carried and the amendment was adopted on a rising vote.

MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 2, line 2 of the title, after "74.42.380," insert "43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, 43.63A.377, 48.48.060, 48.48.065, 48.48.080, 52.12.031, 84.52.043,"

On page 2, line 17 of the title, after "18 RCW," insert "adding a new section to chapter 43.10 RCW; adding new sections to chapter 84.52 RCW;"

On page 2, line 37 of the title, after "18.138.080," insert "48.48.120,"

On page 2, at the beginning of line 15 of the title, after "RCW;" insert "adding a new section to chapter 18.130 RCW;"

On page 3, line 6 of the title, after "88.44.901," strike "and 88.46.110" and insert ", 88.46.110, 43.59.010, 43.59.020, 43.59.030, 43.59.040, 43.59.050, 43.59.060, 43.59.070, 43.59.080, 43.59.130, and 43.59.140"

On page 3, beginning on line 7 of the title, strike "and providing an effective date" and insert "providing an effective date; and providing for submission of certain sections of this act to a vote of the people"

On page 3, line 8 of the title, after "date" insert: "adding new sections to chapter 43.88 RCW; and declaring an emergency".

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2676, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Anderson, Prince, Schow and Sellar - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 5, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326 and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate refuses to recede from it amendment(s) to Engrossed Substitute House Bill No 2326.

MOTIONS

On motion of Senator Vognild, the rules were suspended and Engrossed Substitute House Bill No. 2326 was returned to second reading and read the second time.

On motion of Senator Vognild, the following amendments were considered simultaneously and were adopted:

On page 2, line 29, after "From" strike "May" and insert "July"

On page 2, line 31, after "equal to" strike "four and sixty-five one hundredths" and insert "five and thirty-four one-hundredths"

On page 2, line 32, after "percent" insert "of the amount available prior to distributions provided under (a) through (k) of this subsection."

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 2326, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Oke, Senator Bluechel was excused.

On motion of Senator Drew, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2326, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2326, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M.,

Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Anderson, Cantu, Erwin, Nelson, Prince, Roach and Smith, L. - 7.

Absent: Senators Moyer and Rinehart - 2.

Excused: Senators Bluechel and Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:39 a.m., on motion of Senator Spanel, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:07 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5061. The Speaker has appointed the following members as conferees: Representatives Appelwick, Johanson and Ballasiotes.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate advanced to the ninth order of business.

MOTION

On motion of Senator Gaspard, Substitute Senate Bill No. 6421, which was on the concurrence calendar, was returned to the Committee on Rules.

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

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 6074 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Cothorn and Brough.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Senate Bill No. 6074 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6074 and the House amendment(s) thereto: Senators Pelz, Moyer and McAuliffe.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 6438 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Jones and Brough.
MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Senate Bill No. 6438 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6438 and the House amendment(s) thereto: Senators Bauer, Prince and Drew.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Morris and Padden.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Engrossed Second Substitute House Bill No. 2319 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 2319 and the Senate amendment(s) thereto: Senators Talmadge, Roach and Adam Smith.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2643 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sommers, Valle and Silver.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Sheldon, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2643 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2643 and the Senate amendment(s) thereto: Senators Spanel, McDonald and Bauer.

MOTION

On motion of Senator Sheldon, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Patterson and Stevens.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2850 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2850 and the Senate amendment(s) thereto: Senators Pelz, Moyer and McAuliffe.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the votes on Second Substitute Senate Bill No. 5372, as amended by the House; Engrossed Substitute Senate Bill No. 6071, as amended by the House; and Engrossed Substitute Senate Bill No. 6084, as amended by the House.

I would have voted 'yes' on all the measures.

SENATOR PHIL TALMADGE, 34th District

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5372 and asks the Senate to concur therein, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5372.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5372, as amended by the House.

MOTION

On motion of Senator Drew, Senators Bauer, Loveland, Rinehart, Skratek, Talmadge and Vognild were excused.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5372, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Williams and Wojahn - 41.

Absent: Senators Roach and Winsley - 2.

Excused: Senators Bauer, Loveland, Rinehart, Skratek, Talmadge and Vognild - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5372, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 2:31 p.m., on motion of Senator Gaspard, the Senate was declared to be at ease.

The Senate was called to order at 4:34 p.m. by President Pritchard

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468. The Speaker has appointed the following members as conferees: Representatives Wineberry, Conway and Schoesler.
MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to HOUSE BILL NO. 2478 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Holm, Brown and Foreman.
MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Drew, the Senate refuses to grant the request of the House for a conference on House Bill No. 2478, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

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

INTRODUCTION AND FIRST READING

SCR 8426 by Senators Sutherland and Cantu

Providing electronic access to public legislative information.

HOLD.

SCR 8427 by Senators Skratek, Cantu, Williams, Bluechel, M. Rasmussen and Erwin

Attempting to attract technology-based businesses to Washington State.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended and Senate Concurrent Resolution No. 8426 and Senate Concurrent Resolution No. 8427 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8426, by Senators Sutherland and Cantu

Providing electronic access to public legislative information.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Concurrent Resolution No. 8426 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8426. SENATE CONCURRENT RESOLUTION NO. 8426 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8427, by Senators Skratek, Cantu, Williams, Bluechel, M. Rasmussen and Erwin

Attempting to attract technology-based businesses to Washington State.

The concurrent resolution was read the second time.

MOTION

Senator Skratek moved that the rules be suspended and Senate Concurrent Resolution No. 8427 be advanced to third reading, the second reading considered the third and the concurrent resolution be placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bauer: "I'm asking Senator Skratek to yield to a question and it relates to SERTI. On line 14 on the second page, it says, 'The performance and cost-effectiveness of existing state technology programs including, but not limited to, the Washington Technology Center; whether the current organizational structure of the Washington Technology Center and other state technology programs result in these programs meeting the needs and expectations of businesses in this state--' Senator Skratek, does that include SERTI?"

Senator Skratek: "Senator Bauer, what this resolution is intended to do is to ask the department to work on a strategy which is part of their sectorial approach already. The language you are referring to would mean any programs that are funded through the state, and that would include the Washington Technology Center and if SERTI is receiving state funding to develop state technology programs, then it would be something for the agency to consider as it develops its strategy."

Further debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8427. SENATE CONCURRENT RESOLUTION NO. 8427 was not adopted by voice vote.

MOTION

At 4:50 p.m., on motion of Senator Spanel, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:39 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2626 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

March 8, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

March 8, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6230. The Speaker has appointed the following members as conferees: Representatives Appelwick, Johanson and Long.

MARILYN SHOWALTER, Chief Clerk

March 8, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6278. The Speaker has appointed the following members as conferees: Representatives Holm, G. Fisher and Talcott.

MARILYN SHOWALTER, Chief Clerk

March 8, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SENATE BILL NO. 6606. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Peery and Foreman.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6047 and asks the Senate to concur therein, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate refuses to concur in the House amendment(s) to Substitute Senate Bill No. 6047 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6047 and the House amendment(s) thereto: Senators Adam Smith, Nelson and Quigley.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1159 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Myers, Springer and Edmondson.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate grants the request of the House for a conference on Substitute House Bill No. 1159 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1159 and the Senate amendment(s) thereto: Senators Haugen, Winsley and Drew.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Johanson, Romero and Fuhrman.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1652 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1652 and the Senate amendment(s) thereto: Senators Adam Smith, Nelson and Moore.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on Engrossed Substitute Senate Bill No. 6071, as amended by the House.

I would have voted 'yes' on the measure.

SENATOR ADAM SMITH, 33rd District

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6071 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Holm, Cothorn and Van Luven.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate refuses to grant the request of the House for a conference and concurs in the House amendment(s) to Engrossed Substitute Senate Bill No. 6071.

MOTIONS

On motion of Senator Drew, Senator Adam Smith was excused.

On motion of Senator Oke, Senator Roach was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6071, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6071, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 10; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Ludwig, McAuliffe, McCaslin, Moyer, Newhouse, Niemi, Owen, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Cantu, Erwin, Haugen, Loveland, McDonald, Morton, Nelson, Oke, Schow and Smith, L. - 10.

Absent: Senators Moore and Pelz - 2.

Excused: Senators Rinehart, Roach, Smith, A. and Talmadge - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6071, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6084 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. 1993 sp.s. c 23 s 1 (uncodified) is amended to read as follows:

The supplemental transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1995.

Sec. 2. 1993 sp.s. c 23 s 2 (uncodified) is amended to read as follows:

FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 212,000
Highway Safety Fund--Federal Appropriation \$ 2,545,000
Transportation Fund--State Appropriation \$ ((600,000))

TOTAL APPROPRIATION \$ ((3,357,000))

288,000

3,045,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the ~~((public safety and education account))~~ transportation fund shall be used solely to fund community DWI task forces. Funding from the ~~((public safety and education account))~~ transportation fund for any community DWI task force may not exceed fifty percent of total expenditures in support of that task force.

(2) It is the intent of the legislature that the responsibilities of and appropriation to the Washington traffic safety commission be transferred to the Washington state patrol as of July 1, 1994. The appropriations in this section represent funding necessary to operate the agency for fiscal year 1994 only.

Sec. 3. 1993 sp.s. c 23 s 4 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation
Account--State Appropriation \$ ((24,247,000))

24,242,000

Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ ((61,838,000))

61,828,000

Motor Vehicle Fund--Private Local Appropriation \$ 508,000
Motor Vehicle Fund--State Appropriation \$ ((1,331,000))

1,324,000

TOTAL APPROPRIATION \$ ((87,924,000))

87,902,000

Sec. 4. 1993 sp.s. c 23 s 5 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ ((184,000,000))

179,000,000

Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ ((26,322,000))

31,312,000

Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,500,000

TOTAL APPROPRIATION \$ ((211,822,000))

211,812,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement board shall present to the legislative transportation committee by December 15, 1993, proposed legislation and an action plan to address the recommendations identified in the 1992 evaluation of the transportation improvement board by the subcommittee on transportation boards and commissions of the legislative transportation committee.

(2) The transportation improvement board shall on a quarterly basis present to the legislative transportation committee and the office of financial management an analysis of project cost changes as they apply to overall project costs, for projects funded from the transportation improvement account and the urban arterial trust account. The initial report, due October 31, 1993, shall compare cost estimates at the time of project approval to present estimate or final cost for all urban arterial trust account projects selected from 1989 forward and for all transportation improvement account projects. The board shall provide an update to the report each quarter thereafter citing the amount and reason for additional changes in actual or estimated costs for any project.

(3) \$50,000,000 of the transportation improvement account--state appropriation in this section is conditioned on the enactment of ((Senate Bill No. 5969)) RCW 47.26.500 through 47.26.507, authorizing bond sales for projects funded from the transportation improvement account.

(4) The motor vehicle fund--urban arterial trust account--state appropriation includes a loan of up to \$5,000,000 from the motor vehicle fund--transportation improvement account, which shall be repaid by July 1, 1996.

Sec. 5. 1993 sp.s. c 23 s 6 (uncodified) is amended to read as follows:

FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ ((143,616,000))

141,603,000

Motor Vehicle Fund--State Patrol Highway Account--
Federal Appropriation \$ 3,218,000

Motor Vehicle Fund--State Appropriation \$ 788,000

TOTAL APPROPRIATION \$ ((147,622,000))

145,609,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(2) Any funds expended for the acquisition of new alcohol breath test equipment shall not exceed actual revenues collected under RCW 46.61.515(5).

(3) If the federal government reimburses the state patrol for its Asian-Pacific Economic Cooperation (APEC) Conference security costs, an amount equal to the general fund--state appropriation for this purpose shall be deposited in the general fund and the remainder deposited in the state patrol highway account.

(4) Only commissioned officers and commercial vehicle enforcement officers involved directly and primarily in traffic enforcement activities will be assigned vehicles by the Washington state patrol.

Sec. 6. 1993 sp.s. c 23 s 7 (uncodified) is amended to read as follows:

FOR THE STATE PATROL--INVESTIGATIVE SERVICES BUREAU

Transportation Fund--State Appropriation \$ ((1,371,000))

1,494,000

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ ((4,444,000))

3,695,000

TOTAL APPROPRIATION \$ ((5,815,000))

5,189,000

The appropriations in this section are subject to the following conditions and limitations: \$356,000 of the motor vehicle fund--state patrol highway account--state appropriation and transportation fund--state appropriation contained in this section is for a central computerized enforcement service system, commonly called "ACCESS". The expenditures shall not exceed the actual revenues collected from the users of the system.

Sec. 7. 1993 sp.s. c 23 s 8 (uncodified) is amended to read as follows:

FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ ((57,474,000))

55,923,000

Transportation Fund--State Appropriation \$ ((3,391,000))

3,691,000

Motor Vehicle Fund--State Appropriation \$ 1,099,000

Highway Safety Fund--State Appropriation \$ 216,000

Highway Safety Fund--Federal Appropriation \$ 2,596,000

TOTAL APPROPRIATION \$ ((61,964,000))

63,525,000

The appropriations in this section are subject to the conditions and limitations:

(1) Of the total appropriation provided for in this section \$216,000 of the highway safety fund--state appropriation, \$2,596,000 of the highway safety fund--federal appropriation, and \$300,000 of the transportation fund--state appropriation is provided solely for carrying out the responsibilities transferred from the Washington traffic safety commission to the Washington state patrol as provided for in Senate Bill No. 6523 (traffic safety commission). If the bill is not enacted by June 30, 1994, the amounts contained in this subsection shall lapse.

(2) The state patrol may use up to \$100,000 of the state patrol highway account appropriation to conduct a study of current management programs and levels of staffing for management positions within the Washington state patrol. This study is to include, but not be limited to management program requirements and relative growth of the number of positions at each management level by program. A detailed study plan is to be presented to the legislative transportation committee by May 1, 1994. Study findings and recommendations for modifications to the management structure are to be presented to the legislative transportation committee by September 30, 1994.

(3) It is the intent of the legislature that: (a) There be no cadet classes during the 1993-95 biennium; and (b) the chief of the Washington state patrol shall maintain the current field force level of seven hundred troopers and sergeants through management reductions.

Sec. 8. 1993 sp.s. c 23 s 9 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State
Appropriation \$ ((46,000))

66,000

Transportation Fund--State Appropriation \$ ((444,000))

771,000

Highway Safety Fund--State Appropriation \$ ((6,523,000))

4,673,000

Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ ((96,000))

76,000

Motor Vehicle Fund--State Appropriation \$ ((4,379,000))

3,996,000

TOTAL APPROPRIATION \$ ((10,458,000))

9,582,000

The legislative transportation committee has adopted recommendations and taken specific legislative action to improve the department of licensing service delivery, as well as other transportation agencies' services.

The legislature has recognized the need to improve the department of licensing service-delivery system, specifically driver and vehicle licensing services. The legislature has provided funding for three separate strategic initiatives to enhance the department of licensing and other

transportation related services offered to the public. The legislature, in this and previous legislative sessions, has provided funding for: (a) The licensing application migration project (LAMP); (b) a capital budget program; and (c) the reclassification of licensing personnel. The legislature funded these three strategic initiatives to improve services to the public.

Recognizing the significant changes required throughout the department as a result of the licensing application migration project, the new capital budget program, and the reclassification of licensing personnel, the legislature finds there is a need to develop a comprehensive strategic plan to establish the foundation for future changes which will be required to maximize productivity improvements associated with the three strategic initiatives, and to maximize customer service-delivery improvements.

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By May 1, 1994, the department shall provide the legislative transportation committee and the office of financial management with a workplan for the development of a strategic initiatives plan.

(b) By September 1, 1994, the department shall provide the legislative transportation committee and the office of financial management with a plan implementing the above mentioned strategic initiatives and that profiles how and when the department of licensing intends to implement the changes necessary to achieve the benefits associated with such strategic initiatives funded by the legislature.

(2) The strategic initiatives plan shall include at a minimum the following elements: (a) implementation schedule; (b) analysis of alternatives; (c) employee education and communication strategies regarding plan implementation; (d) an analysis of costs, benefits, and full time equivalents; and (e) a recommendation for a preferred alternative.

(3) The department may use up to \$50,000 of the motor vehicle fund--state appropriation, and \$50,000 of the highway safety fund--state appropriation provided for in this section for the development of the workplan and a strategic initiatives plan.

Sec. 9. 1993 sp.s. c 23 s 10 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

| | |
|--|------------|
| General Fund--Wildlife Account--State Appropriation \$ ((221,000)) | 127,000 |
| Transportation Fund--State Appropriation \$ ((247,000)) | 1,376,000 |
| Highway Safety Fund--State Appropriation \$ ((5,131,000)) | 10,625,000 |
| Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ ((50,000)) | 5,000 |
| Motor Vehicle Fund--State Appropriation \$ ((9,869,000)) | 17,011,000 |
| TOTAL APPROPRIATION \$ ((15,518,000)) | 29,144,000 |

((Contained)) The appropriations in this ((appropriation is \$10,000,000)) section are subject to the following conditions and limitations:

(1) \$22,000,000 for the licensing application migration project (LAMP), of which \$((6,000,000)) 13,200,000 is motor vehicle fund--state and \$((4,000,000)) 8,800,000 highway safety fund--state.

(2) Of the \$((10,000,000)) 22,000,000 appropriation \$((600,000)) 1,100,000 is provided solely as a contingency amount. ((The appropriation for LAMP is conditioned upon))

(3) Compliance with ((section 49 of this act. If section 49 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse.)) section 49, chapter 23, Laws of 1993 sp. sess.

(4) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet no less than bi-monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(5) The LAMP quality assurance consultant shall provide the LAMP steering committee with bi-monthly reports on the status of the LAMP project. The bi-monthly reports shall be on alternate months from the bi-monthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(6) The department of licensing, department of information services, and the Washington state patrol shall report to the LAMP steering committee and the legislative transportation committee by September 1, 1994, on the costs and benefits associated with the operations of the LAMP system at the Washington state patrol data center.

Sec. 10. 1993 sp.s. c 23 s 11 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

| | |
|--|------------|
| Motor Vehicle Fund--State Appropriation \$ ((49,076,000)) | 44,860,000 |
| General Fund--Marine Fuel Tax Refund Account-- State Appropriation \$ 26,000 | |
| General Fund--Wildlife Account--State Appropriation \$ 520,000 | |
| Department of Licensing Services Account-- State Appropriation \$ ((676,000)) | 4,176,000 |
| TOTAL APPROPRIATION \$ ((50,298,000)) | 49,582,000 |

Sec. 11. 1993 sp.s. c 23 s 12 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

| | |
|---|------------|
| Transportation Fund--State Appropriation \$ ((4,396,000)) | 1,871,000 |
| Highway Safety Fund--State Appropriation \$ ((61,929,000)) | 54,765,000 |
| Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ 1,300,000 | |
| TOTAL APPROPRIATION \$ ((57,625,000)) | 57,936,000 |

(((\$400,000 of the highway safety fund--motorcycle safety education account appropriation in this section is provided solely to enhance the motorcycle testing program. If Senate Bill No. 5101 is not enacted during the 1993 legislative session, the \$400,000 appropriation is null and void.))

NEW SECTION. Sec. 12. A new section is added to 1993 sp.s. c 23 to read as follows:

Notwithstanding section 7(11)(a), chapter 14, Laws of 1991 sp. sess., the department of licensing shall not be assessed a space use charge for the highway-licenses building until there is a statutorily adopted space use charge or debt service plan by the legislature.

Sec. 13. 1993 sp.s. c 23 s 13 (uncodified) is amended to read as follows:
FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE
Motor Vehicle Fund--State Appropriation \$ ((2,644,000))

2,591,000

Sec. 14. 1993 sp.s. c 23 s 16 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION COMMISSION
Transportation Fund--State Appropriation \$ ((1,637,000))

1,604,000

The appropriation in this section is subject to the following conditions and limitations: The Washington state transportation commission shall make recommendations on the facility, operations, and funding components of implementing passenger-only service from Seattle/Vashon/Southworth and Seattle/Kingston. Such recommendations shall be submitted to the governor and the legislative transportation committee on or before September 30, 1993.

Sec. 15. 1993 sp.s. c 23 s 21 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ ((474,337,000))

182,023,000

Motor Vehicle Fund--Federal Appropriation \$ 98,040,000

Motor Vehicle Fund--Local Appropriation \$ 3,460,000

TOTAL APPROPRIATION \$ ((275,837,000))

283,523,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(2) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(3) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

(4) Up to \$33,400,000 of the motor vehicle fund--state appropriation is provided for a one-time expenditure for additional category A projects. It is the intent that the appropriations in this section do not commit the governor or the legislature to the transportation commission's proposed category A program update.

(5) The motor vehicle fund--state appropriation includes \$9,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762. These funds shall be expended for emergency purposes only.

NEW SECTION. Sec. 16. 1993 sp.s. c 23 s 40 (uncodified) is repealed.

Sec. 17. 1993 sp.s. c 23 s 22 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B
Motor Vehicle Fund--State Appropriation \$ ((85,245,000))

80,245,000

Motor Vehicle Fund--Federal Appropriation \$ 446,000,000

Motor Vehicle Fund--Local Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ ((635,245,000))

530,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$50,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000 as authorized by ((Senate Bill No-5374)) RCW 47.10.819 through 47.10.824. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) Up to \$((30,000,000)) 25,000,000 of the motor vehicle fund--state appropriation in this section is provided to expedite high occupancy vehicle lane construction on the interstate system.

(6) Pending the receipt of federal funds appropriated in this section, up to \$120,000,000 of bonds authorized by chapter 6, Laws of 1993, may be sold to fund interstate construction project expenditures in advance of the receipt of federal funds. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds.

Sec. 18. 1993 sp.s. c 23 s 23 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C
Motor Vehicle Fund--State Appropriation \$ ((77,540,000))

75,200,000

Motor Vehicle Fund--Federal Appropriation \$ 66,948,000

Motor Vehicle Fund--Local Appropriation \$ ((5,000,000))

16,000,000

Transportation Fund--State Appropriation \$ ((64,724,000))

13,564,000

Special Category C--State Appropriation \$ ((466,833,000))

147,833,000

General Fund--State Appropriation \$ 70,000,000

Puyallup Tribal Settlement Account--

State Appropriation \$ 44,024,000
 Puyallup Tribal Settlement Account--
 Private Local Appropriation \$ 6,000,000
 TOTAL APPROPRIATION \$ ((431,069,000))

439,569,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$32,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle fund--state appropriation includes proceeds of up to \$8,400,000 from the sale of bonds authorized by House Bill No. 2593 (highway improvement funding) or substantially similar legislation. If House Bill No. 2593 (highway improvement funding) or substantially similar legislation is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(3) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$11,000,000 or so much as may be required for the federal match requirements, which shall be from the bond sales proceeds as authorized by ((Senate Bill No. 5374)) RCW 47.10.819 through 47.10.824. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

((3)) (4) The special category C fund--state appropriation of \$((466,833,000)) 147,833,000 includes \$((408,000,000)) 89,000,000 in proceeds from the sale of bonds authorized by ((Senate Bill No. 5343)) RCW 47.10.812 through 47.10.817 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

((4)) Up to \$45,760,000 of the motor vehicle fund--state appropriation, \$64,724,000 of the transportation fund--state appropriation, and \$14,948,000 of the motor vehicle fund--federal appropriation provided for in this section are for regular category C projects. Of the appropriations specified in this subsection, up to ten percent may be expended for preliminary engineering and right of way. The remainder shall be expended for construction contracts, including \$10,295,000 for HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

(5) Up to \$143,712,000 of the motor vehicle fund--state, motor vehicle fund--federal, motor vehicle fund--local, transportation fund--state, and general fund--state appropriations contained in this section are cumulatively provided from all funds, solely for construction projects already under construction as assumed in section 23(4), chapter 23, Laws of 1993 sp. sess. To the extent that the department projects that the general fund--state appropriation in this section will not be fully expended for the purposes of this section, the department may expend the general fund--state moneys appropriated in this section for the projects authorized in: As a first priority, section 20 of this act; as a second priority, section 21 of this act; and as a third priority, section 22 of this act. The general fund--state expenditure under this section and sections 20, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(6) \$21,000,000 of the motor vehicle fund--state appropriation is provided solely for additional HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

((6)) (7) Up to \$2,000,000 of the motor vehicle fund--state appropriation and \$1,000,000 of the motor vehicle fund--local appropriation contained in this section is provided solely for the construction of rest areas provided local and/or private contributions of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services.

NEW SECTION. Sec. 19. A new section is added to 1993 sp.s. c 23 to read as follows:

There is hereby appropriated from the motor vehicle fund--state, \$15,500,000 in proceeds from the sale of bonds authorized in chapter 11, Laws of 1993 sp. sess. These funds shall be expended for the following projects:

- (1) SR 99 SEA TAC INTERNATIONAL BLVD;
- (2) SR 18 SR 99 TO SR 5 - HOV LANES;
- (3) SR 304 SR 3 TO BREMERTON FERRY TERMINAL;
- (4) SR 2 LEAVENWORTH INTERMODAL IMP.;
- (5) SR 16 OLYMPIC INTERCHANGE;
- (6) SR 5 SUNSET DR. I/C - I/C MODIFICATIONS;
- (7) SR 512 94TH AVE. E. INTERCHANGE; and
- (8) SR 14 164TH AVE. INTERCHANGE.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993. The appropriation contained in this section fulfills the state's contribution toward the completion of these projects.

NEW SECTION. Sec. 20. A new section is added to 1993 sp.s. c 23 to read as follows:

There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:

- (1) SPRING ST TO JOHNSON RD (627000D);
- (2) W. LK SAMM. PKWY. TO SR 202 (152038A);
- (3) DIAMOND LAKE CHANNELIZATION (600232E);
- (4) 15TH SW TO SR 161 U-XING (351214A);
- (5) ANDRESEN ROAD TO SR 503 (450093B);
- (6) NE 144TH ST TO BATTLEGROUND (450387B);
- (7) STEAMBOAT ISLAND RD I/C (310199A);
- (8) GRAHAM HILL VICINITY (316111A);
- (9) NORTH OF WINSLOW - STAGE 1 (330505A);
- (10) SR 5 TO BLANDFORD DRIVE (401487A);
- (11) 32ND STREET INTERCHANGE (316711A); and
- (12) SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund--state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

NEW SECTION. Sec. 21. A new section is added to 1993 sp.s. c 23 to read as follows:

There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$27,100,000 for preliminary engineering and right of way acquisition for the following projects:

- (1) SO 360TH ST/MILTON RD SO TO SR 18 - STAGE 1 (116105B);
- (2) SR 522 TO 228TH ST. SE - STAGE 1 (100900E);

- (3) 104TH AVE NE TO 124TH AVE NE I/C (152020B) - C;
- (4) 124TH NE I/C TO W. LAKE SAMM. PKWY. (152031A) - C;
- (5) LEWIS STREET INTERCHANGE (501203Y);
- (6) SR 202 INTERCHANGE (152039D);
- (7) SE 312TH WAY TO SE 304TH ST - STAGE 2 (101811B);
- (8) SR 82 TO SELAH (582301C);
- (9) O'BRIEN TO LEWIS RD (310108B);
- (10) NE 147TH TO 80TH NE - HOV LANES (152212A) - C;
- (11) OLD CASCADE HWY - TO DECEPTION CR - STG 1 (200200B);
- (12) PROPHEETS POINT TO OLD CASCADE HWY - STG 2 (200200C); and
- (13) SEQUIM BYPASS (310154A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

Funding for the construction of these projects is not available in the 1995-97 biennium.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$27,100,000. The general fund--state expenditures under this section and sections 18, 20, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

NEW SECTION. Sec. 22. A new section is added to 1993 sp.s. c 23 to read as follows:

There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$22,900,000 for the following high occupancy vehicle construction projects:

- (1) 15TH ST SW TO 84TH AVE SO. - STAGE 2 (116703C) - C;
- (2) 15TH ST SW TO 84TH AVE SO. - STAGE 2 (116703D) - C;
- (3) PIERCE C.L. TO TUKWILA I/C - STAGE 1 (A00505B) - B;
- (4) FEDERAL WAY PARK & RIDE #2 (A00503A) - B;
- (5) LYNNWOOD PARK & RIDE #2 - STAGE 1 (A00534A) - B; and
- (6) PIERCE C.L. TO TUKWILA I/C - STAGE 2 (A00505C) - B.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993. The appropriation in this section is not intended to fund the entire list of projects contained within this section.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$22,900,000. The general fund--state expenditures under this section and sections 18, 20, and 21 of this act, cumulatively, shall not exceed \$93,925,000.

NEW SECTION. Sec. 23. A new section is added to 1993 sp.s. c 23 to read as follows:

With the completion of the projects contained in section 18 (5) and (6) of this act, and sections 19 through 22 of this act, the legislature determines it has fulfilled its commitments made with the passage of the 1990 transportation revenue program, chapter 42, Laws of 1990.

NEW SECTION. Sec. 24. A new section is added to 1993 sp.s. c 23 to read as follows:

Should the normal project delivery schedule in sections 20, 21, and 22 of this act result in higher than expected cash flow expenditures in any one section, the department is authorized to move funds among the sections provided the total of \$85,500,000 is not exceeded, and, provided that the department completes all construction projects identified in section 20 of this act; completes preliminary engineering and right of way on all construction projects identified in section 21 of this act; and, expends the appropriation provided solely for high occupancy vehicle construction projects in section 22 of this act.

NEW SECTION. Sec. 25. A new section is added to 1993 sp.s. c 23 to read as follows:

It is the intent of the legislature that if the revenues are insufficient to support the appropriations contained in this act for major noninterstate highway construction--program C, the transportation commission shall first reduce and/or eliminate the funding for the projects contained in section 22 of this act, and then section 21 of this act, and finally section 20 of this act.

NEW SECTION. Sec. 26. A new section is added to 1993 sp.s. c 23 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation \$ 2,000,000

The appropriation is provided solely for preliminary engineering for projects to be constructed in future biennia, such as state route no. 522.

Sec. 27. 1993 sp.s. c 23 s 25 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation \$ ((31,028,000))

29,589,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000

Motor Vehicle Fund--Transportation Capital Facilities

Account--State Appropriation \$ ((40,480,000))

42,230,000

TOTAL APPROPRIATION \$ ((71,908,000))

72,219,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$750,000 of the motor vehicle fund--transportation capital facilities account--state appropriation is provided to implement the Americans with Disabilities Act (P.L. 101-336 42 U.S.C. Sec. 12101 et seq.).

(2) The transportation commission shall evaluate the current organizational structure of the department of transportation with regard to: (a) The number and allocation of full-time employees required to support the department's environmental efforts; (b) the qualifications of such full-time employees; (c) the amount of authority each environmental position carries; (d) the chain of command governing such environmental positions; (e) the effectiveness of the organization with regard to proactively negotiating environmental policies with state, federal, and local units of government; (f) the ability of the department to assimilate, incorporate, and disseminate environmental information between and among the department's various divisions, branches, sections, and districts; and (g) the ability of the department to plan, budget, and account for such environmental costs. The transportation commission shall develop a plan to maximize the effectiveness of the environmental activities within the department and shall provide specific recommendations regarding any organizational changes that may be warranted.

(3) Up to \$50,000 of the motor vehicle fund--state appropriation is provided solely for the computer aided engineering support team for the purpose of design visualization.

Sec. 28. 1993 sp.s. c 23 s 26 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F

General Fund--Aeronautics Account--State

Appropriation \$ ((3,106,000))

5,106,000

General Fund--Aeronautics Account--Federal

Appropriation \$ 652,000

General Fund--Search and Rescue Account--State

Appropriation \$ 130,000

TOTAL APPROPRIATION \$ ((3,888,000))

5,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The aeronautics account appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, and federal inspections.

(2) The search and rescue account--state appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

Sec. 29. 1993 sp.s. c 23 s 27 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G

Motor Vehicle Fund--Economic Development Account--

State Appropriation \$ ((5,020,000))

10,020,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development. However, the transportation commission may authorize the transfer of funds from the motor vehicle fund in lieu of bond proceeds for this state appropriation, if House Bill No. 2593 (highway improvement funding) or substantially similar legislation is enacted by the legislature.

(2) This appropriation contains up to \$5,000,000 solely for the necessary infrastructure to support the development of a horse racing facility approved by the horse racing commission.

Sec. 30. 1993 sp.s. c 23 s 28 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation \$ ((45,027,000))

48,027,000

Motor Vehicle Fund--Federal Appropriation \$ 71,000,000

Motor Vehicle Fund--Local Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ ((447,027,000))

120,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program.

(2) Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided solely for rehabilitation of state-owned moveable bridges.

(3) The appropriations contained in this section include \$10,000,000 for the bridge seismic retrofit program.

(4) The department of transportation shall provide to the legislative transportation committee and the office of financial management by December 1, 1994, a written status report identifying: (a) The bridges to be retrofitted within this appropriation; and (b) the actual expenditures by project through November 1, 1994, compared to the estimated expenditures, as well as total estimated expenditures through June 30, 1995.

(5) Following adoption of state criteria to evaluate local flood plain management ordinances by the flood hazard task force, the department of transportation shall report to the chairs of the house of representatives and senate transportation committees on those programmatic and fiscal impacts resulting from: (a) Passage of Substitute House Bill No. 2462; and (b) adoption of local flood plain ordinances pursuant to the growth management act.

Sec. 31. 1993 sp.s. c 23 s 29 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ ((238,692,000))

238,156,000

Motor Vehicle Fund--Local Appropriation \$ 4,690,000

TOTAL APPROPRIATION \$ ((243,382,000))

242,846,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$300,000 of the motor vehicle fund--state appropriation is provided to develop and implement a roadside vegetation management plan to comply with the Puget Sound water quality authority management plan. Emphasis shall be placed on nonchemical vegetation control.

(2) Up to \$910,000 of the motor vehicle fund--state appropriation is provided for additional maintenance to prevent mechanical and electrical problems on floating bridges, maintenance on the Lacey V. Murrow floating bridge, and compliance with department of labor and industries maintenance regulations.

(3) Up to \$600,000 of the motor vehicle fund--state appropriation is provided for testing and disposal of hazardous materials and for interjurisdictional and/or interagency development of eight treatment facilities.

(4) Up to \$2,411,000 of the motor vehicle fund--state appropriation is provided to expedite and enhance traffic signal improvements.

(5) Up to \$2,700,000 of the motor vehicle fund--state appropriation is provided solely for work force safety equipment.

(6) It is the intent of the legislature that the legislative transportation committee study the impact upon the department of transportation of the utilities accommodation policy, requiring the removal of power poles, guy lines, and junction boxes adjacent to state highways. The committee shall report its findings to the legislature no later than November 15, 1995. No additional moneys are appropriated in this section for the purpose of doing additional utility clear zone work.

Sec. 32. 1993 sp.s. c 23 s 31 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 1,109,000

Motor Vehicle Fund--State Appropriation \$ ((54,475,000))

51,668,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 1,105,000

Transportation Fund--State Appropriation \$ ((897,000))

1,723,000

TOTAL APPROPRIATION \$ ((54,586,000))

55,605,000

Up to \$((526,000)) 826,000 of the transportation fund--state appropriation is provided for the implementation of ((Substitute House Bill No. 4006)) chapter 47.46 RCW.

Sec. 33. 1993 sp.s. c 23 s 32 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Motor Vehicle Fund--State Appropriation \$ ((46,376,000))

15,631,000

Motor Vehicle Fund--Federal Appropriation \$ 16,314,000

| | | |
|--|-------------------|--------------------|
| High Capacity Transportation Account-- State Appropriation | \$ ((47,500,000)) | <u>18,300,000</u> |
| Transportation Fund--State Appropriation | \$ ((44,088,000)) | <u>44,788,000</u> |
| Transportation Fund--Federal Appropriation | \$ 5,852,000 | |
| Transportation Fund--Local Appropriation | \$ 100,000 | |
| Central Puget Sound Public Transportation Account-- State Appropriation | \$ ((21,100,000)) | <u>18,563,000</u> |
| Public Transportation Systems Account--State Appropriation | \$ 5,500,000 | |
| TOTAL APPROPRIATION | | <u>125,048,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$((31,000,000)) 33,200,000 of the transportation fund--state appropriation is provided for administrative costs, operating subsidies for contracted AMTRAK 403(b) service, and for capital projects to improve train speeds and service.

(2) Up to \$((9,200,000)) 7,000,000 of the transportation fund--state appropriation is provided for state participation in the planning and construction of passenger rail depots and other passenger intermodal facilities.

(3) The central Puget Sound public transportation account--state appropriation and the public transportation systems account--state appropriation shall be distributed to local transit agencies based on the allocation process defined in ((Substitute House Bill No. 2036--These appropriations are null and void if Substitute House Bill No. 2036 is not enacted by the legislature)) chapter 393, Laws of 1993.

(4) Of the \$3,400,000 motor vehicle fund--state appropriation provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) Up to \$250,000 of the motor vehicle fund--state appropriation contained in this section is provided solely for the Puget Sound transportation investment program. The program shall pay special attention to the Edmonds/Kingston run and development of an intermodal terminal at Point Edwards. Work on the program shall be completed and reported to the legislative transportation committee no later than ((December 15, 1993)) June 30, 1995.

(6) Up to \$1,500,000 of the transportation fund--state appropriation contained in this section is provided solely for the rural mobility program.

(7) Up to \$800,000 of the high capacity transportation account--state appropriation contained in this section, which does not require local match and is not subject to the allocation process specified in RCW 81.104.090, and up to \$700,000 of the transportation fund--state appropriation contained in this section is provided for the central Puget Sound regional transit authority for matching funds for grants from subsection (bbb) and subsection (ccc) of section 3035 of United States P.L. 102-240 and for other costs required by RCW 81.104.140.

Sec. 34. 1993 sp.s. c 23 s 34 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

| | | |
|--|-------------------|-------------------|
| Motor Vehicle Fund--State Appropriation | \$ ((30,124,000)) | <u>29,567,000</u> |
| Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation | \$ 2,000,000 | |
| TOTAL APPROPRIATION | | <u>31,567,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are to provide for costs billed to the department for services provided by other state agencies as follows:

(1) Archives and records management, \$258,000 motor vehicle fund--state appropriation;

(2) Attorney general tort claims support, \$4,692,000 motor vehicle fund--state appropriation;

(3) Office of the state auditor, \$793,000 motor vehicle fund--state appropriation;

(4) Department of general administration facility and services, \$3,037,000 motor vehicle fund--state appropriation;

(5) Department of personnel, \$3,088,000 motor vehicle fund--state appropriation;

(6) Self-insurance liability premiums and administration, \$15,574,000 motor vehicle fund--state appropriation. If Senate Bill No. 6252 (government liability limits) is not enacted by June 30, 1994, the amount contained in this subsection, the motor vehicle fund--state appropriation and the total appropriation contained in this section are increased by \$250,000;

(7) Department of general administration for capital projects performed on the transportation Olympia headquarters building and for maintenance work on the department of transportation/plaza parking garage, \$1,704,000 motor vehicle fund--state appropriation;

(8) Office of minority and women's business enterprises, \$421,000 motor vehicle fund--state appropriation;

(9) Marine division self-insurance liability premiums and administration, \$2,000,000 motor vehicle fund--Puget Sound ferry operations account--state appropriation.

Sec. 35. 1993 sp.s. c 23 s 35 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

| | | |
|--|--------------------|--------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State Appropriation | \$ ((235,746,000)) | <u>198,150,000</u> |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Federal Appropriation | \$ ((32,237,000)) | <u>29,972,000</u> |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Private/Local Appropriation | \$ 900,000 | |
| TOTAL APPROPRIATION | | <u>229,022,000</u> |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 4) for the 1993-95 budget. The department shall reconcile the 1991-93 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$((416,126,000)) 80,807,000 in proceeds from the sale of bonds authorized by RCW 47.60.800. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriation in this section provides for the construction, in the state of Washington, of new jumbo ferry vessels in accordance with the requirements of (~~Substitute House Bill No. 1635~~) RCW 47.60.770 through 47.60.778. The transportation commission shall provide progress reports to the legislative transportation committee and the governor regarding the implementation of (~~Substitute House Bill No. 1635~~) RCW 47.60.770 through 47.60.778.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

Sec. 36. 1993 sp.s. c 23 s 36 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 237,559,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$27,123,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$159,183,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

(3) The appropriation in this section includes \$500,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

(4) The appropriation in this section includes \$154,000 for support of Clinton terminal agent expenses, but shall be expended only upon the construction of a new Clinton terminal.

(5) The appropriation in this section includes \$359,000 to provide, during the summer, eight hours of Issaquah vessel class service on the Edmonds/Kingston route. This amount shall be expended only if the super class vessel refurbishment program impacts super class vessel service on this route.

(6) The appropriation in this section includes \$185,000 to assess the ability of enhancing vessel maintenance for those routes that require extensive service schedules throughout the year by placing additional oiler staff hours on (~~two~~) select routes during the (~~1993-94 fiscal year~~) 1993-95 biennium. The results of this maintenance approach shall be reported to the legislative transportation committee and the office of financial management by (~~December 1, 1993~~) October 1, 1994.

(7) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

Sec. 37. 1993 sp.s. c 23 s 37 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ (~~7,594,000~~)

31,486,000

Motor Vehicle Fund--Federal Appropriation \$ 161,033,000

Motor Vehicle Fund--Local Appropriation \$ 5,086,000

Transfer Relief Account--State Appropriation \$ (~~3,920,000~~)

1,751,000

TOTAL APPROPRIATION \$ (~~477,633,000~~)

199,356,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$6,774,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$570,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by (~~Senate Bill No. 5374~~) RCW 47.10.819 through 47.10.824. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$300,000 of the motor vehicle fund--state appropriation is for a special study to be completed by December 1, 1994, that mutually benefits cities, counties, and the state. This study shall address the statutory and procedural barriers within each jurisdiction that inhibit a multijurisdictional approach to environmental mitigation; identify potential mitigation projects that might be more appropriate to address on a comprehensive regional basis rather than a project-by-project basis; assess whether or not a regional approach is achievable; and, if it is, identify candidate regional projects. Estimates of cost allocations between participating jurisdictions shall be made, including recommendations on appropriate funding sources. The study shall further identify those resources that could be shared between jurisdictions, including, but not limited to, hazardous waste sites, gravel pit sites, "bioremediation farms," wetland banks, pesticide storage facilities, and other transportation related activities that require environmental monitoring, mitigation, or protection.

(3) Up to \$400,000 of the motor vehicle fund--state appropriation in this section is provided solely for the study contained in Substitute House Bill No. 1928 that mutually benefits cities, counties, and the state department of transportation.

(4) The motor vehicle fund--state appropriation includes \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.819 through 47.10.824.

NEW SECTION. Sec. 38. 1993 sp.s. c 23 s 41 (uncodified) is repealed.

Sec. 39. 1993 sp.s. c 23 s 39 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation

For transfer to the Transportation Capital Facilities

Account--State Appropriation \$ (~~40,480,000~~)

38,080,000

Transportation Equipment Fund--State Appropriation:

For transfer to the Motor Vehicle Fund--State

Appropriation \$ 3,000,000

Motor Vehicle Fund--State Appropriation:

For transfer to the Economic Development Account--State Appropriation--\$12,020,000 of which \$10,020,000 shall be transferred to fund the appropriation contained in section 29 of this act and up to \$2,000,000 shall be used to eliminate cash deficiencies that have accumulated in the economic development account over several biennia. If House Bill No. 2593 (highway improvement funding) or substantially similar legislation is not enacted by June 30, 1994, \$7,020,000 of the amount provided in this transfer shall lapse \$ 12,020,000

Transfer Relief Fund--State Appropriation:
For transfer to the Motor Vehicle
Fund--State \$ 3,000,000

TOTAL APPROPRIATION \$ 56,100,000

NEW SECTION. Sec. 40. A new section is added to 1993 sp.s. c 23 to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The department of licensing may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves under chapter 39.94 RCW as follows:

- (a) Lease-development with option to purchase or lease-purchase a new customer service center in Vancouver for \$1,704,000; and
- (b) Lease-development with option to purchase or lease-purchase a new customer service center in North Spokane for \$2,230,000.

(2) When securing properties under this section, the department shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation.

NEW SECTION. Sec. 41. A new section is added to 1993 sp.s. c 23 to read as follows:

The Washington state patrol, the department of licensing, and the department of transportation shall report to the house of representatives and senate transportation committees of the legislature by September 15, 1994, on those projects contained within each agency's ten-year capital plan that consolidate services or activities between the agencies through joint construction of transportation facilities.

Sec. 42. 1993 sp.s. c 23 s 47 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--CAPITAL

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ ((40,485,000))

8,562,000

Motor Vehicle Fund--State Appropriation \$ 765,000
Highway Safety Fund--State Appropriation \$ 765,000
TOTAL APPROPRIATION \$ ((42,045,000))

10,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the following projects:

- (a) WSP/DOL DIST OFFICE--TACOMA;
- (b) EVERETT DIST HDQTRS BUILDING;
- (c) MINOR WORKS PRESERVATION;
((SHELTON TRNG ACAD RESTROOM REPAIR))
- (d) REPLACE UNDERGROUND STORAGE TANKS;
((REPLACE RATTLESNAKE RIDGE COMMUNICATION SITE))
- (e) SHELTON ACADEMY PROPERTY ACQUISITION;
((VANCOUVER CVE INSPECTION STATION
MT. VERNON COMM SITE CONSTRUCTION
SPOKANE CVE INSPECTION STATION))
- (f) REPLACE SCALE MECHANISM SEATAC SOUTH;
- (g) YAKIMA DISTRICT HDQTRS PREDESIGN;
- (h) I-90 PORT OF ENTRY WEIGH STATION;
- (i) SMOKEY POINT WEIGH STATION DESIGN; and
- (j) MORTON DETACHMENT PROPERTY ACQUISITION
((LONGVIEW VIN LANE CONSTRUCTION PROPERTY ACQUISITION)).

Of the appropriations provided in this subsection, it is the intent of the legislature to defer as many of these capital projects as possible.

(2) The state patrol shall conduct a needs assessment of its facilities for compliance with Americans with disabilities act (ADA) standards.

The study shall be provided to the office of financial management and the legislative transportation committee by September 15, 1994.

NEW SECTION. Sec. 43. A new section is added to 1993 sp.s. c 23 to read as follows:

If Senate Bill No. 6553 (seismic retrofitting) is enacted by January 1, 1995, the total appropriation contained in section 4 of this act "For the Transportation Improvement Board" is increased by \$7,070,000 and the total appropriation contained in section 30 of this act "For the Department of Transportation--Noninterstate Bridges--Program H" is increased by \$14,354,000.

NEW SECTION. Sec. 44. A new section is added to 1993 sp.s. c 23 to read as follows:

The department of transportation is authorized to transfer all revenues from the gasohol exemption holding account to the motor vehicle fund--state, as needed, to fund Category C highway projects. If House Bill No. 2326 (gasohol exemption repeal) is not enacted by January 1, 1995, this section shall be null and void.

NEW SECTION. Sec. 45. If unforeseen fluctuations in revenue cause a shortfall in funding the motor vehicle fund--state appropriations contained in this act, and if the office of financial management determines pursuant to RCW 43.88.050 that a cash deficiency is projected for the motor vehicle fund, the office of financial management shall direct the state treasurer to make short-term loans to the motor vehicle fund to alleviate such deficiencies. Such loans shall accrue interest at the rate actually realized on investments of general fund balances, and shall be repaid as soon as practicable or as soon as sufficient revenues have accumulated in the motor vehicle fund.

NEW SECTION. Sec. 46. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 47. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

Senator Vognild moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6084.

POINT OF INQUIRY

Senator Ludwig: "Senator Vognild, I think you may have already covered this, but with specific reference to that nine hundred thousand dollars from the State Patrol for their crime lab operation and specific reference to potential closure of the

Kennewick Crime Lab, I'm under the impression that when the House approved this amendment in this supplement budget, they were not aware of the impact on the crime labs, because the budget notes at that time were only in draft form and they had language in that draft that said they would eliminate crime lab funding in that amount for the second year of the biennium. So, I just wanted to check again, if we approve this budget, do we have assurance that all the crime labs and specifically the Kennewick Crime Lab, will remain open for the rest of this biennium?"

Senator Vognild: "Yes, Senator, I have assurances from the Chief of the State Patrol that all of the crime labs, including the crime lab in Kennewick, will remain open. As I indicated, there will be some reductions in some of the staff in some of the other crime labs, but they will all remain open. The two hundred thousand which we put back in will absolutely assure that."

Senator Ludwig: "Do I understand then, that that two hundred thousand is specifically to maintain the Kennewick Crime Lab?"

Senator Vognild: "No, Senator. Actually, the Kennewick Crime Lab will require an additional--about forty-nine thousand dollars--to make sure that this stays open. The balance of that two hundred thousand will maintain the level in Southwest Washington and keep the level a little closer to where it was in Spokane."

Senator Ludwig: "Thank you, Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Snyder: "Senator Vognild, I think I heard you correctly when you answered Senator Ludwig's question, but the crime lab in Southwest Washington in Kelso, that will still remain open--with how much reduced funding over the appropriation we made last year, approximately--two percent--five percent--ten percent--fifty percent?"

Senator Vognild: "The budget does not specify what any individual reduction will be. It leaves that up to the Chief. The assurance that I have is that every crime lab that is in place and functioning now will continue to be in place and continue to function."

Senator Snyder: "At the capacity they are now, or near the capacity they are now?"

Senator Vognild: "That is correct, at or very near the capacity they have right now."

Senator Snyder: "Thank you."

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6084.

The motion by Senator Vognild carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6084.

MOTION

On motion of Senator Drew, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6084, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6084, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Moore, Rinehart and Talmadge - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6084, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 6065 and asks the Senate to concur therein, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Ludwig, the Senate concurred in the House amendment(s) to Senate Bill No. 6065.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6065, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moore and Rinehart - 2.

SENATE BILL NO. 6065, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 6080 and asks the Senate to concur therein, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment(s) to Senate Bill No. 6080.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6080, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6080, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator McCaslin - 1.

Excused: Senators Amondson, Moore and Rinehart - 3.

SENATE BILL NO. 6080, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6138 and asks the Senate to concur therein, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Ludwig, the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6138.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6138, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Amondson, Moore, Rinehart and Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6138, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 1466 beyond the scope and object of the bill. The House does not concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Prentice, the Senate receded from its amendment(s) to House Bill No. 1466.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1466, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1466, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Amondson, Moore, Rinehart and Vognild - 4.

HOUSE BILL NO. 1466, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Drew, Senators Hargrove and Skratek were excused.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2616 beyond the scope and object of the bill. The House does not concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate receded from its amendment(s) to Second Substitute House Bill No. 2616.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2616, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2616, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Amondson, Hargrove, Moore, Rinehart and Skratek - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 2616, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6124 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, G. Cole and Horn.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Snyder, the Senate grants the request of the House for a conference on Engrossed Substitute Senate Bill No. 6124 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6124 and the House amendment(s) thereto: Senators Prentice, Fraser and Newhouse.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MOTION

At 7:31 p.m., on motion of Senator Gaspard, the Senate recessed until 8:30 p.m.

The Senate was called to order at 8:42 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 1743. The Speaker has appointed the following members as conferees: Representatives Rust, Flemming and Horn.

MARILYN SHOWALTER, Chief Clerk

March 8, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 6107. The Speaker has appointed the following members as conferees: Representatives Rust, H. Myers and Van Luven.

MARILYN SHOWALTER, Chief Clerk

March 8, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to page 2, lines 29, 31 and 32, to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

March 8, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2380 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

MOTIONS

On motion of Senator Oke, Senator McCaslin was excused.
On motion of Senator Drew, Senator Niemi was excused.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the vote on Substitute Senate Bill No. 6428, without the House amendment on page 8, but with the House amendment on page 6.
I would have voted 'yes' on the measure.

SENATOR ADAM SMITH, 33rd District

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House receded from its amendment(s) to page 8, line 22, to SUBSTITUTE SENATE BILL NO. 6428 and has passed the bill without said amendment(s), and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6428, without the House amendment on page 8, but with the House amendment on page 6.
Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6428, without the House amendment on page 8, but with the House amendment on page 6, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 41.

Absent: Senators Roach, Smith, A. and Talmadge - 3.

Excused: Senators Amondson, McCaslin, Moore, Niemi and Rinehart - 5.

SUBSTITUTE SENATE BILL NO. 6428, without the House amendment on page 8, but with the House amendment on page 6, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Moyer served notice that he would move to reconsider the vote by which Senate Concurrent Resolution No. 8427 failed to pass the Senate earlier today.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6584, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to HOUSE BILL NO. 2480 and asks the Senate to recede therefrom, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate refuses to recede from its amendment(s) to House Bill No. 2480 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2815 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Anderson, Conway and L. Thomas.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2815 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2815 and the Senate amendment(s) thereto: Senators Haugen, Winsley and Drew.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MOTION

At 8:56 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Wednesday, March 9, 1994.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 8, 1994

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

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 9, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, McAuliffe, Pelz, Rinehart and Talmadge. On motion of Senator Oke, Senator Anderson was excused. On motion of Senator Drew, Senators McAuliffe, Pelz, Rinehart and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeremy Ferguson-Shuck and Jennifer McKibbin, presented the Colors. Jim Cammack of the Baha'i Assembly of Thurston County, offered the prayer.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 5372,
THIRD SUBSTITUTE SENATE BILL NO. 5918.

MOTION

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

SENATE RESOLUTION 1994-8678

By Senators Bauer and Snyder

WHEREAS, The Washington State Legislature in 1981 established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students, but as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington scholars from each of the forty-nine legislative districts.

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

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4437, and the same is herewith transmitted.
MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4437 by Representatives Finkbeiner, Campbell, B. Thomas, J. Kohl, Eide, Lemmon, Johanson, Cothorn, Flemming, L. Thomas, Shin, Caver, Hansen, Conway, Backlund, Bray, Moak, Foreman, Dunshee, Romero, Kessler, L. Johnson, Quall, Talcott, Brough, Patterson, G. Cole, Casada, Tate and Anderson

Providing electronic access to legislative information.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4437 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4437, by Representatives Finkbeiner, Campbell, B. Thomas, J. Kohl, Eide, Lemmon, Johanson, Cothorn, Flemming, L. Thomas, Shin, Caver, Hansen, Conway, Backlund, Bray, Moak, Foreman, Dunshee, Romero, Kessler, L. Johnson, Quall, Talcott, Brough, Patterson, G. Cole, Casada, Tate and Anderson

Providing electronic access to legislative information.

The concurrent resolution was read the second time.

MOTION

Senator Sutherland moved that the rules be suspended and House Concurrent Resolution No. 4437 be advanced to third reading, the second reading considered the third and the concurrent resolution be placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Sutherland: "Senator Cantu, our resolution, in addition to the language that is included on line four, which says that information such as bills, bill digests, bill reports, etc., be included, also included RCW's, Administrative Codes, the Constitution, those kinds of things. Since this resolution doesn't include those words, but it does include information such as, would you interpret this resolution as also authorizing the Joint Legislative Assistance Committee, of which you are a member, to look at putting the WAC's, the RCW's, the Constitution and other things available for public access?"

Senator Cantu: "Thank you, Senator Sutherland. I would interpret this that the Legislative Systems Committee can look at all of the aspects as we currently do today on LEGLink. We don't have some of them, but no, I would see that we would offer the services that would be of most interest to the general public. My interpretation of the language does in no way limit us to expand those horizons into the other things."

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4437.
HOUSE CONCURRENT RESOLUTION NO. 4437 was adopted by voice vote.

SECOND READING GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9334, Napoleon Caldwell, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF NAPOLEON CALDWELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen,

Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Anderson, McAuliffe, Pelz, Rinehart and Talmadge - 5.

MOTION

Senator Gaspard moved that the rules be suspended and the Committee on Ways and Means be relieved of further consideration of 01371

House Bill No. 2665 and that the bill be placed on second reading.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard to suspend the rules and relieve the Committee on Ways and Means of House Bill No. 2665 and to place the bill on the second reading calendar.

The motion by Senator Gaspard carried and House Bill No. 2665 was placed on the second reading calendar.

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

MOTION

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

SENATE RESOLUTION 1994-8686

By Senators Fraser and Amondson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Tumwater High School T-Birds Football Team exhibited the highest level of excellence in winning the 1993 Washington State High School Football "AAA" Championship, their first year in "AAA" league play action; and

WHEREAS, The Tumwater High School T-Birds Football Team has an outstanding record of having been the Washington State High School Football "AA" Champions in 1990, 1989 and 1987; and

WHEREAS, The Tumwater High School T-Birds Football Team has an incredible record of also having been in the Washington State High School Football "AA" playoffs in 1992, 1991, 1990, 1989, 1988, 1987, 1986, 1983, 1980 and 1977; and

WHEREAS, The Tumwater High School T-Birds Football Team has an impressive record of being the "AAA" Greater St. Helens Football League Champions in 1993 and the "AA" Greater St. Helens Football League Champions in 1992, 1990, 1989, 1988, 1987, 1986, 1977, 1964 and 1963; and

WHEREAS, The Tumwater High School T-Birds Football Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, Head Coach Sid Otton was the Greater St. Helens Football League's "Coach of the Year;" and

WHEREAS, Head Coach Sid Otton and Assistant Coaches Pat Alexander, Steve Shoun, Randy Leeper, Jamie Weeks, Rob Hinkle, Gary Taylor, Merle Nelson, Tim Graham, Greg Hargrove, Charles Camper and Hildo Rodriguez and all the players led by Team Captains JD Cowan, Ed Marson, Adam Hannukaine and Jesse Lambert, share in the Tumwater High School T-Birds Football Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, These extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1993 Tumwater High School T-Birds Football Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Tumwater High School T-Birds Football Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honors the 1993 Tumwater High School T-Birds Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 1993 Tumwater High School T-Birds Football Team Head Coach, Sid Otton, and the Principal of Tumwater High School, Bob Kuehl.

Senators Fraser and Amondson spoke to Senate Resolution 1994-8686.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 1993 Washington State High School Football "AAA" champions, the Tumwater High School T-Birds and their coaches who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

Senator Newhouse welcomed and introduced the 1994 Washington State High School Boys' Basketball Class "A" champions and their coaches from Zillah who were seated in the gallery.

MOTION

At 9:41 a.m., on motion of Senator Gaspard, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:37 p.m. by President Pritchard.
There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6007. The Speaker has appointed the following members as conferees: Representatives Morris, Mastin and Long.

MARILYN SHOWALTER, Chief Clerk

There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

March 9, 1994

GA 9447 ROBERT TURNER, appointed March 2, 1994, for a term ending at the Governor's pleasure, as Director of the Department of Fish and Wildlife.

Reported by the Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Hargrove, Vice Chair; Amondson, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder and Spanel.

MOTION

On motion of Senator Spanel, the rules were suspended and Gubernatorial Appointment No. 9447 was advanced to second reading and placed on the second reading calendar.

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

MOTION

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

SENATE RESOLUTION 1994-8697

By Senator Owen

WHEREAS, Heart disease is one of the leading causes of death for Americans; and
WHEREAS, Steven H. Fleck, of Belfair Washington, a man diagnosed with terminal heart disease; and
WHEREAS, Steven Fleck will soon attempt a ten thousand mile solo cross-country ride on his Harley-Davidson to draw attention to the work of the American Heart Association in the prevention and cure of heart disease; and
WHEREAS, Mr. Fleck, known as the "Heart Rider," is courageously and selflessly devoting the rest of his life to trying to reach as many people as possible with his message;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Mr. Steven H. Fleck and the American Heart Association.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mr. and Mrs. Steven Fleck who were seated in the gallery.

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

CONFERENCE COMMITTEE REPORT

EHB 2347 March 8, 1994

Changing the energy building code for glazing, doors, and skylights

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2347, Changing the energy building code for glazing, doors, and skylights, have had the same under consideration and we recommend that:

That the following Senate Energy and Utilities Committee Amendment adopted March 2, 1994, be adopted with the following change:

On page 3, line 23 of the Senate Energy and Utilities Committee amendment after "(c)" strike all language through "subsection." on page 3, line 26, and insert "~~((For log built homes with space heat other than electric resistance, the building code council shall establish equivalent thermal performance standards consistent with the standards and maximum glazing areas of (b) of this subsection.))~~ The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance."

Committee on Energy and Utilities Amendment

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.27A.020 and 1990 c 2 s 3 are each amended to read as follows:

(1) No later than January 1, 1991, the state building code council shall promulgate rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to promulgate rules to be known as the Washington state energy code. The Washington state energy code shall be designed to require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework. The Washington state energy code shall be designed to allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall require:

(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Double glazed windows with values not more than U-0.4;

(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

(b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the state energy office, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

(c) For log built homes with space heat other than electric resistance, the building code council shall establish equivalent thermal performance standards consistent with the standards and maximum glazing areas of (b) of this subsection.

(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. ~~((U-values for glazing are the tested values for thermal transmittance due to conduction resulting from either the American architectural manufacturers' association (AAMA) 1503.1 test procedure or the American society for testing materials (ASTM) C236 or C976 test procedures. Testing shall be conducted under established~~

winter horizontal heat flow test conditions using the fifteen miles per hour wind speed perpendicular to the exterior surface of the glazing as specified under AAMA 1503.1 and product sample sizes specified under AAMA 1503.1. The AAMA 1503.1 testing must be conducted by an AAMA certified testing laboratory. The ASTM C236 or C976 testing U-values include any tested values resulting from a future revised AAMA 1503.1 test procedure.) U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 ((level)) class A or better. ((The state building code council shall maintain a list of the tested U-values for glazing products available in the state.))

(6) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended.

(7)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(8) The state building code council shall consult with the state energy office as provided in RCW 34.05.310 prior to publication of proposed rules. The state energy office shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section. The director of the state energy office shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(9) The state building code council shall conduct a study of county and city enforcement of energy codes in the state. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations, and to the extent possible, hold these meetings in conjunction with adopting rules under this section. The study shall include recommendations as to how code enforcement may be improved. The findings of the study shall be submitted in a report to the legislature no later than January 1, 1991.

(10) If any electric utility providing electric service to customers in the state of Washington purchases at least one percent of its firm energy load from a federal agency, pursuant to section 5.(b)(1) of the Pacific Northwest electric power planning and conservation act (P.L. 96-501), and such utility is unable to obtain from that agency at least fifty percent of the funds for payments required by RCW 19.27A.035, the amendments to this section by chapter 2, Laws of 1990 shall be null and void, and the 1986 state energy code shall be in effect, except that a city, town, or county may enforce a local energy code with more stringent energy requirements adopted prior to March 1, 1990. This subsection shall expire June 30, 1995.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 19.27A.020; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Sutherland, Hochstatter and Owen; Representatives Bray, Kessler and Casada

MOTION

On motion of Senator Sutherland, the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 2347.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2347, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2347, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 47.

Absent: Senator Wojahn - 1.

Excused: Senator Anderson - 1.

ENGROSSED HOUSE BILL NO. 2347, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

SHB 2270 March 8, 1994

Includes "NEW ITEMS": YES

Revising provisions about probate and trust matters

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 2270, Revising provisions about probate and trust matters, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 11.02.005 and 1993 c 73 s 1 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

- (1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.
 - (2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.
 - (3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the ~~((intestate's))~~ deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.
 - (4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.
 - (5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.
 - (6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.
 - (7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.
 - (8) "Will" means an instrument validly executed as required by RCW 11.12.020 ~~((and includes all codicils))~~.
 - (9) "Codicil" means ~~((an instrument that is validly executed in the manner provided by this title for a will and that refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto))~~ a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.
 - (10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.
 - (11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.
 - (12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.
 - (13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.
 - (14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.
 - (15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account or security, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity.
 - (16) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on ~~((July 25, 1993))~~ the effective date of this section.
- ~~((16))~~ Words that import the singular number may also be applied to the plural of persons and things.
- ~~((17))~~ Words importing the masculine gender only may be extended to females also.
- Sec. 2.** RCW 11.07.010 and 1993 c 236 s 1 are each amended to read as follows:
- (1) This section applies to all nonprobate assets, wherever situated, held at the time of entry by a superior court of this state of a decree of dissolution of marriage or a declaration of invalidity.
 - (2)(a) If a marriage is dissolved or invalidated, a provision made prior to that event that relates to the payment or transfer at death of the decedent's interest in a nonprobate asset in favor of or granting an interest or power to the decedent's former spouse is revoked. A provision affected by this section must be interpreted, and the nonprobate asset affected passes, as if the former spouse failed to survive the decedent, having died at the time of entry of the decree of dissolution or declaration of invalidity.
 - (b) This subsection does not apply if and to the extent that:
 - (i) The instrument governing disposition of the nonprobate asset expressly provides otherwise;
 - (ii) The decree of dissolution or declaration of invalidity requires that the decedent maintain a nonprobate asset for the benefit of a former spouse or children of the marriage, payable on the decedent's death either outright or in trust, and other nonprobate assets of the decedent fulfilling such a requirement for the benefit of the former spouse or children of the marriage do not exist at the decedent's death; or
 - (iii) If not for this subsection, the decedent could not have effected the revocation by unilateral action because of the terms of the decree or declaration, or for any other reason, immediately after the entry of the decree of dissolution or declaration of invalidity.
 - (3)(a) A payor or other third party in possession or control of a nonprobate asset at the time of the decedent's death is not liable for making a payment or transferring an interest in a nonprobate asset to a decedent's former spouse whose interest in the nonprobate asset is revoked under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the nonprobate asset, before the payor or other third party has actual knowledge of the dissolution or other invalidation of marriage. A payor or other third party is liable for a payment or transfer made or other action taken after the payor or other third party has actual knowledge of a revocation under this section.
 - (b) This section does not require a payor or other third party to pay or transfer a nonprobate asset to a beneficiary designated in a governing instrument affected by the dissolution or other invalidation of marriage, or to another person claiming an interest in the nonprobate asset, if the payor or third party has actual knowledge of the existence of a dispute between the former spouse and the beneficiaries or other persons concerning rights of ownership of the nonprobate asset as a result of the application of this section among the former spouse and the beneficiaries or among other persons, or if the payor or third party is otherwise uncertain as to who is entitled to the nonprobate asset under this section. In such a case, the payor or third party may, without liability, notify in writing all beneficiaries or other persons claiming an interest in the nonprobate asset of either the existence of the dispute or its uncertainty as to who is entitled to payment or transfer of the nonprobate asset. The payor or third party may also, without liability, refuse to pay or transfer a nonprobate asset in such a circumstance to a beneficiary or other person claiming an interest until the time that either:
 - (i) All beneficiaries and other interested persons claiming an interest have consented in writing to the payment or transfer; or
 - (ii) The payment or transfer is authorized or directed by a court of proper jurisdiction.

(c) Notwithstanding subsections (1) and (2) of this section and (a) and (b) of this subsection, a payor or other third party having actual knowledge of the existence of a dispute between beneficiaries or other persons concerning rights to a nonprobate asset as a result of the application of this section may condition the payment or transfer of the nonprobate asset on execution, in a form and with security acceptable to the payor or other third party, of a bond in an amount that is double the fair market value of the nonprobate asset at the time of the decedent's death or the amount of an adverse claim, whichever is the lesser, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset.

(d) As used in this subsection, "actual knowledge" means, for a payor or other third party in possession or control of the nonprobate asset at or following the decedent's death, written notice to the payor or other third party, or to an officer of a payor or third party in the course of his or her employment, received after the decedent's death and within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge. The notice must identify the nonprobate asset with reasonable specificity. The notice also must be sufficient to inform the payor or other third party of the revocation of the provisions in favor of the decedent's spouse by reason of the dissolution or invalidation of marriage, or to inform the payor or third party of a dispute concerning rights to a nonprobate asset as a result of the application of this section. Receipt of the notice for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(4)(a) A person who purchases a nonprobate asset from a former spouse or other person, for value and without actual knowledge, or who receives from a former spouse or other person payment or transfer of a nonprobate asset without actual knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the nonprobate asset. However, a former spouse or other person who, with actual knowledge, not for value, or not in satisfaction of a legally enforceable obligation, receives payment or transfer of a nonprobate asset to which that person is not entitled under this section is obligated to return the payment or nonprobate asset, or is personally liable for the amount of the payment or value of the nonprobate asset, to the person who is entitled to it under this section.

(b) As used in this subsection, "actual knowledge" means, for a person described in (a) of this subsection who purchases or receives a nonprobate asset from a former spouse or other person, personal knowledge or possession of documents relating to the revocation upon dissolution or invalidation of marriage of provisions relating to the payment or transfer at the decedent's death of the nonprobate asset, received within a time after the decedent's death and before the purchase or receipt that is sufficient to afford the person purchasing or receiving the nonprobate asset reasonable opportunity to act upon the knowledge. Receipt of the personal knowledge or possession of the documents for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(5) As used in this section, "nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under only the following written instruments or arrangements other than the decedent's will:

(a) A payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account;

(b) A payable-on-death, trust, or joint with right of survivorship bank account;

(c) A trust of which the person is a grantor and that becomes effective or irrevocable only upon the person's death; or

(d) Transfer on death beneficiary designations of a transfer on death or pay on death security, if such designations are authorized under Washington law.

(6) This section is remedial in nature and applies as of July 25, 1993, to decrees of dissolution and declarations of invalidity entered after July 24, 1993, and this section applies as of the effective date of this act to decrees of dissolution and declarations of invalidity entered before July 25, 1993.

Sec. 3. RCW 11.08.170 and 1990 c 225 s 1 are each amended to read as follows:

Escheat property may be probated under the provisions of the probate laws of this state. Whenever such probate proceedings are instituted, whether by special administration or otherwise, the petitioner shall promptly notify the department of revenue in writing thereof on forms furnished by the department of revenue to the county clerks. Thereafter, the department of revenue shall be served with written notice at least twenty days prior to any hearing on proceedings involving the valuation or sale of property, on any petition for the allowance of fees, and on all interim reports, final accounts or petitions for the determination of heirship. Like notice shall be given of the presentation of any claims to the court for allowance. Failure to furnish such notice shall be deemed jurisdictional and any order of the court entered without such notice shall be void. The department of revenue may waive the provisions of this section in its discretion. The department shall be deemed to have waived its right to administer in such probate proceedings under RCW 11.28.120((3)) (5) unless application for appointment of the director or the director's designee is made within forty days immediately following receipt of notice of institution of proceedings.

NEW SECTION. Sec. 4. This chapter applies in all instances in which no other abatement scheme is expressly provided.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, property of a decedent abates, without preference as between real and personal property, in the following order:

(a) Intestate property;

(b) Residuary gifts;

(c) General gifts;

(d) Specific gifts.

For purposes of abatement a demonstrative gift, defined as a general gift charged on any specific property or fund, is deemed a specific gift to the extent of the value of the property or fund on which it is charged, and a general gift to the extent of a failure or insufficiency of that property or fund. Abatement within each classification is in proportion to the amounts of property each of the beneficiaries would have received if full distribution of the property had been made in accordance with the terms of the will.

(2) If the will expresses an order of abatement, or if the testamentary plan or the express or implied purpose of the devise would be defeated by the order of abatement stated in subsection (1) of this section, a gift abates as may be found necessary to give effect to the intention of the testator.

(3) If the subject of a preferred gift is sold, diminished, or exhausted incident to administration, not including satisfaction of debts or liabilities according to their community or separate status under section 7 of this act, abatement must be achieved by appropriate adjustments in, or contribution from, other interests in the remaining assets.

(4) To the extent that the whole of the community property is subject to abatement, the shares of the decedent and of the surviving spouse in the community property abate equally.

(5) If required under section 8 of this act, nonprobate assets must abate with those disposed of under the will and passing by intestacy.

NEW SECTION. Sec. 6. To the extent that a gift is to be satisfied out of a source that consists of both separate and community property, unless otherwise indicated in the will it is presumed to be a gift from separate and community property in proportion to their relative value in the property or fund from which the gift is to be satisfied.

NEW SECTION. Sec. 7. (1) A community debt or liability is charged against the entire community property, with the surviving spouse's half and the decedent spouse's half charged equally.

(2) A separate debt or liability is charged first against separate property, and if that is insufficient against the balance of decedent's half of community property remaining after community debts and liabilities are satisfied.

(3) A community debt or liability that is also the separate debt or liability of the decedent is charged first against the whole of the community property and then against the decedent's separate property.

(4) An expense of administration is charged against the separate property and the decedent's half of the community property in proportion to the relative value of the property, unless a different charging of expenses is shown to be appropriate under the circumstances including against the surviving spouse's share of the community property.

(5) Property of a similar type, community or separate, is appropriated in accordance with the abatement priorities of section 5 of this act.

(6) Property that is primarily chargeable for a debt or liability is exhausted, in accordance with the abatement priorities of section 5 of this act, before resort is had, also in accordance with section 5 of this act, to property that is secondarily chargeable.

NEW SECTION. Sec. 8. (1) If abatement is necessary among takers of a nonprobate asset, the court shall adopt the abatement order and limitations set out in sections 5, 6, and 7 of this act, assigning categories in accordance with subsection (2) of this section.

(2) A nonprobate transfer must be categorized for purposes of abatement, within the list of priorities set out in section 5(1) of this act, as follows:

(a) All nonprobate forms of transfer under which an identifiable nonprobate asset passes to a beneficiary or beneficiaries on the event of the decedent's death, such as, but not limited to, joint tenancies and payable-on-death accounts, are categorized as specific bequests.

(b) With respect to all other interests passing under nonprobate forms of transfer, each must be categorized in the manner that is most closely comparable to the nature of the transfer of that interest.

(3) If and to the extent that a nonprobate asset is subject to the same obligations as are assets disposed of under the decedent's will, the nonprobate assets abate ratably with the probate assets, within the categories set out in subsection (2) of this section.

(4) If the nonprobate instrument of transfer or the decedent's will expresses a different order of abatement, or if the decedent's overall dispositive plan or the express or implied purpose of the transfer would be defeated by the order of abatement stated in subsections (1) through (3) of this section, the nonprobate assets abate as may be found necessary to give effect to the intention of the decedent.

NEW SECTION. Sec. 9. A new section is added to chapter 11.12 RCW to read as follows:

(1) If a will fails to name or provide for a child of the decedent who is born or adopted by the decedent after the will's execution and who survives the decedent, referred to in this section as an "omitted child", the child must receive a portion of the decedent's estate as provided in subsection (3) of this section, unless it appears either from the will or from other clear and convincing evidence that the failure was intentional.

(2) In determining whether an omitted child has been named or provided for, the following rules apply:

(a) A child identified in a will by name is considered named whether identified as a child or in any other manner.

(b) A reference in a will to a class described as the children, descendants, or issue of the decedent who are born after the execution of the will, or words of similar import, constitutes a naming of a person who falls within the class. A reference to another class, such as a decedent's heirs or family, does not constitute such a naming.

(c) A nominal interest in an estate does not constitute a provision for a child receiving the interest.

(3) The omitted child must receive an amount equal in value to that which the child would have received under RCW 11.04.015 if the decedent had died intestate, unless the court determines on the basis of clear and convincing evidence that a smaller share, including no share at all, is more in keeping with the decedent's intent. In making the determination, the court may consider, among other things, the various elements of the decedent's dispositive scheme, provisions for the omitted child outside the decedent's will, provisions for the decedent's other children under the will and otherwise, and provisions for the omitted child's other parent under the will and otherwise.

(4) In satisfying a share provided by this section, the bequests made by the will abate as provided in chapter 11.-- RCW (sections 4 through 8 of this act).

NEW SECTION. Sec. 10. A new section is added to chapter 11.12 RCW to read as follows:

(1) If a will fails to name or provide for a spouse of the decedent whom the decedent marries after the will's execution and who survives the decedent, referred to in this section as an "omitted spouse", the spouse must receive a portion of the decedent's estate as provided in subsection (3) of this section, unless it appears either from the will or from other clear and convincing evidence that the failure was intentional.

(2) In determining whether an omitted spouse has been named or provided for, the following rules apply:

(a) A spouse identified in a will by name is considered named whether identified as a spouse or in any other manner.

(b) A reference in a will to the decedent's future spouse or spouses, or words of similar import, constitutes a naming of a spouse whom the decedent later marries. A reference to another class such as the decedent's heirs or family does not constitute a naming of a spouse who falls within the class.

(c) A nominal interest in an estate does not constitute a provision for a spouse receiving the interest.

(3) The omitted spouse must receive an amount equal in value to that which the spouse would have received under RCW 11.04.015 if the decedent had died intestate, unless the court determines on the basis of clear and convincing evidence that a smaller share, including no share at all, is more in keeping with the decedent's intent. In making the determination the court may consider, among other things, the spouse's property interests under applicable community property or quasi-community property laws, the various elements of the decedent's dispositive scheme, and a marriage settlement or other provision and provisions for the omitted spouse outside the decedent's will.

(4) In satisfying a share provided by this section, the bequests made by the will abate as provided in chapter 11.-- RCW (sections 4 through 8 of this act).

NEW SECTION. Sec. 11. A new section is added to chapter 11.12 RCW to read as follows:

(1) If, after making a will, the testator's marriage is dissolved or invalidated, all provisions in the will in favor of or granting any interest or power to the testator's former spouse are revoked, unless the will expressly provides otherwise. Provisions affected by this section must be interpreted, and property affected passes, as if the former spouse failed to survive the testator, having died at the time of entry of the decree of dissolution or declaration of invalidity. Provisions revoked by this section are revived by the testator's remarriage to the former spouse. Revocation of certain nonprobate transfers is provided under RCW 11.07.010.

(2) This section is remedial in nature and applies to decrees of dissolution and declarations of invalidity entered before, on, or after the effective date of this act.

Sec. 12. RCW 11.12.040 and 1965 c 145 s 11.12.040 are each amended to read as follows:

(1) A will, or any part thereof, can be revoked:

~~((1))~~ (a) By a ~~((written))~~ subsequent will that ~~revokes, or partially revokes, the prior will expressly or by inconsistency;~~ or

~~((2))~~ (b) By being burnt, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking the same, by the testator ~~((himself))~~ or by another person in ~~((his))~~ the presence and by ~~((his))~~ the direction of the testator. If such act is done by any person other than the testator, the direction of the testator and the facts of such injury or destruction must be proved by two witnesses.

~~(2) Revocation of a will in its entirety revokes its codicils, unless revocation of a codicil would be contrary to the testator's intent.~~

Sec. 13. RCW 11.12.080 and 1965 c 145 s 11.12.080 are each amended to read as follows:

(1) If, after making any will, the testator shall ~~((duly make and))~~ execute a ~~((second))~~ later will that wholly revokes the former will, the destruction, cancellation, or revocation of ~~((such second))~~ the later will shall not revive the ~~((first))~~ former will, unless it was the testator's intention to revive it.

~~(2) Revocation of a codicil shall revive a prior will or part of a prior will that the codicil would have revoked had it remained in effect at the death of the testator, unless it was the testator's intention not to revive the prior will or part.~~

~~(3) Evidence that revival was or was not intended includes, in addition to a writing by which the later will or codicil is revoked, the circumstances of the revocation or contemporaneous or subsequent declarations of the testator.~~

Sec. 14. RCW 11.12.110 and 1965 c 145 s 11.12.110 are each amended to read as follows:

~~Unless otherwise provided, when any ~~((estate shall be devised or bequeathed to any child, grandchild, or other relative of the testator, and such devisee or legatee shall die before the testator, having lineal descendants who survive the testator, such descendants shall take the estate, real and personal, as such devisee or legatee would have done in the case he had survived the testator; if such descendants are all in the same degree of~~~~

kinship to the predeceased devisee or legatee)) property shall be given under a will, or under a trust of which the decedent is a grantor and which by its terms becomes irrevocable upon the grantor's death, to any issue of a grandparent of the decedent and that issue dies before the decedent leaving descendants who survive the decedent, those descendants shall take that property as the predeceased issue would have done if the predeceased issue had survived the decedent. If those descendants are all in the same degree of kinship to the predeceased issue they shall take equally(7) or, if of unequal degree, then those of more remote degree shall take by representation with respect to ((such) the predeceased ((devisee or legatee.—A spouse is not a relative under the provisions of this section)) issue.

Sec. 15. RCW 11.12.120 and 1974 ex.s. c 117 s 51 are each amended to read as follows:

((Whenever any person having died leaving)) (1) If a will ((which has been admitted to probate or established by an adjudication of testacy, shall by said will have given, devised or bequeathed unto any person, a legacy or a devise upon the condition that said person survive him, and not otherwise, such legacy or devise shall lapse and fall into the residue of said estate to be distributed according to the residuary clause, if there be one, of said will, and if there be none then according to the laws of descent, unless said legatee or devisee, as the case may be, or his heirs, personal representative, or someone in behalf of such legatee or devisee, shall appear before the court which is administering said estate within three years from and after the date the said will was admitted to probate or established by an adjudication of testacy, and prove to the satisfaction of the court that the said legatee or devisee, as the case may be, did in fact survive the testator)) makes a gift to a person on the condition that the person survive the testator and the person does not survive the testator, then, unless otherwise provided, the gift lapses and falls into the residue of the estate to be distributed under the residuary clause of the will, if any, but otherwise according to the laws of descent and distribution.

(2) If the will gives the residue to two or more persons, the share of a person who does not survive the testator passes, unless otherwise provided, and subject to RCW 11.12.110, to the other person or persons receiving the residue, in proportion to the interest of each in the remaining part of the residue.

(3) The personal representative of the testator, a person who would be affected by the lapse or distribution of a gift under this section, or a guardian ad litem or other representative appointed to represent the interests of a person so affected may petition the court for a determination under this section, and the petition must be heard under the procedures of chapter 11.96 RCW.

Sec. 16. RCW 11.12.160 and 1965 c 145 s 11.12.160 are each amended to read as follows:

((All beneficial devises, legacies, and gifts whatever, made or given in any will to a subscribing witness thereto, shall be void unless there are two other competent witnesses to the same; but a mere charge on the estate of the testator for the payment of debts shall not prevent his creditors from being competent witnesses to his will. If such witness, to whom any beneficial devise, legacy or gift may have been made or given, would have been entitled to any share in the testator's estate in case the will is not established, then so much of the estate as would have descended or would have been distributed to such witness shall be saved to him as will not exceed the value of the devise or bequest made to him in the will; and he may recover the same from the devisees or legatees named in the will in proportion to and out of the parts devised and bequeathed to him.)) (1) An interested witness to a will is one who would receive a gift under the will.

(2) A will or any of its provisions is not invalid because it is signed by an interested witness. Unless there are at least two other subscribing witnesses to the will who are not interested witnesses, the fact that the will makes a gift to a subscribing witness creates a rebuttable presumption that the witness procured the gift by duress, menace, fraud, or undue influence.

(3) If the presumption established under subsection (2) of this section applies and the interested witness fails to rebut it, the interested witness shall take so much of the gift as does not exceed the share of the estate that would be distributed to the witness if the will were not established.

(4) The presumption established under subsection (2) of this section has no effect other than that stated in subsection (3) of this section.

Sec. 17. RCW 11.12.180 and 1965 c 145 s 11.12.180 are each amended to read as follows:

((If any person, by last will, devise any real estate to any person for the term of such person's life, such devise vests in the devisee an estate for life, and unless the remainder is specially devised, it shall revert to the heirs at law of the testator.)) **The Rule in Shelley's Case is abolished as a rule of law and as a rule of construction. If an applicable statute or a governing instrument calls for a future distribution to or creates a future interest in a designated individual's "heirs," "heirs at law," "next of kin," "relatives," or "family," or language of similar import, the property passes to those persons, including the state under chapter 11.08 RCW, that would succeed to the designated individual's estate under chapter 11.04 RCW. The property must pass to those persons as if the designated individual had died when the distribution or transfer of the future interest was to take effect in possession or enjoyment. For purposes of this section and section 18 of this act, the designated individual's surviving spouse is deemed to be an heir, regardless of whether the surviving spouse has remarried.**

NEW SECTION. Sec. 18. A new section is added to chapter 11.12 RCW to read as follows:

The Doctrine of Worthier Title is abolished as a rule of law and as a rule of construction. However, the Doctrine of Worthier Title is preserved as a rule of construction if:

(1) A grantor has established in inter vivos trust of real property;

(2) The grantor has expressly reserved a reversion to himself or herself; and

(3) The words "heirs" or "heirs at law" are used by the grantor to describe the quality of the grantor's title in the reversion as an estate in fee simple in the event that the property reverts to the grantor.

In all other cases, language in a governing instrument describing the beneficiaries of a donative disposition as the transferor's "heirs," "heirs at law," "next of kin," "distributees," "relatives," or "family," or language of similar import, does not create or presumptively create a reversionary interest in the transferor.

NEW SECTION. Sec. 19. (1) Unless expressly exempted by statute, a beneficiary of a nonprobate asset that was subject to satisfaction of the decedent's general liabilities immediately before the decedent's death takes the asset subject to liabilities, claims, estate taxes, and the fair share of expenses of administration reasonably incurred by the personal representative in the transfer of or administration upon the asset. The beneficiary of such an asset is liable to account to the personal representative to the extent necessary to satisfy liabilities, claims, the asset's fair share of expenses of administration, and the asset's share of estate taxes under chapter 83.110 RCW. Before making demand that a beneficiary of a nonprobate asset account to the personal representative, the personal representative shall give notice to the beneficiary, in the manner provided in chapter 11.96 RCW, that the beneficiary is liable to account under this section.

(2) The following rules govern in applying subsection (1) of this section:

(a) A beneficiary of property passing at death under a community property agreement takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section. However, assets existing as community or separate property immediately before the decedent's death under the community property agreement are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate.

(b) A beneficiary of property held in joint tenancy form with right of survivorship, including without limitation United States savings bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(c) A beneficiary of payable-on-death or trust bank accounts, bonds, securities, or similar obligations, including without limitation United States bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(d) A beneficiary of deeds or conveyances made by the decedent if possession has been postponed until the death of the decedent takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(e) A trust for the decedent's use of which the decedent is the grantor is subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the same extent as the trust was subject to claims of the decedent's creditors immediately before death under RCW 19.36.020.

(f) A trust not for the use of the grantor but of which the decedent is the grantor and that becomes effective or irrevocable only upon the decedent's death is subject to the decedent's claims, liabilities, estate taxes, and expenses of administration as described in subsection (1) of this section.

(g) Anything in this section to the contrary notwithstanding, nonprobate assets that existed as community property immediately before the decedent's death are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate.

(h) The liability of a beneficiary of life insurance is governed by chapter 48.18 RCW.

(i) The liability of a beneficiary of pension or retirement employee benefits is governed by chapter 6.15 RCW.

(j) An inference may not be drawn from (a) through (i) of this subsection that a beneficiary of nonprobate assets other than those assets specifically described in (a) through (i) of this subsection does or does not take the assets subject to claims, liabilities, estate taxes, and administration expenses as described in subsection (1) of this section.

(3) Nothing in this section derogates from the rights of a person interested in the estate to recover tax under chapter 83.110 RCW or from the liability of any beneficiary for estate tax under chapter 83.110 RCW.

Sec. 20. RCW 11.20.070 and 1965 c 145 s 11.20.070 are each amended to read as follows:

~~(Whenever any will is lost or destroyed, the court may take proof of the execution and validity of such will and establish it, notice to all persons interested having been first given. Such proof shall be reduced to writing and signed by the witnesses and filed with the clerk of the court.~~

~~No will shall be allowed to be proved as a lost or destroyed will unless it is proved to have been in existence at the time of the death of the testator, or is shown to have been destroyed, canceled or mutilated in whole or in part as a result of actual or constructive fraud or in the course of an attempt to change the will in whole or in part, which attempt has failed, or as the result of a mistake of fact, nor unless its provisions are clearly and distinctly proved by at least two witnesses, and when any such will is so established, the provisions thereof shall be distinctly stated in the judgment establishing it, and such judgment shall be recorded as wills are required to be recorded. Executors of such will or administrators with the will annexed) (1) If a will has been lost or destroyed under circumstances such that the loss or destruction does not have the effect of revoking the will, the court may take proof of the execution and validity of the will and establish it, notice to all persons interested having been first given. The proof must be reduced to writing and signed by any witnesses who have testified as to the execution and validity, and must be filed with the clerk of the court.~~

~~(2) The provisions of a lost or destroyed will must be proved by clear, cogent, and convincing evidence, consisting at least in part of a witness to either its contents or the authenticity of a copy of the will.~~

~~(3) When a lost or destroyed will is established under subsections (1) and (2) of this section, its provisions must be distinctly stated in the judgment establishing it, and the judgment must be recorded as wills are required to be recorded. A personal representative may be appointed by the court in the same manner as is herein provided with reference to original wills presented to the court for probate.~~

Sec. 21. RCW 11.24.010 and 1971 c 7 s 1 are each amended to read as follows:

If any person interested in any will shall appear within four months immediately following the probate or rejection thereof, and by petition to the court having jurisdiction contest the validity of said will, or appear to have the will proven which has been rejected, he ~~or she~~ shall file a petition containing his ~~or her~~ objections and exceptions to said will, or to the rejection thereof. ~~((Issue shall be made up, tried and determined in said court respecting the competency of the deceased to make a last will and testament, or respecting the execution by a deceased of such last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of such will.))~~ Issues respecting the competency of the deceased to make a last will and testament, or respecting the execution by a deceased of the last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of the will or a part of it, shall be tried and determined by the court.

If no person shall appear within the time (~~aforsaid~~) under this section, the probate or rejection of such will shall be binding and final.

Sec. 22. RCW 11.24.040 and 1965 c 145 s 11.24.040 are each amended to read as follows:

If, upon the trial of said issue, it shall be decided that the will or a part of it is for any reason invalid, or that it is not sufficiently proved to have been the last will of the testator, the will or part and probate thereof shall be annulled and revoked ~~((, and thereupon and thereafter the powers of the executor or administrator with the will annexed shall cease, but such executor or administrator) and to that extent the powers of the personal representative shall cease, but the personal representative shall not be liable for any act done in good faith previous to such annulling or revoking.~~

Sec. 23. RCW 11.28.120 and 1985 c 133 s 1 are each amended to read as follows:

Administration of ~~((the))~~ an estate ~~((of))~~ if the ((person dying)) decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving ~~((husband or wife))~~ spouse, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian of the person or estate of the decedent, or attorney in fact appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

~~((4))~~ (6) One or more of the principal creditors.

~~((5))~~ (7) If the persons so entitled shall fail for more than forty days after the death of the ~~((intestate))~~ decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there ~~((are))~~ is no ~~((relatives or))~~ next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

Sec. 24. RCW 11.28.237 and 1977 ex.s. c 234 s 6 are each amended to read as follows:

Within twenty days after appointment, the personal representative of the estate of a decedent shall cause written notice of his or her appointment and the pendency of said probate proceedings, to be served personally or by mail to each heir, legatee and devisee of the estate and each beneficiary or transferee of a nonprobate asset of the decedent whose names and addresses are known to him or her, and proof of such mailing or service shall be made by affidavit and filed in the cause.

Sec. 25. RCW 11.40.010 and 1991 c 5 s 1 are each amended to read as follows:

Every personal representative shall, after appointment and qualification, give a notice to the creditors of the deceased, stating such appointment and qualification as personal representative and requiring all persons having claims against the deceased to serve the same on the personal representative or the estate's attorney of record, and file an executed copy thereof with the clerk of the court, within four months after the date of the first publication of such notice described in this section or within four months after the date of the filing of the copy of such notice with the clerk of the court, whichever is the later, or within the time otherwise provided in RCW 11.40.013. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of such notice with the clerk of the court is referred to in this chapter as the "four-month time limitation." Such notice shall be given as follows:

(1) The personal representative shall give actual notice, as provided in RCW 11.40.013, to such creditors who become known to the personal representative within such four-month time limitation;

(2) The personal representative shall cause such notice to be published once in each week for three successive weeks in the county in which the estate is being administered; and

(3) The personal representative shall file a copy of such notice with the clerk of the court.

Except as otherwise provided in RCW 11.40.011 or 11.40.013, any claim not filed within the four-month time limitation shall be forever barred, if not already barred by any otherwise applicable statute of limitations. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets as described in section 19 of this act. Proof by affidavit of the giving and publication of such notice shall be filed with the court by the personal representative.

Acts of a notice agent in complying with chapter Laws of 1994 (this act) may be adopted and ratified by the personal representative as if done by the personal representative in complying with this chapter, except that if at the time of the appointment and qualification of the personal representative a notice agent had commenced nonprobate notice to creditors under chapter 11.-- RCW (sections 31 through 48 of this act), the personal representative shall give published notice as provided in section 48 of this act.

Sec. 26. RCW 11.40.013 and 1989 c 333 s 4 are each amended to read as follows:

The actual notice described in RCW 11.40.010(1), as to creditors becoming known to the personal representative within the four-month time limitation, shall be given the creditors by personal service or regular first class mail, addressed to the creditor's last known address, postage prepaid. The actual notice shall be given before the later of the expiration of the four-month time limitation or thirty days after any creditor became known to the personal representative within the four-month time limitation. Any known creditor is barred unless the creditor has filed a claim, as otherwise provided in this chapter, within the four-month time limitation or within thirty days following the date of actual notice to that creditor, whichever is later. If notice is given by mail, the date of mailing shall be the date of notice. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets.

Sec. 27. RCW 11.40.015 and 1989 c 333 s 6 are each amended to read as follows:

Notice under RCW 11.40.010 shall be in substantially the following form:

CAPTION) No.)
OF CASE))
) NOTICE TO CREDITORS
)
)

The personal representative named below has been appointed and has qualified as personal representative of this estate. Persons having claims against the ~~((deceased))~~ decedent must, prior to the time such claims would be barred by any otherwise applicable statute of limitations, serve their claims on the personal representative or the attorneys of record at the address stated below and file an executed copy of the claim with the Clerk of this Court within four months after the date of first publication of this notice or within four months after the date of the filing of the copy of this Notice with the Clerk of the Court, whichever is later or, except under those provisions included in RCW 11.40.011 or 11.40.013, the claim will be forever barred. This bar is effective as to claims against both the probate assets and nonprobate assets of the decedent.

DATE OF FILING COPY OF NOTICE TO CREDITORS with Clerk of Court:
DATE OF FIRST PUBLICATION:

Personal Representative

Address

Attorney for Estate:
Address:
Telephone:

Sec. 28. RCW 11.40.040 and 1974 ex.s. c 117 s 36 are each amended to read as follows:

Every claim which has been allowed by the personal representative shall be ranked among the acknowledged debts of the estate to be paid expeditiously in the course of administration.

Sec. 29. RCW 11.40.080 and 1988 c 64 s 22 are each amended to read as follows:

No holder of any claim against a decedent shall maintain an action thereon, unless the claim shall have been first presented as ~~((herein))~~ provided in this chapter. Nothing in this chapter affects ~~((the notice under))~~ RCW 82.32.240.

Sec. 30. RCW 11.48.010 and 1965 c 145 s 11.48.010 are each amended to read as follows:

It shall be the duty of every personal representative to settle the estate, including the administration of any nonprobate assets within control of the personal representative under section 19 of this act, in his or her hands as rapidly and as quickly as possible, without sacrifice to the probate or nonprobate estate. ~~((He))~~ The personal representative shall collect all debts due the deceased and pay all debts as hereinafter provided. ~~((He))~~ The personal representative shall be authorized in his or her own name to maintain and prosecute such actions as pertain to the management and settlement of the estate, and may institute suit to collect any debts due the estate or to recover any property, real or personal, or for trespass of any kind or character.

NEW SECTION. Sec. 31. (1) Subject to the conditions stated in this section and if no personal representative has been appointed and qualified in the decedent's estate in Washington, the following members of a group, defined as the "qualified group", are qualified to give "nonprobate notice to creditors" of the decedent:

- (a) Decedent's surviving spouse;
 - (b) The person appointed in an agreement made under chapter 11.96 RCW to give nonprobate notice to creditors of the decedent;
 - (c) The trustee, except a testamentary trustee under the will of the decedent not probated in another state, having authority over any of the property of the decedent; and
 - (d) A person who has received any property of the decedent by reason of the decedent's death.
- (2) The "included property" means the property of the decedent that was subject to satisfaction of the decedent's general liabilities immediately before the decedent's death and that either:
- (a) Constitutes a nonprobate asset; or
 - (b) Has been received, or is entitled to be received, either under chapter 11.62 RCW or by the personal representative of the decedent's probate estate administered outside the state of Washington, or both.
- (3) The qualified person shall give the nonprobate notice to creditors. The "qualified person" must be:
- (a) The person in the qualified group who has received, or is entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property; or
 - (b) If there is no person in (a) of this subsection, then the person who has been appointed by those persons, including any successors of those persons, in the qualified group who have received, or are entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property.
- (4) The requirement in subsection (3) of this section of the receipt of all, or substantially all, of the included property is satisfied if:

(a) The person described in subsection (3)(a) of this section at the time of the filing of the declaration and oath referred to in subsection (5) of this section in reasonable good faith believed that the person had received, or was entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property; or

(b) The persons described in subsection (3)(b) of this section at the time of their entry into the agreement under chapter 11.96 RCW in which they appoint the person to give the nonprobate notice to creditors in reasonable good faith believed that they had received, or were entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property.

(5) The "notice agent" means the qualified person who:

(a) Files a declaration and oath with the clerk of the superior court in a county in which probate may be commenced regarding the decedent as provided in RCW 11.96.050(2);

(b) Pays a filing fee to the clerk equal in amount to the filing fee charged by the clerk for the probate of estates; and

(c) Receives from the clerk a cause number.

The county in which the notice agent files the declaration is the "notice county." The declaration and oath must be made in affidavit form or under penalty of perjury under the laws of the state in the form provided in RCW 9A.72.085 and must state that the person making the declaration believes in reasonable good faith that the person is qualified under this chapter to act as the notice agent and that the person faithfully will execute the duties of the notice agent as provided in this chapter.

(6) The following persons may not act as notice agent:

(a) Corporations, trust companies, and national banks, except:

(i) Professional service corporations that are regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys; and

(ii) Other corporations, trust companies, and national banks that are authorized to do trust business in this state;

(b) Minors;

(c) Persons of unsound mind; or

(d) Persons who have been convicted of a felony or of a misdemeanor involving moral turpitude.

(7) A person who has given notice under this chapter and who thereafter becomes of unsound mind or is convicted of a crime or misdemeanor involving moral turpitude is no longer qualified to act as notice agent under this chapter. The disqualification does not bar another person, otherwise qualified, from acting as notice agent under this chapter.

(8) A nonresident may act as notice agent if the nonresident appoints an agent who is a resident of the notice county or who is attorney of record for the notice agent upon whom service of all papers may be made. The appointment must be made in writing and filed by the clerk of the notice county with the other papers relating to the notice given under this chapter.

(9) The powers and authority of a notice agent cease, and the office of notice agent becomes vacant, upon the appointment and qualification of a personal representative for the estate of the decedent. Except as provided in section 48 of this act, the cessation of the powers and authority does not affect a published notice under this chapter if the publication commenced before the cessation and does not affect actual notice to creditors given by the notice agent before the cessation.

NEW SECTION. Sec. 32. (1) The notice agent may give nonprobate notice to the creditors of the decedent if:

(a) As of the date of the filing of a copy of the notice with the clerk of the superior court for the notice county, the notice agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of another person becoming a notice agent; and

(b) According to the records of the clerk of the superior court for the notice county as of 8:00 a.m. on the date of the filing, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other notice agent by the clerk under section 31 of this act.

(2) The notice must state that all persons having claims against the decedent shall: (a) Serve the same on the notice agent if the notice agent is a resident of the state of Washington upon whom service of all papers may be made, or on the nonprobate resident agent for the notice agent, if any, or on the attorneys of record of the notice agent at their respective address in the state of Washington; and (b) file an executed copy of the notice with the clerk of the superior court for the notice county, within: (i) (A) Four months after the date of the first publication of the notice described in this section; or (B) four months after the date of the filing of the copy of the notice with the clerk of the superior court for the notice county, whichever is later; or (ii) the time otherwise provided in section 35 of this act. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of the notice with the clerk of the court is referred to in this chapter as the "four-month time limitation."

(3) The notice agent shall declare in the notice in affidavit form or under the penalty of perjury under the laws of the state of Washington as provided in RCW 9A.72.085 that: (a) The notice agent is entitled to give the nonprobate notice under subsection (1) of this section; and (b) the notice is being given by the notice agent as permitted by this section.

(4) The notice agent shall sign the notice and file it with the clerk of the superior court for the notice county. The notice must be given as follows:

(a) The notice agent shall give actual notice as to creditors of the decedent who become known to the notice agent within the four-month time limitation as required in section 35 of this act;

(b) The notice agent shall cause the notice to be published once in each week for three successive weeks in the notice county; and

(c) The notice agent shall file a copy of the notice with the clerk of the superior court for the notice county.

(5) A claim not filed within the four-month time limitation is forever barred, if not already barred by an otherwise applicable statute of limitations, except as provided in section 33 or 35 of this act. The bar is effective to bar claims against both the probate estate of the decedent and nonprobate assets that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death. If a notice to the creditors of a decedent is published by more than one notice agent and the notice agents are not acting jointly, the four-month time limitation means the four-month time limitation that applies to the notice agent who first publishes the notice. Proof by affidavit or perjury declaration made under RCW 9A.72.085 of the giving and publication of the notice must be filed with the clerk of the superior court for the notice county by the notice agent.

NEW SECTION. Sec. 33. The time limitations under this chapter for serving and filing claims do not accrue to the benefit of a liability or casualty insurer as to claims against either the decedent or the marital community of which the decedent was a member, or both, and:

(1) The claims, subject to applicable statutes of limitation, may at any time be: (a) Served on the duly acting notice agent, the duly acting resident agent for the notice agent, or on the attorney for either of them; and (b) filed with the clerk of the superior court for the notice county; or

(2) If there is no duly acting notice agent or resident agent for the notice agent, the claimant as a creditor shall proceed as provided in chapter 11.40 RCW. However, if no personal representative ever has been appointed for the decedent, a personal representative must be appointed as provided in chapter 11.28 RCW and the estate opened, in which case the claimant then shall proceed as provided in chapter 11.40 RCW.

A claim may be served and filed as provided in this section, notwithstanding that there is no duly acting notice agent and that no personal representative previously has been appointed. However, the amount of recovery under the claim may not exceed the amount of applicable insurance coverages and proceeds, and the claim so served and filed may not constitute a cloud or lien upon the title to the assets of the decedent or delay or prevent the transfer or distribution of assets of the decedent. This section does not serve to extend the applicable statute of limitations regardless of whether a declaration and oath has been filed by a notice agent as provided in section 31 of this act.

NEW SECTION. Sec. 34. The notice agent shall exercise reasonable diligence to discover, within the four-month time limitation, reasonably ascertainable creditors of the decedent. The notice agent is deemed to have exercised reasonable diligence to ascertain the creditors upon:

(1) Conducting, within the four-month time limitation, a reasonable review of the decedent's correspondence including correspondence received after the date of death and financial records including checkbooks, bank statements, income tax returns, and similar materials, that are in the possession of, or reasonably available to, the notice agent; and

(2) Having made, with regard to claimants, inquiry of the nonprobate takers of the decedent's property and of the presumptive heirs, devisees, and legatees of the decedent, all of whose names and addresses are known, or in the exercise of reasonable diligence should have been known, to the notice agent.

If the notice agent conducts the review and makes an inquiry, the notice agent is presumed to have exercised reasonable diligence to ascertain creditors of the decedent, and creditors not ascertained in the review or in an inquiry are presumed not reasonably ascertainable. These presumptions may be rebutted only by clear, cogent, and convincing evidence. The notice agent may evidence the review and inquiry by filing an affidavit or declaration under penalty of perjury form as provided in RCW 9A.72.085 to the effect in the nonprobate proceeding in the notice county. The notice agent also may petition the superior court of the notice county for an order declaring that the notice agent has made a review and inquiry and that only creditors known to the notice agent after the review and inquiry are reasonably ascertainable. The petition and hearing must be under the procedures provided in chapter 11.96 RCW, and the notice specified under RCW 11.96.100 must also be given by publication.

NEW SECTION. Sec. 35. The actual notice described in section 32(4)(a) of this act, as to a creditor becoming known to the notice agent within the four-month time limitation, must be given the creditor by personal service or regular first class mail, addressed to the creditor's last known address, postage prepaid. The actual notice must be given before the later of the expiration of the four-month time limitation or thirty days after a creditor became known to the notice agent within the four-month time limitation. A known creditor is barred unless the creditor has filed a claim, as provided in this chapter, within the four-month time limitation or within thirty days following the date of actual notice to that creditor, whichever is later. If notice is given by mail, the date of mailing is the date of notice. This bar is effective as to claims against the included property as defined in section 31 of this act.

NEW SECTION. Sec. 36. (1) Whether or not notice under section 32 of this act has been given or should have been given, if no personal representative has been appointed and qualified, a person having a claim against the decedent who has not filed the claim within eighteen months from the date of the decedent's death is forever barred from making a claim against the decedent, or commencing an action against the decedent, if the claim or action is not already barred by any otherwise applicable statute of limitations. However, this eighteen-month limitation does not apply to:

- (a) Claims described in section 33 of this act;
- (b) A claim if, during the eighteen-month period following the date of death, partial performance has been made on the obligation underlying the claim, and the notice agent has not given the actual notice described in section 32(4)(a) of this act; or
- (c) Claims if, within twelve months after the date of death:
 - (i) No notice agent has given the published notice described in section 32(4)(b) of this act; and
 - (ii) No personal representative has given the published notice described in RCW 11.40.010(2).

Any otherwise applicable statute of limitations applies without regard to the tolling provisions of RCW 4.16.190.

(2) Claims referred to in this section must be filed if there is no duly appointed, qualified, and acting personal representative and there is a duly declared and acting notice agent or resident agent for the notice agent. The claims, subject to applicable statutes of limitation, may at any time be served on the duly declared and acting notice agent or resident agent for the notice agent, or on the attorney for either of them.

(3) A claim to be filed under this chapter if there is no duly appointed, qualified, and acting personal representative but there is a duly declared and acting notice agent or resident agent for the notice agent and which claim is not otherwise barred under this chapter must be made in the form and manner provided under section 32 of this act, as if the notice under that section had been given.

NEW SECTION. Sec. 37. Notice under section 32 of this act must be in substantially the following form:

In the Matter of)
) No.
)
) NONPROBATE NOTICE TO CREDITORS
 Deceased.)
 _____)

_____, the undersigned Notice Agent, has elected to give notice to creditors of the decedent above named under section 32 of this act. As of the date of the filing of a copy of this notice with the Clerk of this Court, the Notice Agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of any other person becoming a Notice Agent. According to the records of the Clerk of this Court as of 8:00 a.m. on the date of the filing of this notice with the Clerk, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other Notice Agent by the Clerk of this Court under section 31 of this act.

Persons having claims against the decedent named above must, before the time the claims would be barred by any otherwise applicable statute of limitations, serve their claims on: The notice agent if the Notice Agent is a resident of the state of Washington upon whom service of all papers may be made; the Nonprobate Resident Agent for the Notice Agent, if any; or the attorneys of record for the Notice Agent at the respective address in the state of Washington listed below, and file an executed copy of the claim with the Clerk of this Court within four months after the date of first publication of this notice, or within four months after the date of the filing of the copy of this notice with the Clerk of the Court, whichever is later, or, except under those provisions included in section 33 or 35 of this act, the claim will be forever barred. This bar is effective as to all assets of the decedent that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death regardless of whether those assets are or would be assets of the decedent's probate estate or nonprobate assets of the decedent.

Date of filing of this notice with the
Clerk of the Court: _____

Date of first publication of this notice: _____

The Notice Agent declares under penalty of perjury under the laws of the State of Washington on _____, 19__ at _____
[City], _____ [State] that the foregoing is true and correct.

Notice Agent [signature] Nonprobate Resident Agent [if appointed]
[address in Washington, if any] [address in Washington]

Attorney for Notice Agent
[address in Washington]
[telephone]

NEW SECTION. Sec. 38. RCW 11.40.020 applies to claims subject to this chapter.

NEW SECTION. Sec. 39. (1) Property of the decedent that was subject to the satisfaction of the decedent's general liabilities immediately before the decedent's death is liable for claims. The property includes, but is not limited to, property of the decedent that is includable in the decedent's probate estate, whether or not there is a probate administration of the decedent's estate.

(2) A claim approved by the notice agent, and a judgment on a claim first prosecuted against a notice agent, may be paid only out of assets received as a result of the death of the decedent by the notice agent or by those appointing the notice agent under chapter 11.96 RCW, except as may be provided by agreement under RCW 11.96.170 or by court order under RCW 11.96.070.

NEW SECTION. Sec. 40. (1) The notice agent shall approve or reject claims no later than by the end of a period that is two months after the end of the four-month time limitation defined as the "review period."

(2) The notice agent may approve a claim, in whole or in part.

(3) If the notice agent rejects a claim, in whole or in part, the notice agent shall notify the claimant of the rejection and file in the office of the clerk of the court in the notice county an affidavit or declaration under penalty of perjury under RCW 9A.72.085 showing the notification and the date of the notification. The notification must be by personal service or certified mail addressed to the claimant at the claimant's address as stated in the claim. If a person other than the claimant signed the claim for or on behalf of the claimant, and the person's business address as stated in the claim is different from that of the claimant, notification of the rejection also must be made by personal service or certified mail upon that person. The date of the postmark is the date of the notification. The notification of the rejection must advise the claimant, and the person making claim on his, her, or its behalf, if any, that the claimant must bring suit in the proper court in the notice county against the notice agent: (a) Within thirty days after notification of rejection if the notification is made during or after the review period; or (b) before expiration of thirty days after the end of the four-month time limitation, if the notification is made during the four-month time limitation, and that otherwise the claim is forever barred.

(4) A claimant whose claim either has been rejected by the notice agent or has not been acted upon within twenty days of written demand for the action having been given to the notice agent by the claimant during or after the review period must commence an action against the notice agent in the proper court in the notice county to enforce the claim of the claimant within the earlier of:

(a) If the notice of the rejection of the claim has been sent as provided in subsection (3) of this section: The time for filing an action on a rejected claim is as provided in subsection (3) of this section; or

(b) If written demand for approval or rejection is made on the notice agent before the claim is rejected: Within 30 days following the end of the twenty-day written demand period where the demand period ends during or after the review period; otherwise the claim is forever barred.

(5) The notice agent may, either before or after rejection of a claim, compromise the claim, whether due or not, absolute or contingent, liquidated or unliquidated.

(6) A personal representative of the decedent's estate may revoke either or both of: (a) The rejection of a claim that has been rejected by the notice agent; or (b) the approval of a claim that has been either approved or compromised by the notice agent, or both.

(7) If a notice agent pays a claim that subsequently is revoked by a personal representative of the decedent, the notice agent may file a claim in the decedent's estate for the notice agent's payment, and the claim may be allowed or rejected as other claims, at the election of the personal representative.

(8) If the notice agent has not received substantially all assets of the decedent that are liable for claims, then although an action may be commenced on a rejected claim by a creditor against the notice agent, the notice agent, notwithstanding any provision in this chapter, may only make an appearance in the litigation. The Notice Agent may not answer the action, but must, instead, cause a petition to be filed for the appointment of a personal representative of the decedent within thirty days of the service of the creditor's summons and complaint on the notice agent. A judgment may not be entered in an action brought by a creditor against the notice agent earlier than twenty days after the duly appointed, qualified, and acting personal representative of the decedent has been substituted in that action for the notice agent.

NEW SECTION. Sec. 41. If a claim has been filed and presented to a notice agent, and a part of the claim is allowed, the amount of the allowance must be stated in the indorsement. If the creditor refuses to accept the amount so allowed in satisfaction of the claim, the creditor may not recover costs in an action the creditor may bring against the notice agent and against any substituted personal representative unless the creditor recovers a greater amount than that offered to be allowed, exclusive of interest and costs.

NEW SECTION. Sec. 42. A debt of a decedent for whose estate no personal representative has been appointed must be paid in the following order by the notice agent from the assets of the decedent that are subject to the payment of claims as provided in section 39 of this act:

(1) Costs of administering the assets subject to the payment of claims, including a reasonable fee to the notice agent, the resident agent for the notice agent, if any, reasonable attorneys' fees for the attorney for each of them, filing fees, publication costs, mailing costs, and similar costs and fees.

(2) Funeral expenses in a reasonable amount.

(3) Expenses of the last sickness in a reasonable amount.

(4) Wages due for labor performed within sixty days immediately preceding the death of the decedent.

(5) Debts having preference by the laws of the United States.

(6) Taxes or any debts or dues owing to the state.

(7) Judgments rendered against the decedent in the decedent's lifetime that are liens upon real estate on which executions might have been issued at the time of the death of the decedent and debts secured by mortgages in the order of their priority. However, the real estate is subject to the payment of claims as provided in section 40 of this act.

(8) All other demands against the assets subject to the payment of claims as provided in section 40 of this act.

A claim of the notice agent or other person who has received property by reason of the decedent's death may not be paid by the notice agent unless all other claims that have been filed under this chapter, and all debts having priority to the claim, are paid in full or otherwise settled by agreement, regardless of whether the other claims are allowed or rejected, or partly allowed or partly rejected. In the event of the probate of the decedent's estate, the personal representative's payment from estate assets of the claim of the notice agent or other person who has received property by reason of the decedent's death is not affected by the priority payment provisions of this section.

NEW SECTION. Sec. 43. The notice agent may not allow a claim that is barred by the statute of limitations.

NEW SECTION. Sec. 44. A holder of a claim against a decedent may not maintain an action on the claim against a notice agent, unless the claim has been first presented as provided in this chapter. This chapter does not affect RCW 82.32.240.

NEW SECTION. Sec. 45. The time during which there is a vacancy in the office of notice agent is not included in a limitation prescribed in this chapter.

NEW SECTION. Sec. 46. If a judgment has been rendered against a decedent in the decedent's lifetime, an execution may not issue on the judgment after the death of the decedent, but the judgment must be presented in the form of a claim to the notice agent, if any, as any other claim. The claim need not be supported by the affidavit of the claimant. If the claim is justly due and unsatisfied, it must be paid in due course in accordance with this chapter for the payment of claims. However, if the judgment is a lien on property classified within the definition of the included property in section 31 of this act, the property may be sold for the satisfaction of the judgment, and the officer making the sale shall account to the notice agent for any surplus.

NEW SECTION. Sec. 47. The personal claim of a Notice Agent, as a creditor of the decedent, must be authenticated by affidavit, and must be filed and presented for allowance to the superior court in the notice county. The allowance of the claim by the court is sufficient evidence of the correctness of the claim.

NEW SECTION. Sec. 48. In case the office of notice agent becomes vacant for any reason, including resignation, death, removal, or replacement, after notice by publication has been commenced as provided in section 32 of this act, the personal representative of the decedent or the successor notice agent shall publish notice of the vacancy and succession for two successive weeks in a legal newspaper published in the notice county. The time between the commencement of the vacancy and the publication by the successor notice agent or personal representative must be

added to the time within which claims must be filed: (1) As fixed by the first published nonprobate notice to creditors; and (2) as extended in the case of actual notice under section 35 of this act, unless the time expired before the vacancy. Notice is not required if the period for filing claims has expired during the time that the former notice agent was qualified.

Sec. 49. RCW 11.56.050 and 1965 c 145 s 11.56.050 are each amended to read as follows:

If the court should determine that it is necessary to sell any or all of the real estate for the purposes mentioned in this title, then it may make and cause to be entered an order directing the personal representative to sell so much of the real estate as the court may determine necessary for the purposes aforesaid. Such order shall give a particular description of the property to be sold and the terms of such sale and shall provide whether such property shall be sold at public or private sale, or by negotiation. ~~((The court shall order sold that part of the real estate which is generally devised, rather than any part which may have been specifically devised, but the court may, if it appears necessary, sell any or all of the real estate so devised.))~~ After the giving of such order it shall be the duty of the personal representative to sell such real estate in accordance with the order of the court and as in this title provided with reference to the public or private sales of real estate.

Sec. 50. RCW 11.68.010 and 1977 ex.s. c 234 s 18 are each amended to read as follows:

Subject to the provisions of this chapter, if the estate of a decedent, who died either testate or intestate, is solvent taking into account both probate and nonprobate assets of the decedent, and if the personal representative is other than a creditor of the decedent not designated as personal representative in the decedent's will, such estate shall be managed and settled without the intervention of the court; the fact of solvency shall be established by the entry of an order of solvency. An order of solvency may be entered at the time of the appointment of the personal representative or at any time thereafter where it appears to the court by the petition of the personal representative, or the inventory filed, and/or other proof submitted, that the estate of the decedent is solvent, and that notice of the application for an order of solvency has been given to those persons entitled thereto when required by RCW 11.68.040 as now or hereafter amended.

Sec. 51. RCW 11.96.009 and 1985 c 31 s 2 are each amended to read as follows:

(1) The superior court shall have original subject-matter jurisdiction over ~~((probates in the following instances))~~ the probate of wills and the administration of estates of incapacitated, missing, and deceased individuals in all instances, including without limitation:

- (a) When a resident of the state dies; or
- (b) When a nonresident of the state dies in the state; or
- (c) When a nonresident of the state dies outside the state.

(2) The superior court shall have original subject-matter jurisdiction over trusts and ~~((trust))~~ matters relating to trusts.
(3) The superior courts in the exercise of their jurisdiction of matters of ~~((probate and))~~ trusts and estates shall have the power to probate or refuse to probate wills, appoint personal representatives ~~((of deceased, incompetent, or disabled persons and))~~, administer and settle ~~((all such estates, and))~~ the affairs and the estates of incapacitated, missing, or deceased individuals including but not limited to decedents' estates only containing nonprobate assets, administer and settle matters that relate to nonprobate assets and arise under chapter 11.-- (section 19 of this act) or 11.-- RCW (sections 31 through 48 of this act), administer and settle all trusts and trust matters, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction.

Sec. 52. RCW 11.96.020 and 1985 c 31 s 3 are each amended to read as follows:

It is the intention of ~~((this title))~~ the legislature that the courts ~~((mentioned))~~ shall have full and ample power and authority under this title to:

(1) Administer and settle ((all estates of decedents and incompetent and disabled persons in this title mentioned and to)) the affairs and the estates of all incapacitated, missing, and deceased persons in accordance with this title;

(2) Administer and settle all trusts and trust matters; and

(3) Administer and settle matters arising with respect to nonprobate assets under chapters 11.-- (section 19 of this act) and 11.-- RCW (sections 31 through 48 of this act).

If the provisions of this title with reference to the administration and settlement of such ~~((estates or trusts))~~ matters should in any cases and under any circumstances be inapplicable ~~((or))~~, insufficient, or doubtful, the court shall nevertheless have full power and authority to proceed with such administration and settlement in any manner and way which to the court seems right and proper, all to the end that such ~~((estates or trusts may be by the court administered upon and settled))~~ matters may be administered and settled by the court.

Sec. 53. RCW 11.96.050 and 1985 c 31 s 6 are each amended to read as follows:

For purposes of venue in proceedings involving: The probate of wills; the administration and disposition of estates of incapacitated, missing, or deceased individuals, including but not limited to estates only containing nonprobate assets; or trusts and trust matters, the following shall apply:

(1) Proceedings under Title 11 RCW pertaining to trusts shall be commenced ~~((either))~~:

(a) In the superior court of the county in which the situs of the trust is located as provided in RCW 11.96.040; or
(b) ~~((In the superior court of the county in which a trustee resides or has its principal place of business; or~~
(c) ~~((With respect to testamentary trusts, in the superior court of the county where letters testamentary were granted to a personal representative))~~ ~~((and in the absence of))~~ or where no such letters have been granted to a personal representative, then in any county where letters testamentary could have been granted in accordance with subsection (2) of this section.

(2) Wills shall be proven, letters testamentary or of administration granted, and other proceedings pertaining to the probate of wills, the administration and disposition of estates including but not limited to estates containing only nonprobate assets under Title 11 RCW ~~((pertaining to probate))~~ shall be commenced ~~((either))~~:

(a) In the county in which the decedent was a resident at the time of death;
(b) In the county in which the decedent died, or in which any part of the estate may be, if the decedent was not a resident of this state; ~~((or))~~
(c) In the county in which any part of the estate may be, if the decedent ((having)) died out-of-state((;)) and was not ((having-been)) a resident ~~((in))~~ of this state at the time of death; or
(d) In the county in which any nonprobate asset may be, if the decedent died out-of-state, was not a resident of this state at the time of death, and left no assets subject to probate administration in this state.

(3) No action undertaken is defective or invalid because of improper venue if the court has jurisdiction of the matter.

Sec. 54. RCW 11.96.060 and 1985 c 31 s 7 are each amended to read as follows:

(1) Any action against the trustee of an express trust, excluding those trusts excluded from the definition of express trusts under RCW 11.98.009, but including all express trusts, whenever executed, for any breach of fiduciary duty, must be brought within three years from the earlier of (a) the time the alleged breach was discovered or reasonably should have been discovered, (b) the discharge of a trustee from the trust as provided in RCW ~~((44.98.040))~~ 11.98.041, or (c) the time of termination of the trust or the trustee's repudiation of the trust.

(2) Any action by an heir, legatee, or other interested party, to whom proper notice was given if required, against a personal representative for alleged breach of fiduciary duty must be brought prior to discharge of the personal representative.

(3) The tolling provisions of RCW 4.16.190 apply to this chapter except that the running of any statute of limitations stated in subsection (1) or (2) of this section, or any other applicable statute of limitations for any matter that is the subject of dispute under chapter 11.96 RCW, is not tolled if the unascertained or unborn heir, beneficiary, or class of persons, or minor ~~((incompetent, or disabled))~~ or incapacitated person, or person identified in RCW 11.96.170(2) or 11.96.180 whose identity or address is unknown, had a guardian ad litem, limited or general guardian of the estate, or a special representative to represent the person during the probate or dispute resolution proceeding.

~~((4) Notwithstanding subsections (2) and (3) of this section, any cause of action against a trustee of an express trust, as provided for in subsection (1) of this section is not barred by the statute of limitations if it is brought within three years from January 1, 1985. In addition, any action as specified in subsection (2) of this section against the personal representative is not barred by this statute of limitations if it is brought within one year of January 1, 1985.))~~

Sec. 55. RCW 11.96.070 and 1990 c 179 s 1 are each amended to read as follows:

~~((A trustor, grantor, personal representative, trustee, or other fiduciary, creditor, devisee, legatee, heir, or trust beneficiary interested in the administration of a trust, or the attorney general in the case of a charitable trust under RCW 11.110.120, or of the estate of a decedent, incompetent, or disabled person.)) (1) A person with an interest in or right respecting the administration, settlement, or disposition of an interest in a trust or in the estate of an incapacitated, missing, or deceased person may have a judicial proceeding for the declaration of rights or legal relations ((in respect to the trust or estate)) under this title including but not limited to the following:~~

~~((4) To ascertain)) (a) The ascertaining of any class of creditors, devisees, legatees, heirs, next of kin, or others;~~

~~((2) To direct)) (b) The ordering of the personal representatives or trustees to do or abstain from doing any particular act in their fiduciary capacity;~~

~~((3) To determine)) (c) The determination of any question arising in the administration of the estate or trust, including without limitation questions of construction of wills and other writings;~~

~~((4) To confer upon)) (d) The grant to the personal representatives or trustees of any necessary or desirable powers not otherwise granted in the instrument or given by law that the court determines are not inconsistent with the provisions or purposes of the will or trust;~~

~~((5) To amend or conform)) (e) The modification of the will or the trust instrument in the manner required to qualify the gift thereunder for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; ((e)~~

~~((6) To amend or conform)) (f) The modification of the will or the trust instrument in the manner required to qualify any gift thereunder for the benefit of a surviving spouse who is not a citizen of the United States for the estate tax marital deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a qualified domestic trust under section 2056A of the internal revenue code as required by final regulations and rulings of the United States treasury department or internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; ((e)~~

~~(7) To resolve any other matter in this title referencing this judicial proceedings section.)) (g) The determination of the persons entitled to notice under RCW 11.96.100 and 11.96.110 for the purposes of any judicial proceeding under this subsection (1) and for the purposes of an agreement under RCW 11.96.170; or~~

~~(h) The resolution of any other matter that arises under this title and references this section.~~

~~(2) Any person with an interest in or right respecting the administration of a nonprobate asset under this title may have a judicial proceeding for the declaration of rights or legal relations under this title with respect to the nonprobate asset, including without limitation the following:~~

~~(a) The ascertaining of any class of creditors or others for purposes of chapter 11.-- (section 19 of this act) or 11.-- RCW (sections 31 through 48 of this act);~~

~~(b) The ordering of a qualified person, the notice agent, or resident agent, as those terms are defined in chapter 11.-- RCW (sections 31 through 48 of this act), or any combination of them, to do or abstain from doing any particular act with respect to a nonprobate asset.~~

~~(c) The ordering of a custodian of any of the decedent's records relating to a nonprobate asset to do or abstain from doing any particular act with respect to those records;~~

~~(d) The determination of any question arising in the administration under chapter 11.-- (section 19 of this act) or 11.-- RCW (sections 31 through 48 of this act) of a nonprobate asset;~~

~~(e) The determination of the persons entitled to notice under RCW 11.96.100 and 11.96.110 for the purposes of any judicial proceeding under this subsection (2) and for the purposes of an agreement under RCW 11.96.170; and~~

~~(f) The determination of any questions relating to the abatement, rights of creditors, or other matter relating to the administration, settlement, or final disposition of a nonprobate asset under this title.~~

~~(3) The provisions of this chapter apply to disputes arising in connection with estates of ((incompetents or disabled)) incapacitated persons unless otherwise covered by chapters 11.88 and 11.92 RCW. The provisions of this chapter shall not supersede the otherwise applicable provisions and procedures of chapter 11.24, 11.28, 11.40, 11.52, 11.56, or 11.60 RCW with respect to any rights or legal obligations that are subject to those chapters.~~

~~(4) For the purposes of this section, "a person with an interest in or right respecting the administration, settlement, or disposition of an interest in a trust or in the estate of an incapacitated, missing, or deceased person" includes but is not limited to:~~

~~(a) The trustor if living, trustee, beneficiary, or creditor of a trust and, for a charitable trust, the attorney general if acting within the powers granted under RCW 11.110.120;~~

~~(b) The personal representative, heir, devisee, legatee, and creditor of an estate;~~

~~(c) The guardian, guardian ad litem, and ward of a guardianship, and a creditor of an estate subject to a guardianship; and~~

~~(d) Any other person with standing to sue with respect to any of the matters for which judicial proceedings are authorized in subsection (1) of this section.~~

~~(5) For the purposes of this section, "any person with an interest in or right respecting the administration of a nonprobate asset under this title" includes but is not limited to:~~

~~(a) The notice agent, the resident agent, or a qualified person, as those terms are defined in chapter 11.-- RCW (sections 31 through 48 of this act);~~

~~(b) The recipient of the nonprobate asset with respect to any matter arising under this title;~~

~~(c) Any other person with standing to sue with respect to any matter for which judicial proceedings are authorized in subsection (2) of this section; and~~

~~(d) The legal representatives of any of the persons named in this subsection.~~

Sec. 56. RCW 11.96.080 and 1985 c 31 s 9 are each amended to read as follows:

Unless rules of court or a provision of this title requires otherwise, a judicial proceeding under RCW 11.96.070 may be commenced by petition. The court shall make an order fixing the time and place for hearing the petition. The court shall approve the form and content of the notice. Notice of hearing shall be signed by the clerk of the court.

Sec. 57. RCW 11.96.090 and 1985 c 31 s 10 are each amended to read as follows:

The clerk of each of the superior courts is authorized to fix the time of hearing of all applications, petitions and reports in probate and guardianship proceedings, except the time for hearings upon show cause orders and citations and except for the time of hearings set under RCW 11.96.080. The authority ((herein)) granted in this section is in addition to the authority vested in the superior courts and superior court commissioners.

Sec. 58. RCW 11.96.100 and 1985 c 31 s 11 are each amended to read as follows:

(1) Subject to RCW 11.96.110, in all judicial proceedings under Title 11 RCW that require notice, such notice shall be personally served ((or mailed to each trustee, personal representative, heir, beneficiary including devisees, legatees, and heirs, guardian ad litem, and person having an interest in the trust or estate whose name and address are known to the petitioner)) on or mailed to all parties to the dispute at least twenty days prior to the hearing on the petition((;)) unless ((otherwise)) a different period is provided by statute or ordered by the court under RCW 11.96.080.

(2) Proof of ((such)) the service or mailing required in this section shall be made by affidavit filed at or before the hearing.

((In addition, notice shall also be given to)) (3) For the purposes of this section:

(a) When used in connection with a judicial proceeding under RCW 11.96.070(1), "parties to the dispute" means each:

(i) Trustor if living;

(ii) Trustee;

(iii) Personal representative;

(iv) Heir;

(v) Beneficiary including devisees, legatees, and trust beneficiaries;

(vi) Guardian ad litem; or

(vii) Other person

who has an interest in the subject of the particular proceeding and whose name and address are known to, or are reasonably ascertainable by, the petitioner, and also includes the attorney general if required under RCW 11.110.120.

(b) When used in connection with a judicial proceeding under RCW 11.96.070(2), "parties to the dispute" means each notice agent, if any, or other person, who has an interest in the subject of the particular proceeding and whose name and address are known to, or are reasonably ascertainable by, the petitioner, and also includes the personal representatives of the estate of the owner of the nonprobate asset that is the subject of the particular proceeding, if the subject of the particular proceeding relates to the beneficiary's liability to a decedent's estate or creditors under section 19 of this act.

(c) "Notice agent" has the meanings given in section 31 of this act.

Sec. 59. RCW 11.96.110 and 1985 c 31 s 12 are each amended to read as follows:

Notwithstanding provisions of this chapter to the contrary, there is compliance with the ((notice)) requirements of Title 11 RCW for notice to the beneficiaries of, ((or)) and other persons interested in, an estate ((or)), a trust, or ((to beneficiaries or remaindermen)) a nonprobate asset, including without limitation all living persons who may participate in the corpus or income of the trust or estate, if notice is given as follows:

(1) If an interest in an estate ((or)), trust, or nonprobate asset has been given to persons who compose a certain class upon the happening of a certain event, notice shall be given to the living persons who would constitute the class if the event had happened immediately before the commencement of the proceeding requiring notice.

(2) If an interest in an estate ((or)), trust, or nonprobate asset has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or to persons who are, or may be, the distributees, heirs, issue, or other kindred of that living person upon the happening of a future event, notice shall be given to that living person.

(3) Except as otherwise provided in subsection (2) of this section, if an interest in an estate ((or)), trust, or nonprobate asset has been given to a person, a class of persons, or both upon the happening of any future event, and the same interest or a share of such interest is to pass to another person, class of persons, or both, upon the happening of an additional future event, notice shall be given to the living person or persons who would take the interest upon the happening of the first event.

(4) Notice shall be given to persons who would not otherwise be entitled to notice by law if a conflict of interest involving the subject matter of the ((trust or estate)) proceeding relating to an estate, trust, or nonprobate asset is known to exist between a person to whom notice is given and a person to whom notice need not be given under Title 11 RCW.

Any action taken by the court is conclusive and binding upon each person receiving actual or constructive notice in the manner provided in this section.

Sec. 60. RCW 11.96.130 and 1985 c 31 s 14 are each amended to read as follows:

All issues of fact ((joined in probate or trust proceedings)) in any judicial proceeding under this title shall be tried in conformity with the requirements of the rules of practice in civil actions((-The probate or trust)), except as otherwise provided by statute or ordered by the court under RCW 11.96.030 or other applicable law or rules of court. The judicial proceeding may be commenced as a new action or as an action incidental to an existing ((probate or trust)) judicial proceeding relating to the same trust or estate or nonprobate asset. Once commenced, the action may be consolidated with an existing ((probate or trust)) proceeding or converted to a separate action upon the motion of any party for good cause shown, or by the court on its own motion. If a party is entitled to a trial by jury and a jury is demanded, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice, shall settle and frame the issues to be tried. If no jury is demanded, the court shall try the issues ((joined)), and sign and file its findings and decision in writing, as provided for in civil actions. Judgment on the ((issue joined)) issues, as well as for costs, may be entered and enforced by execution or otherwise by the court as in civil actions.

Sec. 61. RCW 11.96.140 and 1985 c 31 s 15 are each amended to read as follows:

Either the superior court or the court on appeal, may, in its discretion, order costs, including ((attorneys)) attorneys' fees, to be paid by any party to the proceedings or out of the assets of the estate or trust or nonprobate asset, as justice may require.

Sec. 62. RCW 11.96.160 and 1988 c 202 s 19 are each amended to read as follows:

Any interested party may seek appellate review of any final order, judgment, or decree of the court((-and such)) respecting any judicial proceedings under this title. The review shall be in the manner and way provided by law for appeals in civil actions.

Sec. 63. RCW 11.96.170 and 1988 c 29 s 7 are each amended to read as follows:

(1) If((-as to the)) all required parties to the dispute agree as to a matter in dispute, the ((trustor, grantor, all parties beneficially interested in the estate or trust with respect to such matter, and any current fiduciary of such estate or trust, who are also included in RCW 11.96.070 and who are entitled to notice under RCW 11.96.100 and 11.96.110 agree on any matter listed in RCW 11.96.070 or any other matter in Title 11 RCW referencing this nonjudicial resolution procedure, then the)) agreement shall be evidenced by a written agreement executed by all ((necessary persons as provided in this section)) required parties to the dispute. Those persons may reach an agreement concerning a matter in RCW 11.96.070(((4))) (1)(d) as long as those persons, rather than the court, determine that the powers to be conferred are not inconsistent with the provisions or purposes of the will or trust.

(2) If necessary, ((the personal representative or trustee)) any one or more of the required parties to the dispute may petition the court for the appointment of a special representative to represent a ((person interested in the estate or trust who is a minor, incompetent, disabled, or)) required party to the dispute who is incapacitated by reason of being a minor or otherwise, who is yet unborn or unascertained, or ((a person)) whose identity or address is unknown. The special representative has authority to enter into a binding agreement under this section on behalf of the person or beneficiary. The special representative may be appointed for more than one person or class of persons if the interests of such persons or ((class)) classes are not in conflict. Those entitled to receive notice for persons or beneficiaries described in RCW 11.96.110 may enter into a binding agreement on behalf of such persons or beneficiaries.

(3) The special representative shall be a lawyer licensed to practice before the courts of this state or an individual with special skill or training in the administration of estates ((or)), trusts, or nonprobate assets, as applicable. The special representative shall have no interest in any affected estate ((or)), trust, or nonprobate asset, and shall not be related to any personal representative, trustee, beneficiary, or other person interested in the estate ((or)), trust, or nonprobate asset. The special representative is entitled to reasonable compensation for services ((which)) and, if applicable, that compensation shall be paid from the principal of the estate ((or)), trust, or nonprobate asset whose beneficiaries are represented. Upon execution of the written agreement, the special representative shall be discharged of any further responsibility with respect to the estate ((or)), trust, or nonprobate asset.

(4) The written agreement or a memorandum summarizing the provisions of the written agreement may, at the option of any ((person interested in the estate or trust)) of the required parties to the dispute, be filed with the court having jurisdiction over the estate ((or)), trust, nonprobate asset, or other matter affected by the agreement. The person filing the agreement or memorandum shall, within five days ((thereof)) after the agreement or memorandum is filed with the court, mail a copy of the agreement, the summarizing memorandum if one was filed with the court, and a notice of the filing to each ((person interested in the estate or trust)) of the required parties to the dispute whose address is known or is reasonably ascertainable by the person. Notice shall be in substantially the following form:

CAPTION NOTICE OF FILING OF
OF CASE AGREEMENT OR
MEMORANDUM
OF AGREEMENT

Notice is hereby given that the attached document was filed by the undersigned in the above entitled court on the day of, ~~((49--))~~ Unless you file a petition objecting to the agreement within 30 days of the above specified date the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the ~~((estate or trust))~~ subject of the agreement.

If you file and serve a petition within the period specified, you should ask the court to fix a time and place for the hearing on the petition and provide for at least ~~((a))~~ ten days' notice to all persons interested in the ~~((estate or trust))~~ subject of the agreement.

DATED this day of, ~~((49--))~~

~~((Party to the agreement))~~ Name of person filing the agreement or memorandum

with the court)

(5) Unless a ~~((person interested in the estate or trust))~~ required party to the dispute files a petition objecting to the agreement within thirty days ~~((of))~~ after the filing of the agreement or the memorandum, the agreement will be deemed approved and will be equivalent to a final order binding on all ~~((persons interested in the estate or trust. If all persons interested in the estate or trust))~~ parties to the dispute. If all required parties to the dispute waive the notice required by this section, the agreement will be deemed approved and will be equivalent to a final order binding on all such persons ~~((interested in the estate or trust))~~ effective upon the date of filing.

(6) For the purposes of this section:

(a) "Matter in dispute" includes without limitation any matter listed in RCW 11.96.070 or any other matter in this title referencing this nonjudicial resolution procedure;

(b) "Parties to the dispute" has the meaning given to that term in RCW 11.96.100(3) (a) and (b), as applicable;

(c) "Required parties to the dispute" means those parties to the dispute who are entitled to notice under RCW 11.96.100 and 11.96.110, and, when used in the singular, means any one of the required parties to the dispute; and

(d) "Estate" includes the estate of a deceased, missing, or incapacitated person.

Sec. 64. RCW 11.96.180 and 1985 c 31 s 19 are each amended to read as follows:

(1) The court, upon its own motion or on request of ~~((a person interested in the trust or estate))~~ any one or more of the required parties to the dispute as that term is defined in RCW 11.96.170(6)(c), at any stage of a judicial proceeding or at any time in a nonjudicial resolution procedure, may appoint a guardian ad litem to represent the interests of a minor, incapacitated, unborn, or unascertained person, or person whose identity ~~((and))~~ or address ~~((are))~~ is unknown, or a designated class of persons who are not ascertained or are not in being. When not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests.

(2) ~~((For the purposes of this section, a trustee is a person interested in the trust and a personal representative is a person interested in an estate.~~

~~((3))~~ The court-appointed guardian ad litem supersedes the special representative if so provided in the court order.

~~((4))~~ (3) The court may appoint the guardian ad litem at an ex parte hearing, or the court may order a hearing as provided in RCW 11.96.070 with notice as provided in RCW 11.96.080, 11.96.100, and 11.96.110.

Sec. 65. RCW 11.98.200 and 1993 c 339 s 2 are each amended to read as follows:

Due to the inherent conflict of interest that exists between a trustee and a beneficiary of a trust, unless the terms of a trust refer specifically to RCW 11.98.200 through 11.98.240 and provide expressly to the contrary, the powers conferred upon a trustee who is a beneficiary of the trust, other than the trustor as a trustee, ~~((and other than the decedent's spouse or the testator's spouse where the spouse is the trustee of a trust for which a marital deduction is or was otherwise allowed or allowable, whether or not an appropriate marital deduction election was in fact made,))~~ cannot be exercised by the trustee to make:

(1) Discretionary distributions of either principal or income to or for the benefit of the trustee, except to provide for the trustee's health, education, maintenance, or support as described under section 2041 or 2514 of the Internal Revenue Code and the applicable regulations adopted under that section;

(2) Discretionary allocations of receipts or expenses as between principal and income, unless the trustee acts in a fiduciary capacity whereby the trustee has no power to enlarge or shift a beneficial interest except as an incidental consequence of the discharge of the trustee's fiduciary duties; or

(3) Discretionary distributions of either principal or income to satisfy a legal ~~((support))~~ obligation of the trustee.

A proscribed power under this section that is conferred upon two or more trustees may be exercised by the trustees that are not disqualified under this section. If there is no trustee qualified to exercise a power proscribed under this section, a person described in RCW 11.96.070 who is entitled to seek judicial proceedings with respect to a trust may apply to a court of competent jurisdiction to appoint another trustee who would not be disqualified, and the power may be exercised by another trustee appointed by the court. Alternatively, another trustee who would not be disqualified may be appointed in accordance with the provisions of the trust instrument if the procedures are provided, or as set forth in RCW 11.98.039 as if the office of trustee were vacant, or by a nonjudicial dispute resolution agreement under RCW 11.96.170.

Sec. 66. RCW 11.98.240 and 1993 c 339 s 6 are each amended to read as follows:

(1)(a)(i) RCW 11.98.200 and 11.98.210 respectively apply to a trust established under a will, codicil, trust agreement, declaration of trust, deed, or other instrument executed after July 25, 1993, unless the instrument's terms refer specifically to RCW 11.98.200 or 11.98.210 respectively and provide expressly to the contrary. However, except for RCW 11.98.200(3), the 1994 c . . . (this act) amendments to RCW 11.98.200 apply to a trust established under a will, codicil, trust agreement, declaration of trust, deed, or other instrument executed after the effective date of this section, unless the instrument's terms refer specifically to RCW 11.98.200 and provide expressly to the contrary.

(ii) Notwithstanding (a)(i) of this subsection, for the purposes of this subsection a codicil to a will or an amendment to a trust does not cause that instrument to be executed after ~~((the aforementioned date))~~ July 25, 1993, unless the codicil or amendment clearly shows an intent to have RCW 11.98.200 or 11.98.210 apply.

(b) Notwithstanding (a) of this subsection, RCW 11.98.200 and 11.98.210 respectively apply to a trust established under a will or codicil of a decedent dying on or after July 25, 1993, and to an inter vivos trust to which the trustor had on or after July 25, 1993, the power to terminate, revoke, amend, or modify, unless:

(i) The terms of the instrument specifically refer to RCW 11.98.200 or 11.98.210 respectively and provide expressly to the contrary; or

(ii) The decedent or the trustor was not competent, on July 25, 1993, to change the disposition of his or her property, or to terminate, revoke, amend, or modify the trust, and did not regain his or her competence to dispose, terminate, revoke, amend, or modify before the date of the decedent's death or before the trust could not otherwise be revoked, terminated, amended, or modified by the decedent or trustor.

(2) RCW 11.98.200 neither creates a new cause of action nor impairs an existing cause of action that, in either case, relates to a power proscribed under RCW 11.98.200 that was exercised before July 25, 1993. RCW 11.98.210 neither creates a new cause of action nor impairs an existing cause of action that, in either case, relates to a power proscribed, limited, or qualified under RCW 11.98.210.

NEW SECTION. Sec. 67. A new section is added to chapter 11.94 RCW to read as follows:

(1) The restrictions in RCW 11.95.100 through 11.95.150 on the power of a person holding a power of appointment apply to attorneys-in-fact holding the power to appoint to or for the benefit of the powerholder.

(2) This section applies retroactively to July 25, 1993.

Sec. 68. RCW 11.100.035 and 1989 c 97 s 1 are each amended to read as follows:

(1) Within the standards of judgment and care established by law, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are authorized to acquire and retain securities of any open-end or closed-end management type investment company or investment trust registered under the federal investment company act of 1940 as now or hereafter amended.

(2) Within the limitations of subsection (1) of this section, whenever the trust instrument directs, requires, authorizes, or permits investment in obligations of the United States government, the trustee may invest in and hold such obligations either directly or in the form of securities of, or other interests in, an open-end or closed-end management type investment company or investment trust registered under the federal investment company act of 1940, as now or hereafter amended, if both of the following conditions are met:

(a) The portfolio of the investment company or investment trust is limited to obligations of the United States and to repurchase agreements fully collateralized by such obligations; and

(b) The investment company or investment trust takes delivery of the collateral for any repurchase agreement either directly or through an authorized custodian.

(3) If the fiduciary is a bank or trust company, then the fact that the fiduciary, or an affiliate of the fiduciary, provides services to the investment company or investment trust such as that of an investment advisor, custodian, transfer agent, registrar, sponsor, distributor, manager, or otherwise, and is receiving reasonable compensation for those services does not preclude the bank or trust company from investing or reinvesting in the securities of the open-end or closed-end management investment company or investment trust. The fiduciary shall furnish a copy of the prospectus relating to the securities to each person to whom a regular periodic accounting would ordinarily be rendered under the trust instrument or under RCW 11.106.020, upon the request of that person. The restrictions set forth under RCW 11.100.090 may not be construed as prohibiting the fiduciary powers granted under this subsection.

Sec. 69. RCW 82.32.240 and 1988 c 64 s 21 are each amended to read as follows:

Any tax due and unpaid and all increases and penalties thereon, shall constitute a debt to the state and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to any and all other existing remedies.

In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, involving any taxpayer who is, or decedent who was, engaging in business, the claim of the state for said taxes and all increases and penalties thereon shall be a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and in all such cases it shall be the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the department of revenue of such administration, receivership or assignment within sixty days from the date of their appointment and qualification.

The lien provided for by this section shall attach as of the date of the assignment for the benefit of creditors or of the initiation of the probate, insolvency, or bankruptcy proceedings: PROVIDED, That this sentence shall not be construed as affecting the validity or priority of any earlier lien that may have attached previously in favor of the state under any other section of this title.

Any administrator, executor, guardian, receiver or assignee for the benefit of creditors not giving the notification as provided for above shall become personally liable for payment of the taxes and all increases and penalties thereon to the extent of the value of the property subject to administration that otherwise would have been available for the payment of such taxes, increases, and penalties by the administrator, executor, guardian, receiver, or assignee.

As used in this section, "probate" includes the nonprobate claim settlement procedure under chapter 11.-- RCW (sections 31 through 48 of this act), and "executor" and "administrator" includes any notice agent acting under chapter 11.-- RCW (sections 31 through 48 of this act).

Sec. 70. RCW 83.100.020 and 1993 c 73 s 9 are each amended to read as follows:

As used in this chapter:

(1) "Decedent" means a deceased individual;

(2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;

(3) "Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;

(4) "Federal return" means any tax return required by chapter 11 or 13 of the Internal Revenue Code;

(5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the tax under chapter 13 of the Internal Revenue Code;

(6) "Generation-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;

(7) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;

(8) "Nonresident" means a decedent who was domiciled outside Washington at his death;

(9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;

(11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;

(12) "Resident" means a decedent who was domiciled in Washington at time of death;

(13) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the Internal Revenue Code;

(14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and

(15) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on ~~((July 25, 1993))~~ the effective date of this section.

Sec. 71. RCW 83.110.010 and 1993 c 73 s 10 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Estate" means the gross estate of a decedent as determined for the purpose of federal estate tax and the estate tax payable to this state;

(2) "Excise tax" means the federal excise tax imposed by section 4980A(d) of the Internal Revenue Code, and interest and penalties imposed in addition to the excise tax;

(3) "Fiduciary" means executor, administrator of any description, and trustee;

(4) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on ~~((July 25, 1993))~~ the effective date of this section;

(5) "Person" means any individual, partnership, association, joint stock company, corporation, government, political subdivision, governmental agency, or local governmental agency;

(6) "Persons interested in retirement distributions" means any person determined as of the date the excise tax is due, including a personal representative, guardian, trustee, or beneficiary, entitled to receive, or who has received, by reason of or following the death of a decedent, any

property or interest therein which constitutes a retirement distribution as defined in section 4980A(e) of the Internal Revenue Code, but this definition excludes any alternate payee under a qualified domestic relations order as such terms are defined in section 414(p) of the Internal Revenue Code;

(7) "Person interested in the estate" means any person, including a personal representative, guardian, or trustee, entitled to receive, or who has received, from a decedent while alive or by reason of the death of a decedent any property or interest therein included in the decedent's taxable estate;

(8) "Qualified heir" means a person interested in the estate who is entitled to receive, or who has received, an interest in qualified real property;

(9) "Qualified real property" means real property for which the election described in section 2032A of the Internal Revenue Code has been made;

(10) "State" means any state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; and

(11) "Tax" means the federal estate tax, the excise tax defined in subsection (2) of this section, and the estate tax payable to this state and interest and penalties imposed in addition to the tax.

NEW SECTION. Sec. 72. The following acts or parts of acts are each repealed:

(1) RCW 11.12.050 and 1965 c 145 s 11.12.050;

(2) RCW 11.12.090 and 1965 c 145 s 11.12.090;

(3) RCW 11.12.130 and 1965 c 145 s 11.12.130;

(4) RCW 11.12.140 and 1965 c 145 s 11.12.140;

(5) RCW 11.12.150 and 1965 c 145 s 11.12.150.

(6) RCW 11.12.200 and 1965 c 145 s 11.12.200;

(7) RCW 11.12.210 and 1965 c 145 s 11.12.210;

(8) RCW 11.56.015 and 1965 c 145 s 11.56.015;

(9) RCW 11.56.140 and 1965 c 145 s 11.56.140;

(10) RCW 11.56.150 and 1965 c 145 s 11.56.150;

(11) RCW 11.56.160 and 1965 c 145 s 11.56.160; and

(12) RCW 11.56.170 and 1965 c 145 s 11.56.170.

NEW SECTION. Sec. 73. (1) Sections 4 through 8 of this act shall constitute a new chapter in Title 11 RCW.

(2) Section 19 of this act shall constitute a new chapter in Title 11 RCW.

(3) Sections 31 through 48 of this act shall constitute a new chapter in Title 11 RCW.

NEW SECTION. Sec. 74. The 1994 c ... (this act) amendments to RCW 11.98.200(3) are remedial in nature and apply retroactively to July 25, 1993.

NEW SECTION. Sec. 75. (1) Except as provided in section 74 of this act, sections 1 through 72 of this act shall take effect January 1, 1995.

(2) Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 11.02.005, 11.07.010, 11.08.170, 11.12.040, 11.12.080, 11.12.110, 11.12.120, 11.12.160, 11.12.180, 11.20.070, 11.24.010, 11.24.040, 11.28.120, 11.28.237, 11.40.010, 11.40.013, 11.40.015, 11.40.040, 11.40.080, 11.48.010, 11.56.050, 11.68.010, 11.96.009, 11.96.020, 11.96.050, 11.96.060, 11.96.070, 11.96.080, 11.96.090, 11.96.100, 11.96.110, 11.96.130, 11.96.140, 11.96.160, 11.96.170, 11.96.180, 11.98.200, 11.98.240, 11.100.035, 82.32.240, 83.100.020, and 83.110.010; adding new sections to chapter 11.12 RCW; adding a new section to chapter 11.94 RCW; adding new chapters to Title 11 RCW; creating a new section; repealing RCW 11.12.050, 11.12.090, 11.12.130, 11.12.140, 11.12.150, 11.12.200, 11.12.210, 11.56.015, 11.56.140, 11.56.150, 11.56.160, and 11.56.170; providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Adam Smith, Nelson and Ludwig; Representatives Johanson, Eide and Padden

MOTION

On motion of Senator Ludwig, the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 2270.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2270, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2270, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2270, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House suspended the rules and returned ENGROSSED SUBSTITUTE SENATE BILL NO. 6111 to second reading, amended the House amendment, and passed the bill as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.

The citizens of the state expect all state officials and employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the state only in a manner that advances the public's interest. State officials and employees are subject to the sanctions of law and scrutiny of the media; ultimately, however, they are accountable to the people and must consider this public accountability as a particular obligation of the public service. Only when affairs of government are conducted, at all levels, with openness as provided by law and an unswerving commitment to the public good does government work as it should.

The obligations of government rest equally on the state's citizenry. The effectiveness of government depends, fundamentally, on the confidence citizens can have in the judgments and decisions of their elected representatives. Citizens, therefore, should honor and respect the principles and the spirit of representative democracy, recognizing that both elected and appointed officials, together with state employees, seek to carry out their public duties with professional skill and dedication to the public interest. Such service merits public recognition and support.

All who have the privilege of working for the people of Washington state can have but one aim: To give the highest public service to its citizens.

PART I GENERAL ETHICS PROVISIONS

NEW SECTION. Sec. 101. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are parts of state government.

(2) "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

(3) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

(4) "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(5) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(6) "Confidential information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

(7) "Ethics boards" means the commission on judicial conduct, the legislative ethics board, and the executive ethics board.

(8) "Family" has the same meaning as "immediate family" in RCW 42.17.020.

(9) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(e) Items a state officer or state employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;

(h) Campaign contributions reported under chapter 42.17 RCW; and

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group.

(10) "Honorarium" means money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

(11) "Participate" means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

(12) "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(13) "Regulatory agency" means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

(14) "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

(15) "State action" means any action on the part of an agency, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(16) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. "State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(17) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(18) "Thing of economic value", in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(19) (a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

(i) Is, or will be, the subject of state action; or

(ii) Is one to which the state is or will be a party; or

(iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit.

NEW SECTION. Sec. 102. ACTIVITIES INCOMPATIBLE WITH PUBLIC DUTIES. No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's duties.

NEW SECTION. Sec. 103. FINANCIAL INTERESTS IN TRANSACTIONS. (1) No state officer or state employee may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

(2) No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest.

NEW SECTION. Sec. 104. ASSISTING IN TRANSACTIONS. (1) Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

(a) In which the state officer or state employee has at any time participated; or

(b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

(2) No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (1) or (3) of this section.

(3) A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so by subsection (1) of this section.

(4) This chapter does not prevent a state officer or state employee from assisting, in a transaction involving the state:

(a) The state officer's or state employee's parent, spouse, or child, or a child thereof for whom the officer or employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the state officer or state employee did not participate in the transaction; or

(b) Another state employee involved in disciplinary or other personnel administration proceedings.

NEW SECTION. Sec. 105. CONFIDENTIAL INFORMATION. No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to disclose confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may disclose confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith.

NEW SECTION. Sec. 106. TESTIMONY OF STATE OFFICERS AND STATE EMPLOYEES. This chapter does not prevent a state officer or state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.

NEW SECTION. Sec. 107. SPECIAL PRIVILEGES. Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

NEW SECTION. Sec. 108. POSTPUBLIC SERVICE EMPLOYMENT. (1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in section 101 of this act or any other entity or business that the person owns or in which the person has a controlling interest.

NEW SECTION. Sec. 109. FORMER STATE OFFICERS AND STATE EMPLOYEES. This chapter shall not be construed to prevent a former state officer or state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

(1) Providing the names, addresses, and telephone numbers of state agencies or state employees;

- (2) Providing free transportation to another for the purpose of conducting business with a state agency;
- (3) Assisting a natural person or nonprofit corporation in obtaining or completing application forms or other forms required by a state agency for the conduct of a state business; or
- (4) Providing assistance to the poor and infirm.

Sec. 110. RCW 42.18.270 and 1969 ex.s. c 234 s 27 are each amended to read as follows:

(1) The head of an agency, upon finding that any former state officer or state employee of such agency or any other person has violated any provision of this chapter or rules adopted under it, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

- (a) The appearance before such agency of such former state officer or state employee or other person; and
 - (b) The conduct of, or negotiation or competition for, business with such agency by such former state officer or state employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.
- (2) Findings of violations referred to in subsection (1)(b) of this section shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW. Such findings and orders are subject to judicial review.

(3) This section does not apply to the legislative or judicial branches of government.

NEW SECTION. Sec. 111. COMPENSATION FOR OFFICIAL DUTIES. No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the state of Washington for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law.

NEW SECTION. Sec. 112. COMPENSATION FOR OUTSIDE ACTIVITIES. (1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where each of the following conditions are met:

- (a) The contract or grant is bona fide and actually performed;
- (b) The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision;
- (c) The performance of the contract or grant is not prohibited by section 104 of this act or by applicable laws or rules governing outside employment for the officer or employee;
- (d) The contract or grant is neither performed nor compensated by any person from whom such officer or employee would be prohibited by section 115(4) of this act from receiving a gift;
- (e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity or by his or her agency;

(f) The contract or grant would not require unauthorized disclosure of confidential information.

(2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract with a state agency only if:

- (a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or
- (b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties.

(3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution.

(4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity.

(5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses.

NEW SECTION. Sec. 113. HONORARIA. (1) No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee.

(2) An agency may not permit honoraria under the following circumstances:

(a) The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the state officer or state employee, and the officer or employee is in a position to participate in the terms or the award of the contract or grant;

(b) The person offering the honorarium is regulated by the employer of the state officer or state employee and the officer or employee is in a position to participate in the regulation; or

(c) The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) the officer or employee may participate in the enactment or adoption.

NEW SECTION. Sec. 114. GIFTS. No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

NEW SECTION. Sec. 115. LIMITATIONS ON GIFTS. (1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in section 101 of this act, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under section 101 of this act. The value of gifts given to an officer's or employee's family member shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under section 114 of this act, and may be accepted without regard to the limit established by subsection (1) of this section:

- (a) Unsolicited flowers, plants, and floral arrangements;
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(h) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(g) Those items excluded from the definition of gift in section 101 of this act except:

(i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;

(ii) Payments for seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution; and

(iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW.

Sec. 116. RCW 42.18.217 and 1987 c 426 s 3 are each amended to read as follows:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's public duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

Sec. 117. RCW 42.18.230 and 1987 c 426 s 5 are each amended to read as follows:

~~((4)) No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of ((RCW 42.18.170, 42.18.190, and 42.18.213)) section 104, 111, 112, 114, or 115 of this act.~~

~~((2) No person shall give, transfer, or deliver, directly or indirectly, to a state employee, any thing of economic value as a gift, gratuity, or favor if either:~~

~~(a) Such person would not give the gift, gratuity, or favor but for such employee's office or position with the state; or~~

~~(b) Such person is in a status specified in clause (a), (b), or (c) of RCW 42.18.200(2).~~

~~Exceptions to this subsection (2) may be made by regulations issued pursuant to RCW 42.18.240 in situations referred to in RCW 42.18.200(3).)~~

NEW SECTION. Sec. 118. USE OF PUBLIC RESOURCES FOR POLITICAL CAMPAIGNS. (1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The public disclosure commission shall, after consultation with the ethics boards, adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

NEW SECTION. Sec. 119. INVESTMENTS. (1) Except for permissible investments as defined in this section, no state officer or state employee of any agency responsible for the investment of funds, who acts in a decision-making, advisory, or policy-influencing capacity with respect to investments, may have a direct or indirect interest in any property, security, equity, or debt instrument of a person, without prior written approval of the agency.

(2) Agencies responsible for the investment of funds shall adopt policies governing approval of investments and establishing criteria to be considered in the approval process. Criteria shall include the relationship between the proposed investment and investments held or under consideration by the state, the size and timing of the proposed investment, access by the state officer or state employee to nonpublic information relative to the proposed investment, and the availability of the investment in the public market. Agencies responsible for the investment of funds also shall adopt policies consistent with this chapter governing use by their officers and employees of financial information acquired by virtue of their state positions. A violation of such policies adopted to implement this subsection shall constitute a violation of this chapter.

(3) As used in this section, "permissible investments" means any mutual fund, deposit account, certificate of deposit, or money market fund maintained with a bank, broker, or other financial institution, a security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less, or an interest in real estate, except if the real estate interest is in or with a party in whom the agency holds an investment.

NEW SECTION. Sec. 120. AGENCY RULES. (1) Each agency may adopt rules consistent with law, for use within the agency to protect against violations of this chapter.

(2) Each agency proposing to adopt rules under this section shall forward the rules to the appropriate ethics board before they may take effect. The board may submit comments to the agency regarding the proposed rules.

NEW SECTION. Sec. 121. A new section is added to chapter 42.23 RCW to read as follows:

(1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.

(2) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

(3) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

(4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

PART II ETHICS ENFORCEMENT BOARDS

NEW SECTION. Sec. 201. LEGISLATIVE ETHICS BOARD. (1) The legislative ethics board is created, composed of nine members, selected as follows:

- (a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;
- (b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;
- (c) Five citizen members:
 - (i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and
 - (ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.
- (2) Except for initial members and members completing partial terms, nonlegislative members shall serve a single five-year term.
- (3) No more than three of the public members may be identified with the same political party.
- (4) Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.
- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.
- (7) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.
- (8) The citizen members shall annually select a chair from among themselves.

NEW SECTION. Sec. 202. AUTHORITY OF LEGISLATIVE ETHICS BOARD. (1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

- (2) The legislative ethics board shall:
 - (a) Develop educational materials and training with regard to legislative ethics for legislators and legislative employees;
 - (b) Issue advisory opinions;
 - (c) Adopt rules or policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of section 118 of this act and where otherwise authorized under chapter . . . , Laws of 1994 (this act);
 - (d) Investigate, hear, and determine complaints by any person or on its own motion;
 - (e) Impose sanctions including reprimands and monetary penalties;
 - (f) Recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and
 - (g) Establish criteria regarding the levels of civil penalties appropriate for different types of violations of this chapter and rules adopted under it.

(3) The board may:

- (a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;
- (b) Administer oaths and affirmations;
- (c) Examine witnesses; and
- (d) Receive evidence.

(4) Subject to section 224 of this act, the board has jurisdiction over any alleged violation that occurred before January 1, 1995, and that was within the jurisdiction of any of the boards established under chapter 44.60 RCW. The board's jurisdiction with respect to any such alleged violation shall be based on the statutes and rules in effect at time of the violation.

NEW SECTION. Sec. 203. By constitutional design, the legislature consists of citizen-legislators who bring to bear on the legislative process their individual experience and expertise. The provisions of this act shall be interpreted in light of this constitutional principle.

NEW SECTION. Sec. 204. TRANSFER OF JURISDICTION. On the effective date of this section, any complaints or other matters under investigation or consideration by the boards of legislative ethics in the house of representatives and the senate operating pursuant to chapter 44.60 RCW shall be transferred to the legislative ethics board created by this act. All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to the legislative ethics board created in this act pursuant to their direction and the legislative ethics board created in this act shall assume full jurisdiction over all pending complaints, investigations, and proceedings.

NEW SECTION. Sec. 205. EXECUTIVE ETHICS BOARD. (1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

- (a) One member shall be a classified service employee as defined in chapter 41.06 RCW;
- (b) One member shall be a state officer or state employee in an exempt position;
- (c) One member shall be a citizen selected from a list of three names submitted by the attorney general;
- (d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and
- (e) One member shall be a citizen selected at large by the governor.
- (2) Except for initial members and members completing partial terms, members shall serve a single five-year term.
- (3) No more than three members may be identified with the same political party.
- (4) Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.
- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.
- (7) The members shall annually select a chair from among themselves.
- (8) Staff shall be provided by the office of the attorney general.

NEW SECTION. Sec. 206. AUTHORITY OF EXECUTIVE ETHICS BOARD. (1) The executive ethics board shall enforce this chapter and rules adopted under it with respect to state-wide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

- (2) The executive ethics board shall:
 - (a) Develop educational materials and training;
 - (b) Adopt rules and policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of section 118 of this act and where otherwise authorized under chapter . . . , Laws of 1994 (this act);

- (c) Issue advisory opinions;
- (d) Investigate, hear, and determine complaints by any person or on its own motion;
- (e) Impose sanctions including reprimands and monetary penalties;
- (f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and
- (g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) The executive ethics board may review and approve agency policies as provided for in this chapter.

(5) This section does not apply to state officers and state employees of the judicial branch.

NEW SECTION. Sec. 207. AUTHORITY OF COMMISSION ON JUDICIAL CONDUCT. The commission on judicial conduct shall enforce this chapter and rules adopted under it with respect to state officers and employees of the judicial branch and may do so according to procedures prescribed in Article IV, section 31 of the state Constitution. In addition to the sanctions authorized in Article IV, section 31 of the state Constitution, the commission may impose sanctions authorized by this chapter.

NEW SECTION. Sec. 208. POLITICAL ACTIVITIES OF CITIZEN BOARD MEMBERS. No member of the executive ethics board and none of the five citizen members of the legislative ethics board may (1) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (2) be an officer of any political party or political committee as defined in chapter 42.17 RCW other than the position of precinct committeeperson; (3) permit his or her name to be used, or make contributions, in support of or in opposition to any state candidate or state ballot measure; or (4) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

NEW SECTION. Sec. 209. HEARING AND SUBPOENA AUTHORITY. Except as otherwise provided by law, the ethics boards may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of a person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the ethics board. The ethics board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations, and other process or papers of the ethics board.

NEW SECTION. Sec. 210. ENFORCEMENT OF SUBPOENA AUTHORITY. In case of refusal to obey a subpoena issued to a person, the superior court of a county within the jurisdiction of which the investigation, proceeding, or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business, upon application by the appropriate ethics board shall have jurisdiction to issue to the person an order requiring the person to appear before the ethics board or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey such order of the court may be punished by the court as contempt.

NEW SECTION. Sec. 211. FILING COMPLAINT. (1) A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board.

(2) If it has reason to believe that any person has been engaged or is engaging in a violation of this chapter or rules adopted under it, an ethics board may issue a complaint.

NEW SECTION. Sec. 212. INVESTIGATION. After the filing of any complaint, except as provided in section 215 of this act, the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the alleged facts contained in the complaint. The results of the investigation shall be reduced to writing and a determination shall be made that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed. A copy of the written determination shall be provided to the complainant and to the person named in such complaint.

NEW SECTION. Sec. 213. PUBLIC HEARING--FINDINGS. (1) If the ethics board determines there is reasonable cause under section 212 of this act that a violation of this chapter or rules adopted under it occurred, a public hearing on the merits of the complaint shall be held.

(2) The ethics board shall designate the location of the hearing. The case in support of the complaint shall be presented at the hearing by staff of the ethics board.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine witnesses.

(4) Testimony taken at the hearing shall be under oath and recorded.

(5) If, based upon a preponderance of the evidence, the ethics board finds that the respondent has violated this chapter or rules adopted under it, the board shall file an order stating findings of fact and enforcement action as authorized under this chapter.

(6) If, upon all the evidence, the ethics board finds that the respondent has not engaged in an alleged violation of this chapter or rules adopted under it, the ethics board shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(7) If the board makes a determination that there is not reasonable cause to believe that a violation has been or is being committed or has made a finding under subsection (6) of this section, the attorney general shall represent the officer or employee in any action subsequently commenced based on the alleged facts in the complaint.

NEW SECTION. Sec. 214. REVIEW OF ORDER. Except as otherwise provided by law, reconsideration or judicial review of an ethics board's order that a violation of this chapter or rules adopted under it has occurred shall be governed by the provisions of chapter 34.05 RCW applicable to review of adjudicative proceedings.

NEW SECTION. Sec. 215. COMPLAINT AGAINST LEGISLATOR OR STATE-WIDE ELECTED OFFICIAL. (1) If a complaint alleges a violation of section 118 of this act by a legislator or state-wide elected official other than the attorney general, the attorney general shall conduct the investigation under section 212 of this act and recommend action to the appropriate ethics board.

(2) If a complaint alleges a violation of section 118 of this act by the attorney general, the state auditor shall conduct the investigation under section 212 of this act and recommend action to the appropriate ethics board.

NEW SECTION. Sec. 216. CITIZEN ACTIONS. Any person who has notified the appropriate ethics board and the attorney general in writing that there is reason to believe that section 118 of this act is being or has been violated may, in the name of the state, bring a citizen action for any of the actions authorized under this chapter. A citizen action may be brought only if the appropriate ethics board or the attorney general have failed to commence an action under this chapter within forty-five days after notice from the person, the person has thereafter notified the appropriate ethics board and the attorney general that the person will commence a citizen's action within ten days upon their failure to commence an action, and the appropriate ethics board and the attorney general have in fact failed to bring an action within ten days of receipt of the second notice.

If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but the person shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees incurred. If a citizen's action that the court finds was brought without reasonable cause is dismissed, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.

Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall represent the defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment.

NEW SECTION. Sec. 217. REFERRAL FOR ENFORCEMENT. As appropriate, an ethics board may refer a complaint:

- (1) To an agency for initial investigation and proposed resolution which shall be referred back to the appropriate ethics board for action; or
- (2) To the attorney general's office or prosecutor for appropriate action.

NEW SECTION. Sec. 218. ACTION BY BOARDS. (1) Except as otherwise provided by law, an ethics board may order payment of the following amounts if it finds a violation of this chapter or rules adopted under it after a hearing under section 207 of this act or other applicable law:

- (a) Any damages sustained by the state that are caused by the conduct constituting the violation;
 - (b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or rules adopted under it, whichever is greater; and
 - (c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.
- (2) Damages under this section may be enforced in the same manner as a judgment in a civil case.

NEW SECTION. Sec. 219. ACTION BY ATTORNEY GENERAL. (1) Upon a written determination by the attorney general that the action of an ethics board was clearly erroneous or if requested by an ethics board, the attorney general may bring a civil action in the superior court of the county in which the violation is alleged to have occurred against a state officer, state employee, former state officer, former state employee, or other person who has violated or knowingly assisted another person in violating any of the provisions of this chapter or the rules adopted under it. In such action the attorney general may recover the following amounts on behalf of the state of Washington:

- (a) Any damages sustained by the state that are caused by the conduct constituting the violation;
- (b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or the rules adopted under it, whichever is greater; and
- (c) Costs, including reasonable investigative costs, which shall be included as part of the limit under subsection (1)(b) of this section. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) In any civil action brought by the attorney general upon the basis that the attorney general has determined that the board's action was clearly erroneous, the court shall not proceed with the action unless the attorney general has first shown, and the court has found, that the action of the board was clearly erroneous.

NEW SECTION. Sec. 220. HEARINGS CONDUCTED BY ADMINISTRATIVE LAW JUDGE. If an ethics board finds that there is reasonable cause to believe that a violation has occurred, the board shall consider the possibility of the alleged violator having to pay a total amount of penalty and costs of more than five hundred dollars. Based on such consideration, the board may give the person who is the subject of the complaint the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. The board may also, on its own initiative, provide for retaining an administrative law judge. An ethics board may not require total payment of more than five hundred dollars in penalty and costs in any case where an administrative law judge is not used and the board did not give such option to the person who is the subject of the complaint.

NEW SECTION. Sec. 221. RESCISSION OF STATE ACTION. (1) The attorney general may, on request of the governor or the appropriate agency, and in addition to other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind state action taken by a state officer or state employee, without liability to the state of Washington, contractual or otherwise, if the governor or ethics board has reason to believe that: (a) A violation of this chapter or rules adopted under it has substantially influenced the state action, and (b) the interest of the state requires the cancellation or rescission. The governor may suspend state action pending the determination of the merits of the controversy under this section. The court may permit persons affected by the governor's actions to post an adequate bond pending such resolution to ensure compliance by the defendant with the final judgment, decree, or other order of the court.

(2) This section does not limit other available remedies.

Sec. 222. RCW 42.18.260 and 1969 ex.s. c 234 s 26 are each amended to read as follows:

(1) ~~(The head of an agency may dismiss, suspend, or take such other action as may be appropriate in the circumstances in respect to any state employee of his agency upon finding that such employee has violated this chapter or regulations promulgated hereunder. Such action may include the imposition of conditions of the nature described in RCW 42.18.270(1))~~ A violation of this chapter or rules adopted under it is grounds for disciplinary action.

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state officers and state employees not specifically exempted ~~(therein)~~ in chapter 41.06 RCW, the rules set forth in ~~(the state civil service law,)~~ chapter 41.06 RCW ~~(;)~~ shall apply. Any action against the state officer or state employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of state officers and state employees of the same category and grade.

NEW SECTION. Sec. 223. ADDITIONAL INVESTIGATIVE AUTHORITY. In addition to other authority under this chapter, the attorney general may investigate persons not under the jurisdiction of an ethics board whom the attorney general has reason to believe were involved in transactions in violation of this chapter or rules adopted under it.

NEW SECTION. Sec. 224. LIMITATIONS PERIOD. Any action taken under this chapter must be commenced within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within two years from the date the violation was discovered or reasonably should have been discovered: (1) By any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or (2) if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate ethics board.

NEW SECTION. Sec. 225. The members of the legislative ethics board created by section 201 of this act and the executive ethics board created by section 204 of this act shall be appointed no later than October 1, 1994. Notwithstanding the authority granted to these boards by sections 202 and 205 of this act, until January 1, 1995, the authority of each board shall be limited to conducting meetings and incurring expenses solely for administrative and organizational purposes.

This section shall expire January 1, 1995.

NEW SECTION. Sec. 226. Any violations occurring prior to January 1, 1995, of any of the following laws shall be disposed of as if chapter . . . , Laws of 1994 (this act) were not enacted and such laws continued in full force and effect: RCW 42.17.130, chapter 42.18 RCW, chapter 42.21 RCW, and chapter 42.22 RCW.

NEW SECTION. Sec. 227. The citizen members of the legislative ethics board and the members of the executive ethics board shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislator members of the legislative ethics board shall be reimbursed as provided in RCW 44.04.120.

PART III MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 301. LIBERAL CONSTRUCTION. This chapter shall be construed liberally to effectuate its purposes and policy and to supplement existing laws as may relate to the same subject.

NEW SECTION. Sec. 302. PARTS AND CAPTIONS NOT LAW. Parts and captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 303. The following sections are each recodified as sections in chapter 42.-- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act):

RCW 42.18.217
RCW 42.18.230
RCW 42.18.260
RCW 42.18.270
RCW 42.18.330

NEW SECTION. Sec. 304. The following acts or parts of acts are each repealed:

- (1) RCW 42.18.010 and 1969 ex.s. c 234 s 1;
- (2) RCW 42.18.020 and 1969 ex.s. c 234 s 2;
- (3) RCW 42.18.030 and 1969 ex.s. c 234 s 3;
- (4) RCW 42.18.040 and 1969 ex.s. c 234 s 4;
- (5) RCW 42.18.050 and 1969 ex.s. c 234 s 5;
- (6) RCW 42.18.060 and 1969 ex.s. c 234 s 6;
- (7) RCW 42.18.070 and 1969 ex.s. c 234 s 7;
- (8) RCW 42.18.080 and 1969 ex.s. c 234 s 8;
- (9) RCW 42.18.090 and 1969 ex.s. c 234 s 9;
- (10) RCW 42.18.100 and 1969 ex.s. c 234 s 10;
- (11) RCW 42.18.110 and 1969 ex.s. c 234 s 11;
- (12) RCW 42.18.120 and 1969 ex.s. c 234 s 12;
- (13) RCW 42.18.130 and 1973 c 137 s 1 & 1969 ex.s. c 234 s 13;
- (14) RCW 42.18.140 and 1969 ex.s. c 234 s 14;
- (15) RCW 42.18.150 and 1969 ex.s. c 234 s 15;
- (16) RCW 42.18.170 and 1969 ex.s. c 234 s 17;
- (17) RCW 42.18.180 and 1969 ex.s. c 234 s 18;
- (18) RCW 42.18.190 and 1969 ex.s. c 234 s 19;
- (19) RCW 42.18.200 and 1969 ex.s. c 234 s 20;
- (20) RCW 42.18.210 and 1969 ex.s. c 234 s 21;
- (21) RCW 42.18.213 and 1987 c 426 s 1;
- (22) RCW 42.18.215 and 1987 c 426 s 2;
- (23) RCW 42.18.221 and 1989 c 96 s 6 & 1987 c 426 s 4;
- (24) RCW 42.18.240 and 1969 ex.s. c 234 s 24;
- (25) RCW 42.18.250 and 1969 ex.s. c 234 s 25;
- (26) RCW 42.18.280 and 1969 ex.s. c 234 s 28;
- (27) RCW 42.18.290 and 1973 c 137 s 2 & 1969 ex.s. c 234 s 29;
- (28) RCW 42.18.300 and 1973 c 137 s 3 & 1969 ex.s. c 234 s 30;
- (29) RCW 42.18.310 and 1969 ex.s. c 234 s 31;
- (30) RCW 42.18.320 and 1969 ex.s. c 234 s 32;
- (31) RCW 42.18.900 and 1969 ex.s. c 234 s 40;
- (32) RCW 42.20.010 and 1969 ex.s. c 234 s 34 & 1909 c 249 s 82;
- (33) RCW 42.21.010 and 1965 ex.s. c 150 s 1;
- (34) RCW 42.21.020 and 1989 c 175 s 93, 1971 c 81 s 106, & 1965 ex.s. c 150 s 2;
- (35) RCW 42.21.030 and 1965 ex.s. c 150 s 3;
- (36) RCW 42.21.040 and 1965 ex.s. c 150 s 4;
- (37) RCW 42.21.050 and 1965 ex.s. c 150 s 5;
- (38) RCW 42.21.080 and 1965 ex.s. c 150 s 8;
- (39) RCW 42.21.090 and 1969 ex.s. c 234 s 36;
- (40) RCW 42.22.010 and 1959 c 320 s 1;
- (41) RCW 42.22.020 and 1959 c 320 s 2;
- (42) RCW 42.22.030 and 1961 c 268 s 8 & 1959 c 320 s 3;
- (43) RCW 42.22.040 and 1989 c 11 s 13 & 1959 c 320 s 4;
- (44) RCW 42.22.060 and 1959 c 320 s 6;
- (45) RCW 42.22.070 and 1959 c 320 s 7;
- (46) RCW 42.22.120 and 1969 ex.s. c 234 s 37;
- (47) RCW 44.60.010 and 1977 ex.s. c 218 s 1 & 1967 ex.s. c 150 s 1;
- (48) RCW 44.60.020 and 1980 c 87 s 43, 1977 ex.s. c 218 s 2, & 1967 ex.s. c 150 s 2;
- (49) RCW 44.60.030 and 1967 ex.s. c 150 s 3;
- (50) RCW 44.60.040 and 1977 ex.s. c 218 s 3 & 1967 ex.s. c 150 s 4;
- (51) RCW 44.60.050 and 1984 c 287 s 92, 1979 c 151 s 159, 1977 ex.s. c 218 s 4, 1975-76 2nd ex.s. c 34 s 135, & 1967 ex.s. c 150 s 5;
- (52) RCW 44.60.070 and 1980 c 165 s 1, 1977 ex.s. c 218 s 5, & 1967 ex.s. c 150 s 6;
- (53) RCW 44.60.080 and 1977 ex.s. c 218 s 6 & 1967 ex.s. c 150 s 8;
- (54) RCW 44.60.090 and 1967 ex.s. c 150 s 9;
- (55) RCW 44.60.100 and 1977 ex.s. c 218 s 7;
- (56) RCW 44.60.110 and 1980 c 165 s 2 & 1977 ex.s. c 218 s 8;
- (57) RCW 44.60.120 and 1977 ex.s. c 218 s 9; and
- (58) RCW 44.60.130 and 1977 ex.s. c 218 s 10.

Sec. 305. RCW 27.26.070 and 1989 c 96 s 3 are each amended to read as follows:

- (1) The commission may cooperate with other agencies both inside and outside the state of Washington to establish a private, nonprofit corporation for the purpose of providing automated bibliographic, computer-based telecommunications, interlibrary, reference, and referral systems, computer network services, and related library services that are equivalent to the services provided by the western library network on June 1, 1989. The commission may adopt policies and rules consistent with the purposes and provisions of RCW 27.26.070 through 27.26.090 and section 11, chapter 96, Laws of 1989 and ((RCW 42.18.224) chapter 42.--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act) pursuant to the administrative procedure act.
- (2) The commission may terminate the services provided by the western library network before June 30, 1997, if a successor organization agrees to assume full responsibility for providing services that are equivalent to the services provided by the western library network on June 1, 1989, to the state library, other agencies of state and local government, and other users of the western library network. The commission may not terminate western library network services within six months after June 1, 1989. The commission may not enter into a contract with a successor organization for the delivery of network services after five and one-half years from June 1, 1989.

Sec. 306. RCW 28B.50.060 and 1991 c 238 s 31 are each amended to read as follows:

A director of the state system of community and technical colleges shall be appointed by the college board and shall serve at the pleasure of the college board. The director shall be appointed with due regard to the applicant's fitness and background in education, and knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his or her time to the duties of his or her office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter ((42.18-RCW, the executive

~~conflict of interest act~~) 42.--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

The director shall receive a salary to be fixed by the college board and shall be reimbursed for travel expenses incurred in the discharge of his or her official duties in accordance with RCW 43.03.050 and 43.03.060(~~(--as now existing or hereafter amended).~~).

The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules(~~(--regulations))~~) and orders established thereunder and all other laws of the state. The director shall attend, but not vote at, all meetings of the college board. The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. At the direction of the college board, the director shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at the director's pleasure on such terms and conditions as the director determines, and (2) subject to the provisions of chapter (~~(28B.16)~~) 41.06 RCW(~~(--the higher education personnel law--)~~) the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board.

Sec. 307. RCW 28C.18.040 and 1991 c 238 s 5 are each amended to read as follows:

(1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

(2) The director shall not be the chair of the board.

(3) Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to (~~(the code of ethics contained in chapter 42.18 RCW)~~) chapter 42.--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

(4) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

(5) The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.

Sec. 308. RCW 35.02.130 and 1991 c 360 s 3 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20(~~(--42.22--))~~) and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than twelve months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

Sec. 309. RCW 35.21.418 and 1984 c 1 s 2 are each amended to read as follows:

A commission, established by an agreement between a Washington municipality and the Province of British Columbia to carry out a treaty between the United States of America and Canada as authorized in RCW 35.21.417, shall be public and shall have all powers and capacity necessary

and appropriate for the purposes of performing its functions under the agreement, including, but not limited to, the following powers and capacity: To acquire and dispose of real property other than by condemnation; to enter into contracts; to sue and be sued in either Canada or the United States; to establish an endowment fund in either or both the United States and Canada and to invest the endowment fund in either or both countries; to solicit, accept, and use donations, grants, bequests, or devises intended for furthering the functions of the endowment; to adopt such rules or procedures as it deems desirable for performing its functions; to engage advisors and consultants; to establish committees and subcommittees; to adopt rules for its governance; to enter into agreements with public and private entities; and to engage in activities necessary and appropriate for implementing the agreement and the treaty.

The endowment fund and commission may not be subject to state or local taxation. A commission, so established, may not be subject to statutes and laws governing Washington cities and municipalities in the conduct of its internal affairs: PROVIDED, That all commission members appointed by the municipality shall comply with chapter ((42-22-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act), and: PROVIDED FURTHER, That all commission meetings held within the state of Washington shall be held in compliance with chapter 42.30 RCW. All obligations or liabilities incurred by the commission shall be satisfied exclusively from its own assets and insurance.

Sec. 310. RCW 43.33A.110 and 1989 c 179 s 1 are each amended to read as follows:

The state investment board may make appropriate rules and regulations for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk. However, in the case of the department of labor and industries' accident, medical aid, and reserve funds, the board shall establish investment policies and procedures designed to attempt to limit fluctuations in industrial insurance premiums and, subject to this purpose, to maximize return at a prudent level of risk. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter ((42-18-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act). Rules adopted by the board shall be adopted pursuant to chapter 34.05 RCW.

Sec. 311. RCW 43.72.020 and 1993 c 492 s 403 are each amended to read as follows:

(1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members reflecting ethnic and racial diversity, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The insurance commissioner shall serve as an additional nonvoting member. Of the initial members, one shall be appointed to a term of three years, two shall be appointed to a term of four years, and two shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter ((42-18-RCW, the executive branch conflict of interest act)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

Sec. 312. RCW 51.36.110 and 1993 c 515 s 6 are each amended to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of ((RCW 42.22.040)) section 105 of this act, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW;

and

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW.

Sec. 313. RCW 66.08.080 and 1981 1st ex.s. c 5 s 3 are each amended to read as follows:

Except as provided by chapter ((42-18-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act), no member of the board and no employee of the board shall have any interest, directly or indirectly, in the manufacture of liquor or in any liquor sold under this title, or derive any profit or remuneration from the sale of liquor, other than the salary or wages payable to him in respect of his office or position, and shall receive no gratuity from any person in connection with such business.

Sec. 314. RCW 67.16.160 and 1973 1st ex.s. c 216 s 5 are each amended to read as follows:

No later than ninety days after July 16, 1973 the horse racing commission shall promulgate, pursuant to chapter 34.05 RCW, reasonable rules ((and regulations)) implementing to the extent applicable to the circumstances of the horse racing commission the conflict of interest laws of the state of Washington as set forth in chapters ((42-18-)) 42.21 and ((42-22-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act).

Sec. 315. RCW 80.50.030 and 1990 c 12 s 3 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The chairman is a "state employee" for the purposes of chapter ((42-18-RCW)) 42--- RCW (sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act). As applicable, when attending meetings of the council((f)), members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.240.

(b) The chairman or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state energy office shall provide all administrative and staff support for the council. The director of the energy office has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

(a) Department of ecology;

(b) Department of ((fisheries));

~~(c) Department of~~ fish and wildlife;

~~((d))~~ (c) Parks and recreation commission;

~~((e))~~ (d) Department of health;
~~((#))~~ (e) State energy office;
~~((g))~~ (f) Department of community, trade, and economic development;
~~((#))~~ (g) Utilities and transportation commission;
~~((#))~~ (h) Office of financial management;
~~((#))~~ (i) Department of natural resources;
~~((k))~~ Department of community development;
~~((#))~~ (j) Department of agriculture;
~~((#))~~ (k) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 316. RCW 86.09.286 and 1969 ex.s. c 234 s 35 are each amended to read as follows:

No director or any other officer named in this chapter shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment: PROVIDED, That nothing in this section contained shall be construed to prevent any district officer from being employed by the district as foreman or as a day laborer: PROVIDED FURTHER, That this section shall have no application to any person who is a state employee as defined in ~~((RCW 42.48.130))~~ section 101 of this act.

NEW SECTION. Sec. 317. A new section is added to chapter 42.17 RCW to read as follows:

RCW 42.17.130 does not apply to any person who is a state officer or state employee as defined in section 101 of this act.

NEW SECTION. Sec. 318. Sections 101 through 109, 111 through 115, 118 through 120, 201, 202, 203, 205 through 221, 223, 224, 227, 301, and 302 of this act shall constitute a new chapter in Title 42 RCW.

NEW SECTION. Sec. 319. Sections 101 through 121, 203, 204, 207 through 224, and 301 through 317 of this act shall take effect January 1, 1995.

NEW SECTION. Sec. 320. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected., and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6111.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6111, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6111, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 48.

Voting nay: Senator Smith, L. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6111, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 2:00 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:55 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 8, 1994

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2737 and asks the Senate to recede therefrom, and the same are herewith transmitted.

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 2737 was returned to second reading and read the second time.

MOTION

Senator Skratek moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.163.010 and 1989 c 279 s 2 are each amended to read as follows:

As used in this chapter, the following words and terms have the following meanings, unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the ~~((state supervisor of banking or the state supervisor of savings and loans))~~ director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under section 4 of this act;

~~(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;~~

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

~~((8))~~ (10) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090~~(-);~~

(11) "Economic development activities" means activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, pollution control, energy generating, conservation, transmission, and sports facilities and industrial parks;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

Sec. 2. RCW 43.163.080 and 1990 c 53 s 5 are each amended to read as follows:

(1) The authority shall adopt general operating procedures for the authority. The authority shall also adopt operating procedures for individual programs as they are developed for obtaining funds and for providing funds to borrowers. These operating procedures shall be adopted by resolution prior to the authority operating the applicable programs.

(2) The operating procedures shall include, but are not limited to: (a) Appropriate minimum reserve requirements to secure the authority's bonds and other obligations; (b) appropriate standards for securing loans and other financing the authority provides to borrowers, such as guarantees or collateral; and (c) ~~((appropriate))~~ strict standards for providing financing to borrowers, such as (i) the borrower is a responsible party with a high probability of being able to repay the financing provided by the authority, (ii) the financing is reasonably expected to provide economic growth or stability in the state by enabling a borrower to increase or maintain jobs or capital in the state, (iii) the borrowers with the greatest needs or that provide the most public benefit are given higher priority by the authority, and (iv) the financing is consistent with any plan adopted by the authority under RCW 43.163.090.

Sec. 3. RCW 43.163.120 and 1989 c 279 s 13 are each amended to read as follows:

The authority shall receive no appropriation of state funds. The department of community, trade, and economic development shall provide staff to the authority, to the extent permitted by law, to enable the authority to accomplish its purposes; the staff from the department of community, trade, and economic development may assist the authority in organizing itself and in designing programs, but shall not be involved in the issuance of bonds or in making credit decisions regarding financing provided to borrowers by the authority. The authority shall report each December on its activities to the ~~((house trade and economic development committee and to the senate economic development and labor committee))~~ appropriate standing committees of the house of representatives and senate.

NEW SECTION. Sec. 4. A new section is added to chapter 43.163 RCW to read as follows:

For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages:

(1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for no more than five economic development activities, per year, included under the authority's general plan of economic development finance objectives;

(2) The authority may also develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and

(vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics.

(3) The authority may also develop and implement, if authorized by the legislature, such other economic development financing programs adopted in future general plans of economic development finance objectives developed under RCW 43.163.090.

(4) The authority may not issue any bonds for the programs authorized under this section after June 30, 2000.

Sec. 5. RCW 43.163.130 and 1989 c 279 s 14 are each amended to read as follows:

(1) The authority may issue its nonrecourse revenue bonds in order to obtain the funds to carry out the programs authorized in this chapter. The bonds shall be special obligations of the authority, payable solely out of the special fund or funds established by the authority for their repayment.

(2) Any bonds issued under this chapter may be secured by a financing document between the authority and the purchasers or owners of such bonds or between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state.

(a) The financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof.

(b) The financing document may contain such provisions for protecting and enforcing the rights, security, and remedies of bondowners as may be reasonable and proper, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of action by bondowners, and covenants setting forth duties of and limitations on the authority in conduct of its programs and the management of its property.

(c) In addition to other security provided in this chapter or otherwise by law, bonds issued by the authority may be secured, in whole or in part, by financial guaranties, by insurance or by letters of credit issued to the authority or a trustee or any other person, by any bank, trust company, insurance or surety company or other financial institution, within or without the state. The authority may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof, as security for such guaranties or insurance or for the reimbursement by the authority to any issuer of such letter of credit of any payments made under such letter of credit.

(3) Without limiting the powers of the authority contained in this chapter, in connection with each issue of its obligation bonds, the authority shall create and establish one or more special funds, including, but not limited to debt service and sinking funds, reserve funds, project funds, and such other special funds as the authority deems necessary, useful, or convenient.

(4) Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the money and any securities in which the money may be invested without authority or trustee possession. The security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9 of the Uniform Commercial Code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(5) The bonds may be issued as serial bonds, term bonds or any other type of bond instrument consistent with the provisions of this chapter. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form; bear such privileges of transferability, 2exchangeability, and interchangeability; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time or times, and at such price or prices as the authority shall determine. The bonds shall be executed by the manual or facsimile signatures of the authority's chair and either its secretary or executive director, and may be authenticated by the trustee (if the authority determines to use a trustee) or any registrar which may be designated for the bonds by the authority.

(6) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to maturity of, and to pay any redemption premium on, the outstanding bonds. Bonds issued for refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee regarding the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of, the bonds to be redeemed.

(7) The bonds of the authority may be negotiable instruments under Title 62A RCW.

(8) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be personally liable on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(9) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with bondowners.

(10) The authority shall not exceed two hundred fifty million dollars in total outstanding debt at any time.

(11) The state finance committee shall be notified in advance of the issuance of bonds by the authority in order to promote the orderly offering of obligations in the financial markets.

(12) The authority may not issue any bonds after June 30, 2000.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Skratek to Engrossed Substitute House Bill No. 2737, under suspension of the rules.

The motion by Senator Skratek carried and the striking amendment was adopted under suspension of the rules.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 43.163.010, 43.163.080, 43.163.120, and 43.163.130; adding a new section to chapter 43.163 RCW; and declaring an emergency."

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 2737, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Drew, Senators Rinehart and Quigley were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2737, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2737, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Cantu, Morton, Nelson and Newhouse - 4.

Absent: Senators McDonald and Oke - 2.

Excused: Senators Quigley and Rinehart - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2737, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to HOUSE BILL No. 2480 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Holm, G. Fisher and Foreman.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Drew, the Senate grants the request of the House for a conference on House Bill No. 2480 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 2480 and the Senate amendment(s) thereto: Senators Hargrove, Oke and Owen.

MOTION

On motion of Senator Drew, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Linda Smith, Senators McDonald and Oke were excused.

CONFERENCE COMMITTEE REPORT

E2SHB 2605 March 8, 1994

Includes "NEW ITEMS": YES

Changing higher education statutory relationships

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2605, Changing higher education statutory relationships, have had the same under consideration and we recommend that:

The Senate Committee on Higher Education amendment, as amended, March 4, 1994, be adopted; and that the Committee on Higher Education amendment be further amended as follows:

Beginning on page 2, line 4 of the amendment, strike all of sections 3 and 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, after line 22 of the amendment, insert the following:

"NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and sections 8 and 9 of this act.

(1) "Eligible student" means an enlisted member or an officer of the rank of captain or below in the Washington national guard who is a resident student as defined in RCW 28B.15.012 and 28B.15.013, who attends an institution of higher education that is located in this state and accredited by the Northwest Association of Schools and Colleges, and who meets any additional selection criteria adopted by the office.

(2) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a member of the Washington national guard under rules adopted by the office.

(3) "Forgiven" or "to forgive" or "forgiveness" means either to render service in the Washington national guard in lieu of monetary repayment, or to be relieved of the service obligation under rules adopted by the office.

(4) "Office" means the office of the adjutant general of the state military department.

(5) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(6) "Service obligation" means serving in the Washington national guard for one additional year for each year of conditional scholarship received under this program.

NEW SECTION. Sec. 8. The Washington state national guard conditional scholarship program is established. The program shall be administered by the office. In administering the program, the powers and duties of the office shall include, but need not be limited to:

(1) The selection of eligible students to receive conditional scholarships;

(2) The award of conditional scholarships funded by federal and state funds, private donations, or repayments from any participant who does not complete the participant's service obligation. Use of state funds is subject to available funds. The annual amount of each conditional scholarship may vary, but shall not exceed the annual cost of undergraduate tuition fees and services and activities fees at the University of Washington, plus an allowance for books and supplies;

(3) The adoption of necessary rules and guidelines;

(4) The adoption of participant selection criteria. The criteria may include but need not be limited to requirements for: Satisfactory progress, minimum grade point averages, enrollment in courses or programs that lead to a baccalaureate degree or an associate degree or a certificate, and satisfactory participation as a member of the Washington national guard;

(5) The notification of participants of their additional service obligation or required repayment of the conditional scholarship; and

(6) The collection of repayments from participants who do not meet the eligibility criteria or service obligations.

NEW SECTION. Sec. 9. (1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they serve in the Washington national guard for one additional year for each year of conditional scholarship received, under rules adopted by the office.

(2) The entire principal and interest of each yearly repayment shall be forgiven for each additional year in which a participant serves in the Washington national guard, under rules adopted by the office.

(3) If a participant elects to repay the conditional scholarship, the period of repayment shall be four years, with payments accruing quarterly commencing nine months from the date that the participant leaves the Washington national guard or withdraws from the institution of higher education, whichever comes first. The interest rate on the repayments shall be eight percent per year. Provisions for deferral and forgiveness shall be determined by the office.

(4) The office is responsible for collection of repayments made under this section. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of law, including wage garnishment if necessary. The office is responsible to forgive all or parts of such repayments under the criteria established in this section, and shall maintain all necessary records of forgiven payments. The office may contract with the higher education coordinating board for collection of repayments under this section.

(5) Receipts from the payment of principal or interest paid by or on behalf of participants shall be deposited with the office and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (4) of this section.

The office shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

NEW SECTION. Sec. 10. Sections 7 through 9 of this act shall constitute a new chapter in Title 28B RCW."

On page 7, at the beginning of line 28 of the title amendment, strike "28B.15.012,"

On page 7, line 29 of the title amendment, after "(uncodified)," strike everything through "28B.15 RCW." and insert "and adding a new chapter to Title 28B RCW."

Committee on Higher Education amendment, as amended

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28B.15.725 and 1993 sp.s. c 18 s 26 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College may enter into undergraduate (~~upper division~~) student exchange agreements with (~~comparable public four-year~~) institutions of higher education of other states and agree to exempt participating undergraduate (~~upper division~~) students from payment of all or a portion of the nonresident tuition fees differential subject to the following restrictions:

(1) In any given academic year, the number of students receiving a waiver at a state institution shall not exceed the number of that institution's students receiving nonresident tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be off-set in the year immediately following.

(2) Undergraduate (~~upper division~~) student participation in an exchange program authorized by this section is limited to one academic year.

Sec. 2. 1989 c 290 s 1 (uncodified) is amended to read as follows:

The legislature recognizes that a unique educational experience can result from an undergraduate (~~upper division~~) student attending an out-of-state institution. It also recognizes that some Washington residents may be unable to pursue such out-of-state enrollment owing to their limited financial resources and the higher cost of nonresident tuition. The legislature intends to facilitate expanded nonresident undergraduate (~~upper division~~) enrollment opportunities for residents of the state by authorizing the governing boards of the four-year institutions of higher education to enter into exchange programs with other states' (~~comparable public four-year~~) institutions with comparable programs wherein the participating institutions agree that visiting undergraduate (~~upper division~~) students will pay resident tuition rates of the host institutions.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.15 RCW to read as follows:

For the purposes of determining resident tuition rates, resident students shall include American Indian students who meet two conditions. First, for a period of one year immediately before enrollment in a state institution of higher education as defined in RCW 28B.10.016, the student must have been domiciled in one or a combination of the following states: Idaho; Montana; Oregon; or Washington. Second, the students must be members of one of the following American Indian tribes whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington:

- (1) Colville Confederated Tribes;
- (2) Confederated Tribes of the Chehalis Reservation;
- (3) Hoh Indian Tribe;
- (4) Jamestown S'Klallam Tribe;
- (5) Kalispel Tribe of Indians;
- (6) Lower Elwha Klallam Tribe;
- (7) Lummi Nation;
- (8) Makah Indian Tribe;
- (9) Muckleshoot Indian Tribe;
- (10) Nisqually Indian Tribe;
- (11) Nooksack Indian Tribe;
- (12) Port Gamble S'Klallam Community;
- (13) Puyallup Tribe of Indians;
- (14) Quileute Tribe;
- (15) Quinalt Indian Nation;
- (16) Confederated Tribes of Salish Kootenai;
- (17) Sauk Suiattle Indian Nation;
- (18) Shoalwater Bay Indian Tribe;
- (19) Skokomish Indian Tribe;
- (20) Snoqualmie Tribe;
- (21) Spokane Tribe of Indians;
- (22) Squaxin Island Tribe;
- (23) Stillaguamish Tribe;
- (24) Suquamish Tribe of the Port Madison Reservation;
- (25) Swinomish Indian Community;
- (26) Tulalip Tribes;
- (27) Upper Skagit Indian Tribe;
- (28) Yakama Indian Nation;
- (29) Coeur d'Alene Tribe;
- (30) Confederated Tribes of the Umatilla Indian Reservation;
- (31) Confederated Tribes of Warm Springs;
- (32) Kootenai Tribe; and
- (33) Nez Perce Tribe.

Any student enrolled at a state institution of higher education as defined in RCW 28B.10.016 who is paying resident tuition under this section, and who has not established domicile in the state of Washington at least one year before enrollment, shall not be included in any calculation of state-funded enrollment for budgeting purposes, and no state general fund moneys shall be appropriated to a state institution of higher education for the support of such student.

Sec. 4. RCW 28B.15.012 and 1993 sp.s. c 18 s 4 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a

public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; ((e)) (e) a student who is the spouse or a dependent of a person who is on active military duty stationed in the state; or (f) a student who meets the requirements of section 3 of this act: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 5. RCW 28B.50.839 and 1993 c 87 s 2 are each amended to read as follows:

(1) In consultation with eligible community and technical colleges, the college board shall set priorities and guidelines for the program.

(2) Under this section, a college shall not receive more than four faculty grants in twenty-five thousand dollar increments, with a maximum total of one hundred thousand dollars per campus in any biennium.

(3) All community and technical colleges and foundations shall be eligible for matching trust funds. Institutions and foundations may apply to the college board for grants from the fund in twenty-five thousand dollar increments up to a maximum of one hundred thousand dollars when they can match the state funds with equal cash donations from private sources, except that in the initial year of the program, no college or foundation may receive more than one grant until every college or its foundation has received one grant. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution or foundation in a local endowment fund or a foundation's fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution or foundation.

(4) Once sufficient private donations are received by the institution or foundation, the institution shall inform the college board and request state matching funds. The college board shall evaluate the request for state matching funds based on program priorities and guidelines. The college board may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution or a foundation's fund established by a foundation for each faculty award created.

(5) A college, by action of its board of trustees, may transfer those exceptional faculty award funds accumulated in its local endowment fund between July 1, 1991, and July 25, 1993, to its foundation's local endowment fund established as provided in subsection (3) of this section.

Sec. 6. RCW 28A.600.110 and 1988 c 210 s 4 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools ((in each legislative district)) who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under RCW 28B.80.245."

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending RCW 28B.15.725, 28B.15.012, 28B.50.839, and 28A.600.110; amending 1989 c 290 s 1 (uncodified); and adding a new section to chapter 28B.15 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bauer, Prince and Drew; Representatives Jacobsen, Quall and Carlson

MOTION

On motion of Senator Bauer, the Senate adopted the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 2605.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2605, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2605, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Cantu, Hochstatter and Nelson - 4.

Excused: Senators McDonald, Oke, Quigley and Rinehart - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2605, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

EHB 1756 March 8, 1994

Includes "NEW ITEMS": YES

Requiring the use of licensed or certified electricians for certain purposes

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1756, Requiring the use of licensed or certified electricians for certain purposes, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.28.610 and 1992 c 240 s 3 are each amended to read as follows:

Nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him(~~(- PROVIDED, HOWEVER, That)~~) or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units. Nothing in RCW 19.28.510 through 19.28.620 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(~~((2))~~)(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade(~~(- AND PROVIDED FURTHER, That)~~). RCW 19.28.510 through 19.28.620 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees(~~(- AND PROVIDED FURTHER, That)~~). Nothing in RCW 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems. The licensing provisions of RCW 19.28.510 through 19.28.620 shall not apply to:

(1) Persons making electrical installations on their own property(~~(- AND PROVIDED FURTHER, That)~~);

(2) or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease; or

(~~((3))~~) (2) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.200 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work(~~(- AND PROVIDED FURTHER, That)~~);

(~~(AND PROVIDED FURTHER, That)~~)
Nothing in RCW 19.28.510 through 19.28.620 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter."

On page 1, line 1 of the title, after "19.28.620;" strike the remainder of the title and insert "and amending RCW 19.28.610.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Sutherland, Hochstatter and Prentice; Representatives Heavey, Veloria and Chandler

MOTION

On motion of Senator Sutherland, the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 1756.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Senate Bill No. 1756, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1756, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 17; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Rasmussen, M., Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge and Williams - 28.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Hochstatter, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., Vogndild, West and Wojahn - 17.

Absent: Senator Winsley - 1.

Excused: Senators McDonald, Quigley and Rinehart - 3.

ENGROSSED HOUSE BILL NO. 1756, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

EHB 2190 March 8, 1994

Includes "NEW ITEMS": YES

Modifying limitations of housing-related capital bond proceeds

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2190, Modifying limitations of housing-related capital bond proceeds, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.185.050 and 1991 c 356 s 4 are each amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department (~~(of community development)~~). If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds (~~(and moneys from repayment of loans from appropriations from capital bond proceeds)~~) may be used only for the costs of projects authorized under subsection (2) (a), (i), and (j) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2) (b) and (c) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the housing assistance program.

Sec. 2. RCW 43.185.060 and 1991 c 295 s 1 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, regional support networks established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

Sec. 3. RCW 43.185A.030 and 1991 c 356 s 12 are each amended to read as follows:

(1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds (~~(and moneys from repayment of loans from appropriations from capital bond proceeds)~~) may be used only for the costs of projects authorized under subsection (2)(a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program except for activities authorized under subsection (2)(b) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the affordable housing program.

Sec. 4. RCW 43.185A.040 and 1991 c 356 s 13 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "and amending RCW 43.185.050, 43.185.060, 43.185A.030, and 43.185A.040.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Prentice, Amondson and Pelz; Representatives Wang, Ogden and McMorris

MOTION

On motion of Senator Prentice, the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 2190.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2190, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2190, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Snyder, Spaniel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Haugen, McCaslin, Morton, Nelson, Newhouse, Oke, Schow, Sellar, Smith, L. and West - 16.

Excused: Senators McDonald, Quigley and Rinehart - 3.

ENGROSSED HOUSE BILL NO. 2190, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

SHB 1159 March 8, 1994

Includes "NEW ITEMS": YES

Disclosing improper governmental action

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1159, Disclosing improper governmental action, have had the same under consideration and we recommend that:

All previous amendment(s) not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.41.020 and 1992 c 44 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Improper governmental action" means any action by a local government officer or employee:

(i) That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.

(2) "Local government" means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to cities, counties, school districts, and special purpose districts.

(3) "Retaliatory action" means: (a) Any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

(4) "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

NEW SECTION. Sec. 2. A new section is added to chapter 42.41 RCW to read as follows:

(1) A local government official or employee may not use his or her official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purpose of interfering with that employee's right to disclose information concerning an improper governmental action in accordance with the provisions of this chapter.

(2) Nothing in this section authorizes an individual to disclose information prohibited by law."

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "amending RCW 42.41.020; and adding a new section to chapter 42.41 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Haugen, Winsley and Drew; Representatives H. Myers, Springer and Edmondson

MOTION

On motion of Senator Haugen, the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 1159.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1159, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1159, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Bluechel - 1.

Absent: Senator Moore - 1.

Excused: Senators McDonald, Quigley and Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 1159, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

SHB 2627 March 8, 1994

Includes "NEW ITEMS": YES

Creating a housing finance program

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 2627, Creating a housing finance program, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.180 RCW to read as follows:

The commission, in cooperation with the department of community, trade, and economic development, and the state investment board, shall develop and implement a housing finance program that:

(1) Provides subsidized or unsubsidized mortgage financing for single-family home ownership, including a single condominium unit, located in the state of Washington;

(2) Requests the state investment board to make investments, within its policies and investment guidelines, in mortgage-backed securities that are collateralized by loans made within the state of Washington; and

(3) Provides flexible loan underwriting guidelines, including but not limited to provisions that will allow reduced downpayment requirements for the purchaser.

NEW SECTION. Sec. 2. A new section is added to chapter 43.180 RCW to read as follows:

The housing finance program developed under section 1 of this act shall:

(1) Be limited to borrowers with incomes that do not exceed one hundred fifteen percent of the state or county median family income, whichever is higher, adjusted for family size;

(2) Be limited to first-time home buyers as defined in RCW 43.185A.010;

(3) Be targeted so that priority is given to low-income households as defined in RCW 43.185A.010;

(4) To the extent funds are made available, provide either downpayment or closing costs assistance to households eligible for assistance under chapter 43.185A RCW and this chapter; and

(5) Provide notification to active participants of the state retirement systems managed by the department of retirement systems under chapter 41.50 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 43.180 RCW to read as follows:

(1) The commission shall submit to the legislature in its annual report a summary of the progress of the housing finance program developed under section 1 of this act. The report shall include, but not be limited to the number of loans made and location of property financed under sections 1 and 2 of this act.

(2) The commission shall take such steps as are necessary to ensure that sections 1 and 2 of this act are implemented on the effective date of this act.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "finance;" strike the remainder of the title and insert "and adding new sections to chapter 43.180 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Amondson and Prentice; Representatives Wineberry, Quall and Schoesler

MOTION

Senator Prentice moved that the Senate do adopt the Report of the Conference Committee on Substitute House Bill No. 2627.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate do adopt the Report of the Conference Committee on Substitute House Bill No. 2627.

The motion by Senator Prentice carried and the Report of the Conference Committee on Substitute House Bill No. 2627 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2627, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2627, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Cantu, McCaslin and Oke - 3.

Excused: Senators McDonald, Quigley and Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 2627, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

ESHB 1652 March 8, 1994

Includes "NEW ITEMS": YES

Revising provisions relating to animal cruelty

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, Revising provisions relating to animal cruelty, have had the same under consideration and we recommend that:

The Senate Committee on Law and Justice striking amendment, as amended, adopted March 3, 1994, be adopted with the following change:

On page 6, line 24 of the amendment, after "intentionally" strike "or knowingly"

Committee on Law and Justice amendment, as amended

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds there is a need to modernize the law on animal cruelty to more appropriately address the nature of the offense. It is not the intent of this act to remove or decrease any of the exemptions from the statutes on animal cruelty that now apply to customary animal husbandry practices, state game or fish laws, rodeos, fairs under chapter 15.76 RCW, or medical research otherwise authorized under federal or state law. It is the intent of this act to require the enforcement of chapter 16.52 RCW by persons who are accountable to elected officials at the local and state level.

NEW SECTION. Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

(b) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

(c) "Animal control officer" means any individual employed, contracted, or appointed pursuant to section 5 of this act by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (e) of this subsection and section 5 of this act.

(d) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

(e) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under section 5 of this act.

(f) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(g) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age and species and sufficient to provide a reasonable level of nutrition for the animal.

(h) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

(i) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

(j) "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.

NEW SECTION. Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(1) Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.

(3) Animal control officers have the following enforcement powers when enforcing this chapter:

(a) The power to issue citations based on probable cause to offenders for misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 or 81.56.120;

(b) The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.56.120. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within twenty-four hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

(c) The power to carry nonfirearm protective devices for personal protection;

(d) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.56.120, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.56.120, a law enforcement agency officer may arrest the alleged offender.

Sec. 4. RCW 16.52.020 and 1973 1st ex.s. c 125 s 1 are each amended to read as follows:

Any citizens of the state of Washington (~~who have heretofore, or who shall hereafter, incorporate as a body corporate,)~~ incorporated under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may (~~avail themselves of the privileges of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180. PROVIDED, That)~~ enforce the provisions of this chapter through its animal control officers subject to the limitations in sections 3 and 5 of this act. The legislative authority in each county may grant exclusive authority to exercise the privileges and authority granted by this section to one or more qualified corporations for a period of up to three years based upon ability to fulfill the purposes of this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

Trustees of humane societies incorporated pursuant to RCW 16.52.020 may appoint society members to act as animal control officers. The trustee appointments shall be in writing. The appointment shall be effective in a particular county only if an appointee obtains written authorization from the superior court of the county in which the appointee seeks to enforce this chapter. To obtain judicial authorization, an appointee seeking judicial authorization on or after the effective date of this section shall provide evidence satisfactory to the judge that the appointee has successfully completed training which has prepared the appointee to assume the powers granted to animal control officers pursuant to section 3 of this act. The trustees shall review appointments every three years and may revoke an appointment at any time by filing a certified revocation with the superior court that approved the appointment. Authorizations shall not exceed three years or trustee termination, whichever occurs first. To qualify for reappointment when a term expires on or after the effective date of this section, the officer shall obtain training or satisfy the court that the officer has sufficient experience to exercise the powers granted to animal control officers pursuant to section 3 of this act.

Sec. 6. RCW 16.52.085 and 1987 c 335 s 1 are each amended to read as follows:

(1) If ~~((the county sheriff or other))~~ a law enforcement officer ~~((shall find))~~ or animal control officer has probable cause to believe that ~~((said))~~ an owner of a domestic animal has ~~((been neglected by its owner, he or she))~~ violated this chapter and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a ~~((proper pasture or other))~~ suitable place for feeding and ~~((restoring to health-))~~ care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of ~~((an))~~ a domestic animal allegedly neglected ~~((domestic animal))~~ or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed ~~((to a suitable place))~~ pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the ~~((law enforcement))~~ officer shall make a good faith effort to contact the animal's owner before removal ~~((unless the animal is in a life-threatening condition or unless the officer reasonably believes that the owner would remove the animal from the jurisdiction)).~~

(4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care.

(5) If no criminal case is filed within ~~((seventy-two hours))~~ fourteen business days of the ~~((removal of the animal))~~ animal's removal, the owner may petition the district court of the county where the ~~((removal of the))~~ animal ~~((occurred))~~ was removed for the ~~((return of the animal))~~ animal's return. The petition shall be filed with the court, with copies served to the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must deliver the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

~~((5))~~ (6) In a motion or petition for the ~~((return of the removed animal))~~ animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

~~((6))~~ (7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

Sec. 7. RCW 16.52.095 and Code 1881 s 840 are each amended to read as follows:

It shall not be lawful for any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat or hog, or dog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum less than twenty dollars. This section does not apply if cutting off more than one-half of the ear of the animal is a customary husbandry practice.

NEW SECTION. Sec. 8. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally or knowingly (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2) Animal cruelty in the first degree is a class C felony.

NEW SECTION. Sec. 9. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

(b) Abandons the animal.

(3) Animal cruelty in the second degree is a misdemeanor.

(4) In any prosecution of animal cruelty in the second degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

Sec. 10. RCW 16.52.100 and 1982 c 114 s 6 are each amended to read as follows:

~~((Any person who shall impound or confine or cause to be impounded or confined any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall be guilty of a misdemeanor. In case))~~ If any domestic animal ~~((shall be))~~ is impounded or confined ~~((as aforesaid and shall continue to be))~~ without necessary food and water for more than ~~((twenty-four))~~ thirty-six consecutive hours, ~~((it shall be lawful for))~~ any person may, from time to time, as ~~((it shall be deemed))~~ is necessary ~~((to))~~, enter into and open any pound or place of confinement in which any domestic animal ~~((shall be))~~ is confined, and supply it with necessary food and water so

long as it ~~((shall be))~~ is confined. ~~((Such))~~ The person shall not be liable to action for ~~((such))~~ the entry, and may collect from the animal's owner the reasonable cost of ~~((such))~~ the food and water ~~((may be collected by him of the owner of such animal, and the said))~~. The animal shall be subject to attachment ~~((therefor))~~ for the costs and shall not be exempt from levy and sale upon execution issued upon a judgment ~~((therefor))~~. If an investigating officer finds it extremely difficult to supply ~~((such))~~ confined animals with food and water, the officer may remove the animals to protective custody for that purpose.

Sec. 11. RCW 16.52.117 and 1982 c 114 s 9 are each amended to read as follows:

(1) Any person who does any of the following is guilty of a gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment:

(a) Owns, possesses, keeps, or trains any ~~((dog))~~ animal with the intent that the ~~((dog))~~ animal shall be engaged in an exhibition of fighting with another ~~((dog))~~ animal;

(b) For amusement or gain causes any ~~((dog))~~ animal to fight with another ~~((dog))~~ animal, or causes any ~~((dogs))~~ animals to injure each other; or

(c) Permits any act in violation of (a) or (b) of this subsection to be done on any premises under his or her charge or control, or promotes or aids or abets any such act.

(2) Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of ~~((dogs))~~ animals, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

(3) Nothing in this section may prohibit the following:

(a) The use of dogs in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;

(b) The use of dogs in hunting as permitted by law; or

(c) The training of ~~((dogs))~~ animals or the use of equipment in the training of ~~((dogs))~~ animals for any purpose not prohibited by law.

Sec. 12. RCW 16.52.180 and 1901 c 146 s 18 are each amended to read as follows:

No part of ~~((RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180))~~ this chapter shall be deemed to interfere with any of the laws of this state known as the "game laws," nor ~~((shall RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180))~~ be deemed to interfere with the right to destroy any venomous reptile or any known as dangerous to life, limb or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated college or university of the state of Washington or a research facility registered with the United States department of agriculture and regulated by 7 U.S.C. Sec. 2131 et seq.

Sec. 13. RCW 16.52.190 and 1941 c 105 s 1 are each amended to read as follows:

~~((It shall be unlawful for any person to wilfully or maliciously poison any domestic animal or domestic bird. PROVIDED, That the provisions))~~ (1) Except as provided in subsections (2) and (3) of this section, a person is guilty of the crime of poisoning animals if the person intentionally or knowingly poisons an animal under circumstances which do not constitute animal cruelty in the first degree.

(2) Subsection (1) of this section shall not apply to ~~((the killing))~~ euthanizing by poison ~~((such))~~ an animal ~~((or bird))~~ in a lawful and humane manner by the animal's owner ~~((thereof))~~, or by a duly authorized servant or agent of ~~((such))~~ the owner, or by a person acting pursuant to instructions from a duly constituted public authority.

(3) Subsection (1) of this section shall not apply to the reasonable use of rodent or pest poison, insecticides, fungicides, or slug bait for their intended purposes. As used in this section, the term "rodent" includes but is not limited to Columbia ground squirrels, other ground squirrels, rats, mice, gophers, rabbits, and any other rodent designated as injurious to the agricultural interests of the state as provided in chapter 17.16 RCW. The term "pest" as used in this section includes any pest as defined in RCW 17.21.020.

Sec. 14. RCW 16.52.200 and 1987 c 335 s 2 are each amended to read as follows:

(1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the ~~((cruel))~~ animal's treatment to have been severe and likely to reoccur. If forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animals for a period of two years. The court may delay its decision on forfeiture under this subsection until the end of the probationary period.

(4) In addition to fines and court costs, the ~~((owner))~~ defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by ~~((the))~~ law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

(5) If convicted, the ~~((owner))~~ defendant shall also pay a civil penalty of one ~~((hundred))~~ thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

(6) As a condition of the sentence imposed under this chapter or RCW 9.08.070, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

Sec. 15. RCW 16.52.300 and 1990 c 226 s 1 are each amended to read as follows:

(1) If any person ~~((who uses))~~ commits the crime of animal cruelty in the first or second degree by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, ~~((in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.~~

(2) Any person who violates the provisions of subsection (1) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.

(3) Any person who captures by trap a domestic dog or cat to be used as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.

(4) Any person who violates the provisions of subsection (3) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.

(5) If a person violates this section, law enforcement ~~((authorities))~~ officers or animal control officers shall seize and hold the animals being trained. ~~((Such))~~ The seized animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).

~~((6))~~ (2) This section shall not in any way interfere with or impair the operation of any provision of Title 28B RCW, relating to higher education or biomedical research.

Sec. 16. RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No. 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation,

receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020((6)(a)) (9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;
(e) Controlled substance homicide;
(f) Extortion in the first degree;
(g) Incest when committed against a child under age fourteen;
(h) Indecent liberties;
(i) Kidnapping in the second degree;
(j) Leading organized crime;
(k) Manslaughter in the first degree;
(l) Manslaughter in the second degree;
(m) Promoting prostitution in the first degree;
(n) Rape in the third degree;
(o) Robbery in the second degree;
(p) Sexual exploitation;
(q) Vehicular assault;
(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(22) "Nonviolent offense" means an offense which is not a violent offense.

(23) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(24) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(25) "Persistent offender" is an offender who:

(a) Has been convicted in this state of any felony considered a most serious offense; and
(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted.

(26) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(27) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(28) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or
(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(29) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(30) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(31) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;
(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or
(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(32) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(33) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(34) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(35) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(36) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(37) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders

sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (31) of this section are not eligible for the work crew program.

(38) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(39) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(40) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 17. RCW 9A.48.080 and 1979 c 145 s 2 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication(;

or
(c) ~~Notwithstanding RCW 46.52.070, causes physical damage, destruction, or injury by amputation, mutilation, castration, or other malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat, or sheep which is the property of another).~~

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

Sec. 18. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

(8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(22) "Secretary" means the secretary of the department of social and health services;

(23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 19. RCW 81.56.120 and 1961 c 14 s 81.56.120 are each amended to read as follows:

Railroad companies in carrying or transporting animals shall not permit them to be confined in cars for a longer period than forty-eight consecutive hours without unloading them for rest, water and feeding for a period of at least two consecutive hours, unless prevented from so unloading them by an unavoidable accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall, during such rest, be properly fed, watered by the owner or person having the custody of them, or in case of his default in so doing, then by the railroad company transporting them, at the expense of said owner or person in custody thereof, and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for such detention of such animals. If animals are transported where they can and do have proper food, water, space and opportunity for rest, the foregoing provision in regard to their being unloaded shall not apply. Violators of this section shall be punished by fine not exceeding one (~~hundred~~) thousand dollars per animal.

NEW SECTION. Sec. 20. A new section is added to chapter 16.52 RCW to read as follows:

A person may kill a bear or cougar that is reasonably perceived to be an unavoidable and immediate threat to human life.

Sec. 21. RCW 77.12.265 and 1987 c 506 s 35 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is threatening human life or damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to human life, crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate department regional administrator to owners or tenants of real property to trap or kill on that property any cougar, bear, deer, elk, or protected wildlife which is threatening human life or damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

Sec. 22. RCW 16.52.185 and 1982 c 114 s 10 are each amended to read as follows:

Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof or to the use of animals in the normal and usual course of rodeo events or to the customary use or exhibiting of animals in normal and usual events at fairs as defined in RCW 15.76.120.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) RCW 16.52.010 and 1901 c 146 s 17;
- (2) RCW 16.52.030 and 1982 c 114 s 2 & 1901 c 146 s 2;
- (3) RCW 16.52.040 and 1901 c 146 s 14;
- (4) RCW 16.52.050 and 1901 c 146 s 10;
- (5) RCW 16.52.055 and 1901 c 146 s 3;
- (6) RCW 16.52.060 and 1987 c 202 s 182 & 1893 c 27 s 9;
- (7) RCW 16.52.065 and 1982 c 114 s 3 & 1893 c 27 s 8;
- (8) RCW 16.52.070 and 1982 c 114 s 4, 1979 c 145 s 4, & 1901 c 146 s 4;
- (9) RCW 16.52.113 and 1982 c 114 s 8;
- (10) RCW 16.52.120 and 1982 c 114 s 11 & 1901 c 146 s 7;
- (11) RCW 16.52.130 and 1982 c 114 s 12 & 1901 c 146 s 8;
- (12) RCW 16.52.140 and 1901 c 146 s 11; and
- (13) RCW 16.52.160 and 1901 c 146 s 9."

On page 1, line 1 of the title, after "cruelty;" strike the remainder of the title and insert "amending RCW 16.52.020, 16.52.085, 16.52.095, 16.52.100, 16.52.117, 16.52.180, 16.52.190, 16.52.200, 16.52.300, 9A.48.080, 13.40.020, 81.56.120, 77.12.265, and 16.52.185; reenacting and amending RCW 9.94A.030; adding new sections to chapter 16.52 RCW; creating a new section; repealing RCW 16.52.010, 16.52.030, 16.52.040, 16.52.050, 16.52.055, 16.52.060, 16.52.065, 16.52.070, 16.52.113, 16.52.120, 16.52.130, 16.52.140, and 16.52.160; and prescribing penalties.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Adam Smith and Nelson; Representatives Johanson, Romero and Fuhrman

MOTION

On motion of Senator Moore, the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1652.

MOTION

On motion of Senator Drew, Senators Ludwig and Adam Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1652, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1652, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senator Sellar - 1.

Absent: Senators Bauer and Newhouse - 2.

Excused: Senators Ludwig, McDonald, Quigley, Rinehart and Smith, A. - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

HB 2486 March 8, 1994

Includes "NEW ITEMS": YES

Delaying or repealing specified sunset provisions

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 2486, Delaying or repealing specified sunset provisions, have had the same under consideration and we recommend that:

All previous amendment(s) not be adopted and the following amendment by the Conference Committee be adopted:

On page 2, after line 11, insert the following:

"**Sec. 4.** RCW 28B.102.900 and 1987 c 437 s 9 are each amended to read as follows:

No conditional scholarships shall be granted after June 30, (~~1994, until the program is reviewed by the legislative budget committee and is reenacted by the legislature~~) 1995."

On page 1, beginning on line 1 of the title, after "43.131.381" strike "and 43.131.382" and insert ", 43.131.382, and 28B.102.900", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Haugen, McDonald and Drew; Representatives Ogden and Sommers

MOTION

On motion of Senator Haugen, the Senate adopted the Report of the Conference Committee on House Bill No. 2486. The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2486, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2486, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Amondson, Cantu and McCaslin - 3.

Excused: Senators Ludwig, McDonald, Quigley and Rinehart - 4.

HOUSE BILL NO. 2486, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

SHB 2760 March 8, 1994

Includes "NEW ITEMS": YES

Authorizing sales tax equalization for transit systems

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 2760, Authorizing sales tax equalization for transit systems, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.44.150 and 1993 c 491 s 2 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within (i) each county with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in

subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and section 2 of this act.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under section 2 of this act; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under section 2 of this act.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under section 2 of this act. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and section 2 of this act shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

Beginning with distributions made to municipalities under RCW 82.44.150 on January 1, 1996, municipalities as defined in RCW 35.58.272 imposing the sales and use tax under RCW 82.14.045 shall be eligible for equalization payments from motor vehicle excise taxes distributed under RCW 82.44.150 as follows:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each municipality imposing the sales and use tax authorized under RCW 82.14.045 and the state-wide weighted average per capita level of sales and use tax revenues imposed under chapters 82.08 and 82.12 RCW for the previous calendar year calculated for a tax rate of one-tenth percent.

(2) For each tenth of one percent of sales and use tax imposed under RCW 82.14.045, the state treasurer shall apportion to each municipality receiving less than eighty percent of the state-wide weighted average per capita level of sales and use tax revenues imposed under chapters 82.08 and 82.12 RCW as determined by the department of revenue under subsection (1) of this section, an amount when added to the per capita level of revenues received the previous calendar year by the municipality, to equal eighty percent of the state-wide weighted average per capita level of revenues determined under subsection (1) of this section. In no event may the sales and use tax equalization distribution to a municipality in a single calendar year exceed fifty percent of the amount of sales and use tax collected under RCW 82.14.045 during the prior calendar year.

(3) For a municipality established after January 1, 1995, sales and use tax equalization distributions shall be made according to the procedures in this subsection. Sales and use tax equalization distributions to eligible new municipalities shall be made at the same time as distributions are made under subsection (2) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new municipality has received a full year's worth of revenues under RCW 82.14.045 as of the January sales and use tax equalization distribution.

(a) Whether a newly established municipality determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October sales and use tax equalization distribution shall depend on the date the system first imposes the tax authorized under RCW 82.14.045.

(i) A newly established municipality imposing the tax authorized under RCW 82.14.045 taking effect during the first calendar quarter shall be eligible to receive funds under this subsection beginning with the July sales and use tax equalization distribution of that year.

(ii) A newly established municipality imposing the tax authorized under RCW 82.14.045 taking effect during the second calendar quarter shall be eligible to receive funds under this subsection beginning with the October sales and use tax equalization distribution of that year.

(iii) A newly established municipality imposing the tax authorized under RCW 82.14.045 taking effect during the third calendar quarter shall be eligible to receive funds under this subsection beginning with the January sales and use tax equalization distribution of the next year.

(iv) A newly established municipality imposing the tax authorized under RCW 82.14.045 taking effect during the fourth calendar quarter shall be eligible to receive funds under this subsection beginning with the April sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new municipality should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.045 that the new municipality would have received had the municipality received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (2) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.045 is imposed.

(c) The department of revenue shall advise the state treasurer of the amounts calculated under (b) of this subsection and the state treasurer shall distribute these amounts to the new municipality from the motor vehicle excise tax distributed under RCW 82.44.150(2)(d).

(d) Revenues estimated under this subsection shall not affect the calculation of the state-wide weighted average per capita level of revenues for all municipalities made under subsection (1) of this section.

(4) For an existing municipality imposing the sales and use tax authorized under RCW 82.14.045 to take effect after January 1, 1995, sales and use tax equalization payments shall be made according to the procedures for newly established municipalities in subsection (3) of the section.

(5) A municipality that reduces its sales and use tax rate under RCW 82.14.045 after January 1, 1994, may not receive distributions under this section."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 82.44.150; and adding a new section to chapter 82.14 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Vognild and Drew; Representatives R. Fisher, Brown and Schmidt

MOTION

On motion of Senator Vognild, the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 2760.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2760, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2760, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Cantu, McCaslin, Nelson, Newhouse, Roach, Schow, Sellar and Smith, L. - 10.

Absent: Senator Winsley - 1.

Excused: Senators McDonald, Quigley and Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 2760, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:45 p.m., on motion of Senator Gaspard, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:39 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6065,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6071,
SENATE BILL NO. 6080,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6084,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6111,
SUBSTITUTE SENATE BILL NO. 6138,
SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6584.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO 6047. The Speaker has appointed the following members as conferees: Representatives Appelwick, Johanson and Ballasiotes.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2270 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2347 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6068 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESSB 6068 March 8, 1994

Includes "NEW ITEMS": YES

Revising procedures for appeals involving boards within the environmental hearings office

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE BILL NO. 6068, Revising procedures for appeals involving boards within the environmental hearings office, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 90.58.170 and 1988 c 128 s 76 are each amended to read as follows:

A shorelines hearings board sitting as a quasi judicial body is hereby established within the environmental hearings office under RCW 43.21B.005. The shorelines hearings board shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the commissioner of public lands or his or her designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. Except as provided in section 2 of this act, a decision must be agreed to by at least four members of the board to be final. The members of the shorelines (~~appeals~~) board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) In the case of an appeal involving a single family residence or appurtenance to a single family residence, including a dock or pier designed to serve a single family residence, the request for review may be heard by a panel of three board members, at least one and not more than two of whom shall be members of the pollution control hearings board. Two members of the three must agree to issue a final decision of the board.

(2) The board shall define by rule alternative processes to expedite appeals. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

Sec. 3. RCW 90.58.180 and 1989 c 175 s 183 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6).

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his or her request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor (~~PROVIDED, That~~). The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board (~~may be had as provided in~~) is governed by chapter 34.05 RCW.

(4) A local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or

(e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

(5) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW (~~34.05.538- PROVIDED, That~~) 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

Sec. 4. RCW 43.21C.075 and 1983 c 117 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether

governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement), consistent with any state statutory requirements for appeals to local legislative bodies. The appeal proceeding on a determination of significance/nonsignificance may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) by providing for simultaneous appeal of an agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the threshold determination appeal as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this ~~(paragraph)~~ subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). This section does not modify any such time periods. This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within thirty days. The agency shall give official notice stating the date and place for commencing an appeal. If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.

(b) A notice of action under RCW 43.21C.080 may be used. If a notice of action is used, judicial appeals shall be commenced within the time period specified by RCW 43.21C.080, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period.

(6)(a) Judicial review of an appeal decision made by an agency under RCW 43.21C.075(5) shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) and (3)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. The word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

NEW SECTION. Sec. 5. A new section is added to chapter 43.21B RCW to read as follows:

In an appeal that involves a penalty of five thousand dollars or less, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. The board shall define by rule alternative procedures to expedite small appeals. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

Sec. 6. RCW 43.21B.180 and 1989 c 175 s 104 are each amended to read as follows:

Judicial review of a decision of the hearings board ~~((shall be de novo except when the decision has been rendered pursuant to a formal hearing elected under the provisions of this chapter, in which event judicial review))~~ may be obtained only pursuant to RCW 34.05.510 through 34.05.598. The director shall have the same right of review from a decision made pursuant to RCW 43.21B.110 as does any person.

Sec. 7. RCW 43.21B.190 and 1988 c 202 s 43 are each amended to read as follows:

Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, ~~((or within thirty days after an appeal has been denied after an informal hearing,))~~ such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court. In all appeals involving a decision or an order of the hearings board after an informal hearing, the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. Such appeal may be perfected by filing with the clerk of the superior court a notice of appeal, and by serving a copy thereof by mail, or personally on the director, the air pollution control boards or authorities, established pursuant to chapter 70.94 RCW or on the board as the case may be. The hearings board shall serve upon the appealing party, the director, the air pollution control board or authorities established pursuant to chapter 70.94 RCW, or the board, as the case may be, and on any other party appearing at the hearings board's proceeding,

and file with the clerk of the court before trial, a certified copy of the hearings board's decision and order. Appellate review of a decision of the superior court may be sought as in other civil cases. No bond shall be required on appeals to the superior court or on review by the supreme court unless specifically required by the judge of the superior court.

Sec. 8. RCW 43.21B.230 and 1990 c 65 s 6 are each amended to read as follows:

Any person having received notice of a denial of a petition, a notice of determination, notice of or an order made by the department may appeal, within thirty days from the date of the notice of such denial, order, or determination to the hearings board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board. ~~((If the person intends that the hearing before the hearings board be a formal one, the notice of appeal shall so state. In the event that the notice of appeal does not so state, the hearing shall be an informal one: PROVIDED, HOWEVER, That nothing shall prevent the department or the air pollution authority, as the case may be, within ten days from the date of its receipt of the notice of appeal, from filing with the clerk of the hearings board notice of its intention that the hearing be a formal one.))~~

Sec. 9. RCW 76.09.230 and 1992 c 52 s 23 are each amended to read as follows:

~~(1) ((In all appeals over which the appeals board has jurisdiction, a party taking an appeal may elect either a formal or an informal hearing, unless such party has had an informal hearing with the department. Such election shall be made according to the rules of practice and procedure to be promulgated by the appeals board. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.~~

~~(2))~~ In all appeals over which the appeals board has jurisdiction, upon request of one or more parties and with the consent of all parties, the appeals board shall promptly schedule a conference for the purpose of attempting to mediate the case. The mediation conference shall be held prior to the hearing on not less than seven days' advance written notice to all parties. All other proceedings pertaining to the appeal shall be stayed until completion of mediation, which shall continue so long as all parties consent: PROVIDED, That this shall not prevent the appeals board from deciding motions filed by the parties while mediation is ongoing: PROVIDED, FURTHER, That discovery may be conducted while mediation is ongoing if agreed to by all parties. Mediation shall be conducted by an administrative appeals judge or other duly authorized agent of the appeals board who has received training in dispute resolution techniques or has a demonstrated history of successfully resolving disputes, as determined by the appeals board. A person who mediates in a particular appeal shall not participate in a hearing on that appeal or in writing the decision and order in the appeal. Documentary and other physical evidence presented and evidence of conduct or statements made during the course of mediation shall be treated by the mediator and the parties in a confidential manner and shall not be admissible in subsequent proceedings in the appeal except in accordance with the provisions of the Washington rules of evidence pertaining to compromise negotiations.

~~((3))~~ (2) In all appeals the appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions, but such powers shall be exercised in conformity with chapter 34.05 RCW.

~~((4))~~ (3) In all appeals ~~((involving formal hearing))~~ the appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings.

~~((5))~~ (4) All proceedings ~~((, including both formal and informal hearings,))~~ before the appeals board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. The appeals board shall publish such rules and arrange for the reasonable distribution thereof.

~~((6))~~ (5) Judicial review of a decision of the appeals board ~~((shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review))~~ may be obtained only pursuant to RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 10. The office of the administrator for the courts, under the direction of the appellate courts, shall conduct a study to expedite appeals from administrative hearings. The study shall be conducted in close cooperation with the environmental hearings office. Recommendations from the study shall be made to the appropriate standing committees of the legislature by September 1, 1994.

NEW SECTION. Sec. 11. (1) The environmental hearings office shall review and make recommendations regarding the consolidation of the following boards into a single board with jurisdiction over such land use and environmental decisions as such boards collectively exercise under current law:

- (a) Pollution control hearings board;
- (b) Growth planning hearings boards;
- (c) Shorelines hearings board;
- (d) Hydraulics appeals board; and
- (e) Forest practices appeals board.

The office shall review the caseloads, staffing, and appeal procedures of such boards, as well as current and anticipated caseloads in view of future regulatory, planning or other requirements likely to impact the caseloads of such boards.

(2) The office shall include the results of its review in a report to the governor and the standing committees of the legislature on environmental and judiciary matters on or before December 1, 1994. The report shall include recommendations on whether such board consolidation may achieve administrative efficiencies while ensuring timely resolution of all matters which may be considered by such a board. The report shall also include recommendations on board size, staffing, and other considerations relevant to consolidation of the existing boards."

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "amending RCW 90.58.170, 90.58.180, 43.21C.075, 43.21B.180, 43.21B.190, 43.21B.230, and 76.09.230; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21B RCW; and creating new sections.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fraser, Talmadge and Morton; Representatives Rust, L. Johnson and Horn

MOTION

On motion of Senator Fraser, the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6068.

MOTION

On motion of Senator Drew, Senator Niemi was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6068, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6068, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 45.

Absent: Senators Pelz and Smith, A. - 2.

Excused: Senators McDonald and Niemi - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

RESHB 1471 March 9, 1994

Includes "NEW ITEMS": YES

Regulating the non-Puget Sound coastal commercial crab fishery

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred REENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, Regulating the non-Puget Sound coastal commercial crab fishery, have had the same under consideration and we recommend that: All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the commercial crab fishery in coastal and offshore waters is overcapitalized. The legislature further finds that this overcapitalization has led to the economic destabilization of the coastal crab industry, and can cause excessive harvesting pressures on the coastal crab resources of Washington state. In order to provide for the economic well-being of the Washington crab industry and to protect the livelihood of Washington crab fishers who have historically and continuously participated in the coastal crab fishery, the legislature finds that it is in the best interests of the economic well-being of the coastal crab industry to reduce the number of fishers taking crab in coastal waters, to reduce the number of vessels landing crab taken in offshore waters, to limit the number of future licenses, and to limit fleet capacity by limiting vessel size.

NEW SECTION. Sec. 2. (1) Effective January 1, 1995, it is unlawful to fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab--coastal fishery license is transferable. Such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel on the qualifying license that meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (4) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

- (i) Crab pot—Non-Puget Sound license, issued under RCW 75.28.130(1)(b);
- (ii) Nonsalmon delivery license, issued under RCW 75.28.125;
- (iii) Salmon troll license, issued under RCW 75.28.110;
- (iv) Salmon delivery license, issued under RCW 75.28.113;
- (v) Food fish trawl license, issued under RCW 75.28.120; or
- (vi) Shrimp trawl license, issued under RCW 75.28.130; or

(b) Made a minimum of four landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings.

(3) A Dungeness crab--coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab--coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel that made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab--coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(4) The four qualifying seasons for purposes of this section are:

- (a) December 1, 1988, through September 15, 1989;
- (b) December 1, 1989, through September 15, 1990;
- (c) December 1, 1990, through September 15, 1991; and
- (d) December 1, 1991, through September 15, 1992.

(5) For purposes of this section and section 9 of this act, "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

NEW SECTION. Sec. 3. (1) The director shall allow the landing into Washington state of crab taken in offshore waters only if:

(a) The crab are legally caught and landed by fishers with a valid Washington state Dungeness crab--coastal fishery license or a valid Dungeness crab--coastal class B fishery license; or

(b) The crab are legally caught and landed by fishers with a valid Oregon or California commercial crab fishing license during the calendar year between the dates of February 15th and September 15th inclusive, if the crab were caught in offshore waters beyond the jurisdiction of Washington state, if the crab were taken with crab gear that consisted of one buoy attached to each crab pot, if each crab pot was fished individually, and if the fisher landing the crab has obtained a valid delivery license; or

(c) The director determines that the landing of offshore Dungeness crab by fishers without a Washington state Dungeness crab--coastal fishery license or a valid Dungeness crab--coastal class B fishery license is in the best interest of the coastal crab processing industry and the director has been requested to allow such landings by at least three Dungeness crab processors, and if the landings are permitted only between the dates of December 1st to February 15th inclusively, if only crab fishers commercially licensed to fish by Oregon or California are permitted to land, if the crab was taken with gear that consisted of one buoy attached to each crab pot, if each crab pot was fished individually, if the fisher landing the crab has obtained a valid delivery license, and if the decision is made on a case-by-case basis for the sole reason of improving the economic stability of the commercial crab fishery.

(2) Nothing in this section allows the commercial fishing of Dungeness crab in waters within three miles of Washington state by fishers who do not possess a valid Dungeness crab--coastal fishery license or a valid Dungeness crab--coastal class B fishery license. Landings of offshore Dungeness crab by fishers without a valid Dungeness crab--coastal fishery license or a valid Dungeness crab--coastal class B license do not qualify the fisher for such licenses.

NEW SECTION. Sec. 4. A person commercially fishing for Dungeness crab in offshore waters outside of Washington state jurisdiction shall obtain a Dungeness crab offshore delivery license from the director if the person does not possess a valid Dungeness crab--coastal fishery license or a valid Dungeness crab--coastal class B fishery license and the person wishes to land Dungeness crab into a place or a port in the state. The annual fee for a Dungeness crab offshore delivery license is two hundred fifty dollars. The director may specify restrictions on landings of offshore Dungeness crab in Washington state as authorized in section 3 of this act.

Fees from the offshore Dungeness crab delivery license shall be placed in the coastal crab account created in section 6 of this act.

NEW SECTION. Sec. 5. Dungeness crab--coastal fishery licenses are freely transferable on a willing seller-willing buyer basis, if upon each sale of a Dungeness crab--coastal fishery license, twenty percent of the sale proceeds are remitted to the department and deposited in the coastal crab account. Funds shall be used for license purchase as provided in section 7 of this act or for coastal crab management activities as provided in section 8 of this act.

For any license transfer that includes the transfer of the designated vessel and associated business, the seller must sign a notarized affidavit that the value of the vessel and associated business was not inflated. A marine survey documenting the value of the vessel and associated business shall be filed with the department along with the affidavit and the application to transfer the Dungeness crab--coastal fishery license. The cost of the survey shall be paid by the purchaser.

NEW SECTION. Sec. 6. (1) The coastal crab account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used for license purchase as provided in section 7 of this act, or for coastal crab management activities as provided in section 8 of this act. The appropriate standing committees of the legislature shall review the status and expenditures of the coastal crab account yearly.

(2) A surcharge of two hundred fifty dollars shall be collected with each Dungeness crab--coastal fishery license and Dungeness crab--coastal class B fishery license for 1995 and 1996, for the purposes of purchasing Dungeness crab--coastal class B fishery licenses as provided in section 7 of this act. The moneys shall be deposited into the coastal crab account.

NEW SECTION. Sec. 7. Expenditures from the coastal crab account may be made by the department to purchase Dungeness crab--coastal class B fishery licenses during the following time periods:

(1) January 1, 1995, to December 31, 1995, at a price not to exceed five thousand dollars per license; or

(2) January 1, 1996, to December 31, 1996, at a price not to exceed three thousand five hundred dollars per license.

The department shall establish rules governing the purchase of class B licenses. Dungeness crab--coastal class B fishery licensees may apply to the department for the purposes of selling their license on a willing seller basis. Licenses will be purchased in the order applications are received, or as funds allow.

NEW SECTION. Sec. 8. Expenditures from the coastal crab account may be made by the department for management of the coastal crab resource. Management activities may include studies of resource viability, interstate negotiations concerning regulation of the offshore crab resource, resource enhancement projects, or other activities as determined by the department.

NEW SECTION. Sec. 9. (1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident Non-Puget Sound crab pot license issued under RCW 75.28.130 each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in section 2(4) of this act as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident Dungeness crab--coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

NEW SECTION. Sec. 10. (1) The following restrictions apply to vessel designations and substitutions on Dungeness crab--coastal fishery licenses and Dungeness crab--coastal class B fishery licenses:

(a) The holder of the license may not designate on the license a vessel the hull length of which exceeds ninety-nine feet, nor may the holder change vessel designation if the hull length of the vessel proposed to be designated exceeds the hull length of the currently designated vessel by more than ten feet;

(b) If the hull length of the vessel proposed to be designated is comparable to or exceeds by up to one foot the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any two consecutive Washington state coastal crab seasons unless the currently designated vessel is lost or in disrepair such that it does not safely operate, in which case the department may allow a change in vessel designation;

(c) If the hull length of the vessel proposed to be designated exceeds by between one and ten feet the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any five consecutive Washington state coastal crab seasons, unless a request is made by the license holder during a Washington state coastal crab season for an emergency change in vessel designation. If such an emergency request is made, the director may allow a temporary change in designation to another vessel, if the hull length of the other vessel does not exceed by more than ten feet the hull length of the currently designated vessel.

(2) For the purposes of this section, "hull length" means the length of a vessel's hull as shown by United States coast guard documentation or marine survey, or for vessels that do not require United States coast guard documentation, by manufacturer's specifications or marine survey.

Sec. 11. RCW 75.28.044 and 1993 sp.s. c 17 s 45 are each amended to read as follows:

This section applies to all commercial fishery licenses, delivery licenses, and charter licenses, except for emergency salmon delivery licenses.

(1) The holder of a license subject to this section may substitute the vessel designated on the license or designate a vessel if none has previously been designated if the license holder:

(a) Surrenders the previously issued license to the department;

(b) Submits to the department an application that identifies the currently designated vessel, the vessel proposed to be designated, and any other information required by the department; and

(c) Pays to the department a fee of thirty-five dollars.

(2) Unless the license holder owns all vessels identified on the application described in subsection (1)(b) of this section or unless the vessel is designated on a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license, the following restrictions apply to changes in vessel designation:

- (a) The department shall change the vessel designation on the license no more than four times per calendar year.
 (b) The department shall change the vessel designation on the license no more than once in any seven-day period.

Sec. 12. RCW 75.28.046 and 1993 c 340 s 9 are each amended to read as follows:

This section applies to all commercial fishery licenses, delivery licenses, and charter licenses, except for whiting--Puget Sound fishery licenses and emergency salmon delivery licenses.

(1) The license holder may engage in the activity authorized by a license subject to this section. With the exception of Dungeness crab--coastal fishery class B licensees licensed under section 2(3) of this act, the holder of a license subject to this section may also designate up to two alternate operators for the license. ~~Dungeness crab--coastal fishery class B licensees may not designate alternate operators.~~ A person designated as an alternate operator must possess an alternate operator license issued under section 23 of this act and RCW 75.28.048.

(2) The fee to change the alternate operator designation is twenty-two dollars.

NEW SECTION. Sec. 13. Except as provided under section 17 of this act, the director shall issue no new Dungeness crab--coastal fishery licenses after December 31, 1995. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person. Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

Sec. 14. RCW 75.28.130 and 1993 sp.s. c 17 s 40 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

| | Fishery Annual Fee | Vessel Limited | | Resident | Nonresident | Required? | Entry? |
|-------|-------------------------------------|--------------------|---------------------|--|-------------|-----------|--------|
| (a) | Burrowing shrimp | \$185 | \$295 | Yes | No | | |
| (b) | Crab pot | \$295 | \$520 | Yes | No | | |
| (c) | Crab pot | \$130 | \$185 | Yes | No | | |
| | | | | Puget Sound | | | |
| (d)) | Crab ring net | \$130 | \$185 | Yes | No | | |
| | | | | Non-Puget Sound | | | |
| ((e)) | (c) Crab ring net | \$130 | \$185 | Yes | No | | |
| | | | | Puget Sound | | | |
| ((f)) | (d) Dungeness crab | \$295 | \$520 | Yes | Yes | | |
| | | | | <u>coastal (section 2 of this act)</u> | | | |
| (e) | Dungeness crab | \$295 | \$520 | Yes | Yes | | |
| | | | | <u>coastal class B (section 2 of this act)</u> | | | |
| (f) | Dungeness crab | \$130 | \$185 | Yes | Yes | | |
| | | | | Puget Sound (RCW 75.30.130) | | | |
| (g) | Emerging commercial fishery | \$185 | \$295 | Determined | Determined | | |
| | | | | (RCW 75.30.220 by rule and 75.28.740 by rule) | | | |
| (h) | Geoduck | RCW \$ 0 | \$ 0 | Yes | Yes | | |
| | | | | (RCW 75.30.280) | | | |
| (i) | Hardshell clam mechanical harvester | \$530 | \$985 | Yes | No | | |
| | | | | (RCW 75.28.280) | | | |
| (j) | Oyster reserve | \$130 | \$185 | No | No | | |
| | | | | (RCW 75.28.290) | | | |
| (k) | Razor clam | \$130 | \$185 | No | No | | |
| (l) | Sea cucumber dive | \$130 | \$185 | Yes | Yes | | |
| | | | | (RCW 75.30.250) | | | |
| (m) | Sea urchin dive | \$130 | \$185 | Yes | Yes | | |
| | | | | (RCW 75.30.210) | | | |
| (n) | Shellfish dive | (\$525) | (\$1045) | Yes | No | | |
| | | | | <u>\$130 \$185</u> | | | |
| (o) | Shellfish pot | \$130 | \$185 | Yes | No | | |
| (p) | Shrimp pot | \$325 | \$575 | Yes | No | | |
| | | | | Hood Canal | | | |
| (q) | Shrimp trawl | \$240 | \$405 | Yes | No | | |
| | | | | Non-Puget Sound | | | |
| (r) | Shrimp trawl | \$185 | \$295 | Yes | No | | |
| | | | | Puget Sound | | | |
| (s) | Squid | \$185 | \$295 | Yes | No | | |

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

NEW SECTION. Sec. 15. A surcharge of fifty dollars shall be collected with each Dungeness crab--coastal fishery license issued under RCW 75.28.130 until June 30, 2000, and with each Dungeness crab--coastal class B fishery license issued under RCW 75.28.130 until December 31, 1997. Moneys collected under this section shall be placed in the Dungeness crab appeals account hereby created in the state treasury. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used for processing appeals related to the issuance of Dungeness crab--coastal fishery licenses.

NEW SECTION. Sec. 16. (1) It is unlawful for Dungeness crab--coastal fishery licensees to take Dungeness crab in the waters of the exclusive economic zone westward of the states of Oregon or California and land crab taken in those waters into Washington state unless the licensee also holds the licenses, permits, or endorsements, required by Oregon or California to land crab into Oregon or California, respectively.

(2) This section becomes effective only upon reciprocal legislation being enacted by both the states of Oregon and California. For purposes of this section, "exclusive economic zone" means that zone defined in the federal fishery conservation and management act (16 U.S.C. Sec. 1802) as of the effective date of this section or as of a subsequent date adopted by rule of the director.

NEW SECTION. Sec. 17. If fewer than one hundred seventy-five persons are eligible for Dungeness crab--coastal fishery licenses, the director may accept applications for new licenses. Additional licenses issued may maintain a maximum of one hundred seventy-five licenses in the Washington coastal crab fishery. If additional licenses are to be issued, the director shall adopt rules governing the notification, application, selection, and issuance procedures for new Dungeness crab--coastal fishery licenses, based on recommendations of the review board established under RCW 75.30.050.

Sec. 18. RCW 75.30.050 and 1993 c 376 s 9 and 1993 c 340 s 27 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The salmon charter boat fishing industry in cases involving salmon charter licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon fishery licenses;

(c) The commercial crab fishing industry in cases involving Dungeness crab--Puget Sound fishery licenses;

(d) The commercial herring fishery in cases involving herring fishery licenses;

(e) The commercial Puget Sound whiting fishery in cases involving whiting--Puget Sound fishery licenses;

(f) The commercial sea urchin fishery in cases involving sea urchin dive fishery licenses;

(g) The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses; ~~((and))~~

(h) The commercial ocean pink shrimp industry (Pandalus jordani) in cases involving ocean pink shrimp delivery licenses; and

(i) The commercial coastal crab fishery in cases involving Dungeness crab--coastal fishery licenses and Dungeness crab--coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab--coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

NEW SECTION. Sec. 19. The director may reduce the landing requirements established under section 2 of this act upon the recommendation of an advisory review board established under RCW 75.30.050, but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made. In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

NEW SECTION. Sec. 20. The department, with input from Dungeness crab--coastal fishery licensees and processors, shall prepare a resource plan to achieve even-flow harvesting and long-term stability of the coastal Dungeness crab resource. The plan may include pot limits, further reduction in the number of vessels, individual quotas, trip limits, area quotas, or other measures as determined by the department. The plan shall be submitted to the appropriate standing committees of the legislature by December 1, 1995.

Sec. 21. RCW 75.28.125 and 1993 sp.s. c 17 s 39 and 1993 c 376 s 3 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to deliver with a commercial fishing vessel food fish or shellfish taken in offshore waters to a port in the state without a ~~((non-salmon))~~ nonlimited entry delivery license. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp or coastal crab. The annual license fee for a ~~((non-salmon))~~ nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab pot fishery licenses issued under RCW 75.28.130, food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120, Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 may deliver food fish or shellfish taken in offshore waters without a ~~((non-salmon))~~ nonlimited entry delivery license.

(3) A ~~((non-salmon))~~ nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

Sec. 22. RCW 75.28.113 and 1993 sp.s. c 17 s 36 are each amended to read as follows:

(1) It is unlawful to deliver salmon taken in offshore waters to a place or port in the state without a salmon delivery license from the director. The annual fee for a salmon delivery license is three hundred eighty dollars for residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 is one hundred dollars for each license. Holders of ~~((non-salmon))~~ nonlimited entry delivery licenses issued under RCW 75.28.125 may apply the ~~((non-salmon))~~ nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

NEW SECTION. Sec. 23. (1) Section 15 of this act is added to chapter 75.28 RCW.

(2) Sections 2 through 10, 13, 16, 17, 19, and 20 of this act are each added to chapter 75.30 RCW.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. Sections 1 through 5, 9 through 19, and 21 through 24 of this act shall take effect January 1, 1995.

NEW SECTION. Sec. 26. Section 8 of this act shall take effect January 1, 1997."

On page 1, line 1 of the title, after "fishery;" strike the remainder of the title and insert "amending RCW 75.28.044, 75.28.046, 75.28.130, and 75.28.113; reenacting and amending RCW 75.30.050 and 75.28.125; adding a new section to chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; creating a new section; and providing effective dates.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Snyder and Owen; Representatives King, Orr and Sehlin

MOTION

Senator Owen moved that the Senate adopt the Report of the Conference Committee on Reengrossed Substitute House Bill No. 1471.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Owen that the Senate adopt the Report of the Conference Committee on Reengrossed Substitute House Bill No. 1471.

The motion by Senator Owen carried and the Report on the Conference Committee on Reengrossed Substitute House Bill No 1471 was adopted.

MOTIONS

On motion of Senator Loveland, Senator Skratek was excused.

On motion of Senator Drew, Senator Adam Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1471, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1471, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Amondson and Anderson - 2.

Absent: Senators Deccio and Rinehart - 2.

Excused: Senators Niemi, Skratek and Smith, A. - 3.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

ESHB 2237 March 9, 1994

Includes "NEW ITEMS": YES

Improving the efficiency of state facilities and the budget process

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2237, Improving the efficiency of state facilities and the budget process, have had the same under consideration and we recommend that: All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the acquisition, construction, and management of state-owned and leased facilities has a profound and long-range effect upon the delivery and cost of state programs, and that there is an increasing need for better facility planning and management to improve the effectiveness and efficiency of state facilities.

Sec. 2. RCW 43.88.030 and 1991 c 358 s 1 and 1991 c 284 s 1 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury; and

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) ~~A ((capital plan consisting of proposed capital spending for at least four fiscal periods succeeding the next fiscal period)) statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;~~

(b) A capital program consisting of proposed capital projects for ((at least)) the next biennium and the two ((fiscal periods)) biennia succeeding the next ((fiscal period)) biennium consistent with the long-range facilities plan. Insomuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four ((fiscal periods)) biennia succeeding the next ((fiscal period)) biennium;

(d) A statement of the reason or purpose for a project;

(e) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(f) A statement about the proposed site, size, and estimated life of the project, if applicable;

(g) Estimated total project cost;

(h) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(i) Estimated total project cost for each phase of the project as defined by the office of financial management;

~~((#))~~ (j) Estimated ensuing biennium costs;

~~((#))~~ (k) Estimated costs beyond the ensuing biennium;

~~((#))~~ (l) Estimated construction start and completion dates;

~~((#))~~ (m) Source and type of funds proposed;

~~((#))~~ (n) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(o) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(p) Such other information bearing upon capital projects as the governor deems to be useful;

~~((#))~~ (q) Standard terms, including a standard and uniform definition of maintenance for all capital projects;

~~((#))~~ (r) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 3. RCW 43.88A.020 and 1979 c 151 s 146 are each amended to read as follows:

The office of financial management shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills and resolutions which increase or decrease or tend to increase or decrease state government revenues or expenditures. Such fiscal notes shall indicate by fiscal year the impact for the remainder of the biennium in which the bill or resolution will first take effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years. Fiscal notes shall separately identify the fiscal impacts on the operating and capital budgets. Estimates of fiscal impacts shall be calculated using the procedures contained in the fiscal note instructions issued by the office of financial management.

In establishing the fiscal impact called for pursuant to this chapter, the office of financial management shall coordinate the development of fiscal notes with all state agencies affected.

Sec. 4. RCW 43.88.032 and 1989 c 311 s 1 are each amended to read as follows:

(1) Annual ongoing or routine maintenance costs shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the ((capital)) budget document.

Sec. 5. RCW 43.88.110 and 1991 sp.s. c 32 s 27 and 1991 c 358 s 2 are each reenacted and amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

- (a) Appropriations made for capital projects including transportation projects;
- (b) Estimates of total project costs including past, current, ensuing, and future biennial costs;
- (c) Comparisons of actual costs to estimated costs;
- (d) Comparisons of estimated construction start and completion dates with actual dates;
- (e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) The office of financial management, prior to approving allotments for major capital construction projects valued over five million dollars, shall institute procedures for reviewing such projects at the predesign stage that will reduce long-term costs and increase facility efficiency. The procedures shall include, but not be limited to, the following elements:

(a) Evaluation of facility program requirements and consistency with long-range plans;

(b) Utilization of a system of cost, quality, and performance standards to compare major capital construction projects; and

(c) A requirement to incorporate value-engineering analysis and constructability review into the project schedule.

(6) No expenditure may be incurred or obligation entered into for such major capital construction projects including, without exception, land acquisition, site development, predesign, design, construction, and equipment acquisition and installation, until the allotment of the funds to be expended has been approved by the office of financial management. This limitation does not prohibit the continuation of expenditures and obligations into the succeeding biennium for projects for which allotments have been approved in the immediate prior biennium.

(7) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed operating expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

((6)) (8) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

((7)) (9) The director of financial management shall monitor agency operating expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

((8)) (10) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

NEW SECTION. Sec. 6. A new section is added to chapter 43.88 RCW to read as follows:

(1) The capital appropriations act may authorize the governor, through the director of financial management, to transfer the appropriation authority for a capital project that is in excess of the amount required for the completion of the project to another capital project for which the appropriation is insufficient.

(a) No such transfer may be used to expand the capacity or change the intended use of the project beyond that intended by the legislature in making the appropriation.

(b) The transfer may be effected only between capital projects within a specific department, commission, agency, or institution of higher education.

(c) The transfer may be effected only if the project from which the transfer of funds is made is substantially complete and there are funds remaining, or bids have been let on the project from which the transfer of funds is made and it appears to a substantial certainty that the project can be completed within the biennium for less than the amount appropriated.

(2) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless the legislative history demonstrates that the legislature intended to define the scope of a project in a different way.

(3) The office of financial management shall notify the legislative fiscal committees of the senate and the house of representatives at least thirty days before any transfer is effected under this section except emergency projects or any transfer under two hundred fifty thousand dollars, and shall prepare a report to such committees listing all completed transfers at the close of each fiscal year.

Sec. 7. RCW 43.82.010 and 1990 c 47 s 1 are each amended to read as follows:

(1) The director of ((the department of)) general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than five years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) It is the policy of the state to encourage the collocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(5) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for collocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for collocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a collocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact collocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing collocation and consolidation of state facilities.

(6) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

~~((4))~~ (7) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (e) (1) or ~~((3))~~ (6) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

~~((5))~~ (8) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for collocation and consolidation of state agency office and support facilities.

~~((6))~~ (9) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

~~((7))~~ (10) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

~~((8))~~ (11) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

~~((9))~~ (12) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;
(b) The state liquor control board for liquor stores and warehouses; and
(c) The department of natural resources, the department of ~~(fisheries, the department of)~~ fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

~~((10))~~ (13) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 8. (1) The legislature finds that current facility planning, budgeting, and management responsibilities are spread among a number of state agencies, and that there may be a need to consolidate these functions within a single entity with independent powers and fiduciary responsibility for state facilities as a whole to increase the consistency and quality of facility decisions.

(2) The office of financial management shall evaluate the need for and potential responsibilities of a central state facilities authority to coordinate and manage the design, acquisition, construction, and utilization of state facilities, including leased facilities. The evaluation shall include an examination of the current roles and responsibilities of state agencies including the department of general administration, the higher education coordinating board, the state board for community and technical colleges, and the office of financial management to identify critical areas for improvement and any overlapping areas of responsibility.

(3) The office of financial management shall consider the following potential responsibilities of a central facilities authority in its evaluation:

(a) Involvement in agency master planning and facility predesign activities to assist agencies in developing creative alternatives for meeting program needs;

(b) Development of facility performance and cost standards to assist in facility planning and budget evaluation;

(c) Critical evaluation of facility designs and budget requests through life-cycle cost analysis, value-engineering, and other tools to maximize the long-term effectiveness and efficiency of state facilities;

(d) Central management of and planning for the state's facility inventory, including both leased and state-owned facilities, to maximize agency collocation and consolidation opportunities and create identifiable state government and education centers;

(e) Administration and management of agency capital construction projects;

(f) Development of leasing standards and procedures, including a methodology for analyzing the costs and benefits of leasing versus owning facilities, and appropriate procurement of leased, lease-developed, or lease-purchased facilities;

(g) Development of facility operation and maintenance standards or guidelines;

(h) Administration and allocation of centrally pooled appropriations for projects affecting more than one agency or for which efficiency can be enhanced by central administration; and

(i) Other responsibilities as determined by the office of financial management.

(3) The evaluation shall consider increasing the responsibilities and powers of an existing agency or agencies, or establishing a new agency or agencies to accomplish the objectives of this section. The evaluation shall also estimate the costs and benefits of operating a central facility authority or authorities.

(4) The office of financial management shall convene a steering committee composed of representatives of affected state agencies and the private real estate industry to assist in collecting needed information and conducting the evaluation.

(5) The office of financial management shall report on the results of its evaluation to the appropriate standing committees of the legislature by January 10, 1995.

This section shall expire June 30, 1995.

NEW SECTION. Sec. 9. The office of financial management shall conduct a review of the state's bonding requirements under chapter 39.08 RCW, shall analyze alternative forms of security, and shall report its findings and analysis to the appropriate committees of the senate and the house of representatives no later than January 10, 1995. The alternative forms of security shall include, but not be limited to, a bond in an amount less than the full contract price, letter of credit, certified check, cash escrow, and assets of the contractor. The purpose of the review is to determine if alternative forms of security will provide essentially the same level of protection to the state at a lower cost to the contractor and the state.

This section shall expire June 30, 1995.

NEW SECTION. Sec. 10. (1) The state board of education shall study the potential for savings by constructing common schools from prototypical school construction designs. The findings and recommendations of the board shall be submitted to the senate committee on ways and means and the house of representatives capital budget committee by December 15, 1994.

(2) This section expires June 30, 1995.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.525 RCW to read as follows:

The state board of education, for purposes of determining eligibility for state assistance for new construction, shall adopt rules excluding from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from other public or private entities.

Sec. 12. RCW 79.24.580 and 1993 sp.s. c 24 s 927 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be ((distributed as follows: (1) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be)) deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 13. RCW 43.82.110 and 1969 c 121 s 2 are each amended to read as follows:

All office or other space made available through the provisions of this chapter shall be leased by the director to such state or federal agencies, for such rental, and on such terms and conditions as he or she deems advisable: PROVIDED, HOWEVER, If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he or she may prescribe.

((There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose.))

Sec. 14. RCW 43.82.120 and 1965 c 8 s 43.82.120 are each amended to read as follows:

((There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund.") All ((unpledged)) rental income collected by the department of general administration from rental of state buildings shall be deposited in the ((general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unpledged rental income shall be deposited in the)) general administration management fund, the creation of which is hereby authorized. ((In the event the general administration bond redemption guarantee fund is diminished, it shall be replenished in the same manner.

If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments.))

NEW SECTION. Sec. 15. The legislature finds that there is inequitable distribution among state programs of capital costs associated with maintaining and rehabilitating state facilities. The legislature finds that there are insufficient available resources to support even minor capital improvements other than debt financing. The legislature further finds that little attention is focused on efficient facility management because in many cases capital costs are not factored into the ongoing process of allocating state resources. The purpose of sections 16 through 18 of this act is to create a mechanism to distribute capital costs among the agencies and programs occupying facilities owned and managed by the department of general administration in Thurston county that will foster increased accountability for facility decisions and more efficient use of the facilities.

Sec. 16. RCW 43.01.090 and 1991 sp.s. c 31 s 10 are each amended to read as follows:

The director of general administration may assess a charge or rent against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportionate share of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of acquiring, constructing, operating, and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by periodic billings as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Charges related to the rendering of real estate services under RCW 43.82.010 and to the operation of nonassigned public spaces in Thurston county shall be allocated separately from other charges assessed under this section. Rates shall be established by the director of general administration after consultation with the director of financial management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of financial management has authorized another method for payment of costs.

Beginning July 1, 1995, the director of general administration shall assess a capital projects surcharge upon each agency or other user occupying a facility owned and managed by the department of general administration in Thurston county. The capital projects surcharge does not apply to agencies or users that agree to pay all future repairs, improvements, and renovations to the buildings they occupy and a proportional share, as determined by the office of financial management, of all other campus repairs, installations, improvements, and renovations that provide a benefit to the buildings they occupy or that have an agreement with the department of general administration that contains a charge for a similar purpose, including but not limited to section 19 of this act, in an amount greater than the capital projects surcharge. The director, after consultation with the director of financial management, shall adopt differential capital project surcharge rates to reflect the differences in facility type and quality. The initial payment structure for this surcharge shall be one dollar per square foot per year. The surcharge shall increase over time to an amount that when

combined with the facilities and service charge equals the market rate for similar types of lease space in the area or equals five dollars per square foot per year, whichever is less. The capital projects surcharge shall be in addition to other charges assessed under this section. Proceeds from the capital projects surcharge shall be deposited into the Thurston county capital facilities account created in section 18 of this act.

Sec. 17. RCW 43.19.500 and 1982 c 41 s 2 are each amended to read as follows:

There is hereby created a fund within the state treasury designated as the "department of general administration facilities and services revolving fund". Such revolving fund shall be used by the department of general administration for the payment of certain costs, expenses, and charges, as ((hereinafter)) specified in this section, incurred by it in the operation and administration of the department in the rendering of services, the furnishing or supplying of equipment, supplies and materials, and for providing or allocating facilities, including the operation, maintenance, rehabilitation, or furnishings thereof to other agencies, offices, departments, activities, and other entities enumerated in RCW 43.01.090 and including the rendering of services in acquiring real estate under RCW 43.82.010 and the operation and maintenance of nonassigned public spaces in Thurston county. The department shall treat the rendering of services in acquiring real estate and the operation and maintenance of nonassigned public spaces as ((a)) separate operating ((entity)) entities within the fund for financial accounting and control.

The schedule of services, facilities, equipment, supplies, materials, maintenance, rehabilitation, furnishings, operations, and administration to be so financed and recovered shall be determined jointly by the director of general administration and the director of financial management, in equitable amounts which, together with any other income or appropriation, will provide the department of general administration with funds to meet its anticipated expenditures during any allotment period.

The director of general administration may ((promulgate)) adopt rules ((and regulations)) governing the provisions of RCW 43.01.090 and this section and the relationships and procedures between the department of general administration and such other entities.

NEW SECTION. Sec. 18. A new section is added to chapter 43.19 RCW to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department of general administration in Thurston county.

NEW SECTION. Sec. 19. It is hereby declared to be the policy of the state of Washington that each agency or other occupant of newly constructed or substantially renovated facilities owned and operated by the department of general administration in Thurston county shall proportionally share the debt service costs associated with the original construction or substantial renovation of the facility. Beginning July 1, 1995, each state agency or other occupant of a facility constructed or substantially renovated after July 1, 1992, and owned and operated by the department of general administration in Thurston county, shall be assessed a charge to pay the principal and interest payments on any bonds or other financial contract issued to finance the construction or renovation or an equivalent charge for similar projects financed by cash sources. In recognition that full payment of debt service costs may be higher than market rates for similar types of facilities or higher than existing agreements for similar charges entered into prior to the effective date of this section, the initial charge may be less than the full cost of principal and interest payments. The charge shall be assessed to all occupants of the facility on a proportional basis based on the amount of occupied space or any unique construction requirements. The office of financial management, in consultation with the department of general administration, shall develop procedures to implement this section and report to the legislative fiscal committees, by October 1994, their recommendations for implementing this section. The office of financial management shall separately identify in the budget document all payments and the documentation for determining the payments required by this section for each agency and fund source during the current and the two past and future fiscal biennia. The charge authorized in this section is subject to annual audit by the state auditor.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) RCW 43.82.040 and 1965 c 8 s 43.82.040;
- (2) RCW 43.82.050 and 1965 c 8 s 43.82.050;
- (3) RCW 43.82.060 and 1965 c 8 s 43.82.060;
- (4) RCW 43.82.070 and 1965 c 8 s 43.82.070;
- (5) RCW 43.82.080 and 1965 c 8 s 43.82.080; and
- (6) RCW 43.82.090 and 1979 ex.s. c 67 s 4 & 1965 c 8 s 43.82.090.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) RCW 79.24.630 and 1970 ex.s. c 14 s 1;
- (2) RCW 79.24.632 and 1969 ex.s. c 273 s 4 & 1967 ex.s. c 105 s 5;
- (3) RCW 79.24.634 and 1969 ex.s. c 273 s 5 & 1967 ex.s. c 105 s 6;
- (4) RCW 79.24.636 and 1969 ex.s. c 273 s 6 & 1967 ex.s. c 105 s 7;
- (5) RCW 79.24.638 and 1982 2nd ex.s. c 8 s 5, 1969 ex.s. c 273 s 7, & 1967 ex.s. c 105 s 8;
- (6) RCW 79.24.640 and 1969 ex.s. c 273 s 8 & 1967 ex.s. c 105 s 9;
- (7) RCW 79.24.642 and 1969 ex.s. c 273 s 9 & 1967 ex.s. c 105 s 10;
- (8) RCW 79.24.6421 and 1969 ex.s. c 273 s 1;
- (9) RCW 79.24.6422 and 1969 ex.s. c 273 s 2;
- (10) RCW 79.24.644 and 1967 ex.s. c 105 s 11;
- (11) RCW 79.24.645 and 1969 ex.s. c 273 s 10;
- (12) RCW 79.24.646 and 1967 ex.s. c 105 s 12; and
- (13) RCW 79.24.647 and 1969 ex.s. c 273 s 13.

NEW SECTION. Sec. 22. (1) For the purposes of RCW 43.82.010, "the department of fish and wildlife" means "the department of fisheries and the department of wildlife" until July 1, 1994.

(2) This section expires July 1, 1994.

NEW SECTION. Sec. 23. Sections 8 and 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 43.88A.020, 43.88.032, 43.82.010, 79.24.580, 43.82.110, and 43.82.120; reenacting and amending RCW 43.88.030, 43.88.110, 43.01.090, and 43.19.500; adding a new section to chapter 43.88 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 43.19 RCW; creating new sections; repealing RCW 43.82.040, 43.82.050, 43.82.060, 43.82.070, 43.82.080, 43.82.090, 79.24.630, 79.24.632, 79.24.634, 79.24.636, 79.24.638, 79.24.640, 79.24.642, 79.24.6421, 79.24.6422, 79.24.644, 79.24.645, 79.24.646, and 79.24.647; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Quigley, West and Snyder; Representatives Wang, Ogden and Sehlin

MOTION

Senator Quigley moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2237.

POINT OF INQUIRY

Senator Snyder: "Senator Quigley, Section 19 of the bill refers to facilities that are newly constructed or substantially renovated. Could you clarify the meaning of the term 'substantially renovated?'"

Senator Quigley: "A substantially renovated building is one where a major reconstruction is undertaken to the extent that the life of the building is substantially extended. This would mean major structural reconstruction, replacement of HVAC systems and other utility renewals. In terms of costs, this would mean an investment of over fifty percent of the value of the building.

"One could also point to the five million dollar threshold that the bill establishes as the size of the project that initiates a full capital project review by the Office of Financial Management. The five million dollar level is a level used for several years by the Legislature for a more extensive review of the project. I would caution that a flat dollar amount is subject to inflationary changes, and the percentage of cost would be a more appropriate measure."

The President declared the question before the Senate to be the motion by Senator Quigley that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2237.

The motion by Senator Quigley carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 2237.

MOTION

On motion of Senator Vognild, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2237, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2237, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wjoahn - 46.

Excused: Senators Niemi, Rinehart and Smith, A. - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2237, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

ESHB 2815 March 9, 1994

Includes "NEW ITEMS": YES

Reforming state procurement practices

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2815, Reforming state procurement practices, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.1906 and 1993 c 379 s 103 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding ~~((five))~~ thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the ~~((five))~~ thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of ~~((five))~~ thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to ~~((five))~~ thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from ~~((enough))~~ at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to ~~((five))~~ thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes ~~((on a standard state form approved by the forms management center under the provisions of RCW 43.19.540)).~~ Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be

increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding (~~fifteen~~) thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and (~~fifteen~~) thirty-five thousand dollars quotations shall be secured from (~~enough~~) at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to (~~fifteen~~) thirty-five thousand dollars shall be documented for audit purposes; and

(8) Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 2. RCW 43.19.1908 and 1965 c 8 s 43.19.1908 are each amended to read as follows:

Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail, electronic transmission, or other means to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing."

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "and amending RCW 43.19.1906 and 43.19.1908.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Haugen, Winsley and Drew; Representatives Anderson, Conway and L. Thomas

MOTION

On motion of Senator Haugen, the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 2815.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2815, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2815, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator McCaslin - 1.

Excused: Senators Niemi and Rinehart - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2815, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

ESHB 2850 March 9, 1994

Includes "NEW ITEMS": YES

Changing education provisions.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850, Changing education provisions, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.138 and 1993 c 336 s 301 are each amended to read as follows:

(1)(a) To the extent funds are appropriated, the office of the superintendent of public instruction shall provide student learning improvement grants for the 1994-95 through 1996-97 school years. The purpose of the grants is to provide funds for additional time and resources for site-based planning activities and staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210.

(b) State evaluations and findings on the schools for the twenty-first century program, as well as national research, indicate that extra time for site-based planning activities and staff development and planning for school improvement efforts is critical to the success of such efforts. It is the intent of the legislature that school districts use the funds under this section to provide time and resources for site-based planning activities and staff development and planning that is in addition to locally funded extra time and resources provided for purposes of improving student learning. Districts are strongly encouraged not to supplant local funds with state funds provided under this section.

(2) To be eligible for student learning improvement grants, school district boards of directors shall:

(a) Adopt a policy regarding the ((sharing of instructional decisions with)) involvement of school staff, parents, and community members in instructional decisions;

(b) Submit school-based applications that have been developed by school building personnel, parents, and community members. Each application shall:

(i) Enumerate specific activities to be carried out as part of the grant;

(ii) Identify the technical resources desired and availability of those resources;

(iii) Include a proposed budget; and

(iv) Indicate that the application was approved by the school principal and representatives of teachers, classified employees, parents, and the community.

(3) The school board shall conduct at least one public hearing on schools' plans for using the grants before the board approves the plans. Boards may hear and approve more than one school's plan at a hearing. The board shall only submit applications for grants to the superintendent of public instruction if the board has approved the plans.

(4) If the application is consistent with the purposes of the grant program and the requirements of subsections (2) and (3) of this section are met, the superintendent of public instruction shall approve the grant application.

(5) To the extent funds are appropriated, and for allocation purposes only, the amount of grants for the 1994-95, 1995-96, and 1996-97 school years shall be based on time equivalent to ((no fewer than three days and not more than five days)) up to four days depending upon the number of grant applications received and on the number of full-time equivalent certificated staff ((classified instructional aides, and classified secretaries)) who work in the school ((at the time of application. For the 1995-96 and 1996-97 school years, the equivalent of five days annually shall be provided. The allocation per full-time equivalent staff shall be determined in the biennial operating appropriations act)). Funds from the grant may be used to pay for staff development and planning for certificated and classified staff and site-based planning activities. Site-based planning activities and staff development and planning conducted pursuant to this section also may be conducted during the months of July and August preceding each school year for which the school has received a grant. Expenses occurring as a result of these summer site-based planning activities and staff development and planning may be paid from the school year grant. School districts shall use all funds received under this section solely for grants to schools and shall not use any portion of the funds for indirect costs.

(6) The state schools for the deaf and blind may apply for grants under this section.

(7) The superintendent of public instruction shall adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program. The superintendent may modify application requirements for schools that have schools for the twenty-first century projects under RCW 28A.630.100. ((A copy of the proposed rules shall be submitted to the joint select committee on education restructuring established in RCW 28A.630.950 at least forty-five days prior to adoption of the rules.))

(8) The superintendent of public instruction shall report annually to the legislature by December 1st the following information:

(a) The use of the funds granted under this section;

(b) An estimate of any increase in staff development and planning in the 1994-95, 1995-96, and 1996-97 school years respectively, above that in the 1993-94 school year; and

(c) An estimate of any increase in site-based planning activities in the 1994-95, 1995-96, and 1996-97 school years respectively, above that in the 1993-94 school year.

(9) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

Sec. 2. RCW 28A.650.015 and 1993 c 336 s 703 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan, which shall be completed by ((December 15, 1993)) September 1, 1994, and updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

Sec. 3. 1993 c 336 s 704 (uncodified) is amended to read as follows:

In conjunction with the plan required in section 703 of this act, the superintendent of public instruction shall prepare recommendations to the legislature regarding the development of a grant program for school districts for the purchase and installation of computers, computer software, telephones, and other types of education technology. The recommendations shall address methods to ensure equitable access to technology by students throughout the state, and methods to ensure that school districts have prepared technology implementation plans before applying for grant funds. The recommendations, with proposed legislation, shall be submitted to the appropriate committees of the legislature by ((December 15, 1993)) September 1, 1994.

Sec. 4. RCW 28A.630.952 and 1993 c 336 s 1003 are each amended to read as follows:

(1) In addition to the duties in RCW 28A.630.951, the joint select committee on education restructuring shall review all laws pertaining to K-12 public education and to educator preparation and certification ((except those that protect the health, safety, and civil rights of students and staff,)) with the intent of identifying laws that inhibit the achievement of the new system of performance-based education. The select committee shall report to the legislature by November 15, 1994. The laws pertaining to home schooling and private schools shall not be reviewed in this study.

(2) The joint select committee on education restructuring shall review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The joint select committee shall report to the legislature by January ((1995)) 1996 on:

(a) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(b) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under RCW 28A.630.885(3)(h).

Sec. 5. RCW 28A.170.060 and 1989 c 271 s 113 are each amended to read as follows:

The superintendent of public instruction ((through the state clearinghouse for education information,)) shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling,

delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under RCW 69.50.435 and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.406.

Sec. 6. RCW 28A.175.070 and 1987 c 518 s 219 are each amended to read as follows:

The superintendent of public instruction (~~(through the state clearinghouse for education information.)~~) shall collect and disseminate to all school districts and other interested parties information about effective student motivation, retention, and retrieval programs.

Sec. 7. RCW 28A.230.070 and 1988 c 206 s 402 are each amended to read as follows:

(1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.

(2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either (a) are the model curricula and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in RCW 70.24.250. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these materials until the approval procedure to be conducted by the office of AIDS has been completed.

(3) Model curricula and other resources available from the superintendent of public instruction (~~(through the state clearinghouse for educational information))~~) may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be reviewed for medical accuracy by the office on AIDS established in RCW 70.24.250 within the department of social and health services.

(4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education. The parents and guardians shall be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian, having attended one of the district presentations, objects in writing to the participation.

(5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

(6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:

(a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and

(b) The dangers of sexual intercourse, with or without condoms.

(7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease.

Sec. 8. RCW 28A.300.150 and 1987 c 489 s 2 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum (~~(through the state clearinghouse for education information))~~). The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information.

Sec. 9. RCW 28A.150.230 and 1991 c 61 s 1 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules and regulations of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

~~((3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:~~

~~(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.405.100;~~

~~(b) A summary of program objectives pursuant to RCW 28A.320.210;~~

~~(c) Results of comparable testing for all schools within the district; and~~

~~(d) Budget information which will include the following:~~

~~(i) Student enrollment;~~

~~(ii) Number of full-time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, and building administration and support services, including itemization of such personnel by program;~~

~~(iii) Number of full-time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program;~~

~~(iv) Total number of full-time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program; and~~

~~(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in RCW 28A.150.220.)~~

NEW SECTION. Sec. 10. A new section is added to chapter 28A.150 RCW, to be codified immediately following RCW 28A.150.210, to read as follows:

The legislature also recognizes that certain basic values and character traits are essential to individual liberty, fulfillment, and happiness. However, these values and traits are not intended to be assessed or be standards for graduation. The legislature intends that local communities have

the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

- (1) Honesty, integrity, and trust;
- (2) Respect for self and others;
- (3) Responsibility for personal actions and commitments;
- (4) Self-discipline and moderation;
- (5) Diligence and a positive work ethic;
- (6) Respect for law and authority;
- (7) Healthy and positive behavior; and
- (8) Family as the basis of society.

Sec. 11. 1992 c 141 s 508 (uncodified) is amended to read as follows:

Section 302 ((of this act)), chapter 141, Laws of 1992 shall expire September 1, ((1998. However, this section shall not take effect if, by September 1, 1998)) 2000, unless by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place.

Sec. 12. 1993 c 336 s 1007 (uncodified) is amended to read as follows:

(1) A legislative fiscal study committee is hereby created. The committee shall be comprised of three members from each caucus of the senate, appointed by the president of the senate, and three members from each caucus of the house of representatives, appointed by the speaker of the house of representatives. In consultation with the office of the superintendent of public instruction, the committee shall study the common school funding system.

(2) By ((January 46)) December 15, 1995, the committee shall report to the full legislature on its findings and any recommendations for a new funding model for the common school system.

(3) This section shall expire ((January 46)) December 31, 1995.

Sec. 13. RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1 are each reenacted to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) By December 1, 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.

It is the intent of the legislature to begin implementation of programs in this subsection (3)(h) on September 1, 2000;

(i) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 28A.300.140 and 1990 c 33 s 256 & 1987 c 119 s 1;

(2) RCW 28A.610.060 and 1987 c 518 s 109; and

(3) RCW 28A.615.050 and 1987 c 518 s 305.

NEW SECTION. Sec. 15. Section 10 of this act shall take effect September 1, 1994.

NEW SECTION. Sec. 16. Section 4 of this act shall expire December 1, 2001.

NEW SECTION. Sec. 17. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.138, 28A.650.015, 28A.630.952, 28A.170.060, 28A.175.070, 28A.230.070, 28A.300.150, and 28A.150.230; amending 1993 c 336 s 704 (uncodified); amending 1992 c 141 s 508 (uncodified); amending 1993 c 336 s 1007 (uncodified); reenacting RCW 28A.630.885; adding a new section to chapter 28A.150 RCW; repealing RCW 28A.300.140, 28A.610.060, and 28A.615.050; providing an effective date; providing an expiration date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Moyer and McAuliffe; Representatives Dorn, Patterson and Stevens

MOTION

Senator Pelz moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2850.

PARLIAMENTARY INQUIRY

Senator Nelson: "Mr. President, a point of parliamentary inquiry. Is it true that we are within the twenty-four hour period and the motion should be to suspend the rules and adopt the Conference Committee Report?"

REPLY BY THE PRESIDENT

President Pritchard: "We've been taking them without objection, but that is a more proper motion. Do you object or just observing?"

Senator Nelson: "Just establishing a precedent here if we have something more controversial coming along that might require a suspension."

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2850.

The motion by Senator Pelz carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 2850.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2850, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2850, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Cantu, Ludwig, Morton, Sellar, Smith, L., Talmadge and Vogniild - 7.

Excused: Senators Niemi and Rinehart - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 5449 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESB 5449 March 8, 1994

Includes "NEW ITEMS": YES

Changing provisions regarding judgments

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5449, changing provisions regarding judgments, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 4.56.100 and 1983 c 28 s 1 are each amended to read as follows:

(1) When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such satisfaction by him may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

(2) The department of social and health services shall file a satisfaction of judgment for welfare fraud conviction if a person does not pay money through the clerk as required under subsection (1) of this section.

(3) The department of corrections shall file a satisfaction of judgment if a person does not pay money through the clerk's office as required under subsection (1) of this section.

Sec. 2. RCW 4.64.030 and 1987 c 442 s 1107 are each amended to read as follows:

The clerk shall enter all judgments in the execution docket, subject to the direction of the court and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action.

On the first page of each judgment which provides for the payment of money, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. This information is included in the judgment to assist the county clerk in his or her record-keeping function. The clerk may not sign or file a judgment, and a judgment does not take effect, until the judgment has a summary in compliance with this section. The clerk is not liable for an incorrect summary.

Sec. 3. RCW 6.21.110 and 1987 c 442 s 611 are each amended to read as follows:

(1) Upon the return of any sale of real estate, the clerk: (a) shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; (b) shall mail notice of the filing of the return of sale to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them; (c) shall file proof of such mailing in the action; (d) shall apply the proceeds of the sale returned by the sheriff, or so much thereof as may be necessary, to satisfaction of the judgment, including interest as provided in the judgment, and shall pay any excess proceeds as provided in subsection (5) of this section by direction of court order; and (e) upon confirmation of the sale, shall deliver the original certificate of sale to the purchaser.

(2) The judgment creditor or successful purchaser at the sheriff's sale is entitled to an order confirming the sale at any time after twenty days have elapsed from the mailing of the notice of the filing of the sheriff's return, on motion with notice given to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them, unless the judgment debtor, or in case of the judgment debtor's death, the representative, or any nondefaulting party to whom notice was sent shall file objections to confirmation with the clerk within twenty days after the mailing of the notice of such return.

(3) If objections to confirmation are filed, the court shall nevertheless allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received as of that date.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. If on resale the property sells for a greater amount to any person other than the former purchaser, the clerk shall first repay to the former purchaser out of the proceeds of the resale the amount of the former purchaser's bid together with interest as is provided in the judgment.

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or the judgment debtor's representative, as the case may be, before the order is made upon the motion to confirm the sale only if the party files with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; otherwise the excess proceeds shall remain in the custody of the clerk until the sale of the property has been disposed of; but if the sale be confirmed, such excess proceeds shall be paid to the judgment debtor or representative as a matter of course.

(6) The purchaser shall file the original certificate of sale for record with the recording officer in the county in which the property is located.

Sec. 4. RCW 36.48.090 and 1987 c 363 s 4 are each amended to read as follows:

Whenever the clerk of the superior court has funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds. However, in the case of child support payments, the clerk may send the checks or drafts directly to the recipient or endorse the instrument to the recipient and the clerk is not required to deposit such funds. In processing child support payments, the clerk shall comply with RCW 26.09.120. The clerk may invest the funds in any of the investments authorized by RCW 36.29.020. The clerk shall place the income from such investments in the county current expense fund to be used by the county for general county purposes unless: (1) The funds being held in trust in a particular matter are two thousand dollars or more, and (2) a litigant in the matter has filed a written request that such investment be made of the funds being held in trust ~~((and the income be paid to the beneficiary))~~. Interest income accrued from the date of filing of the written request for investment shall be paid to the beneficiary. In such an event, any income from such investment shall be paid to the beneficiary of such trust upon the termination thereof: PROVIDED, That five percent of the income shall be deducted by the clerk as an investment service fee and placed in the county current expense fund to be used by the county for general county purposes.

In any matter where funds are held in the clerk's trust fund, any litigant who is not represented by an attorney and who has appeared in matters where the funds held are two thousand dollars or more shall receive written notice of the provisions of this section from the clerk.

Sec. 5. RCW 7.40.080 and 1957 c 51 s 9 are each amended to read as follows:

No injunction or restraining order shall be granted until the party asking it shall enter into a bond, in such a sum as shall be fixed by the court or judge granting the order, with surety to the satisfaction of the clerk of the superior court, to the adverse party affected thereby, conditioned to pay all damages and costs which may accrue by reason of the injunction or restraining order. The sureties shall, if required by the clerk, justify as provided by law, and until they so justify, the clerk shall be responsible for their sufficiency. The court in its sound discretion may waive the required bond in situations in which a person's health or life would be jeopardized.

Sec. 6. RCW 6.36.025 and 1977 ex.s. c 45 s 1 are each amended to read as follows:

(1) A copy of any foreign judgment authenticated in accordance with the act of congress or the statutes of this state may be filed in the office of the clerk of any superior court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the superior court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses, set-offs, counterclaims, cross-complaints, and proceedings for reopening, vacating, or staying as a judgment of a superior court of this state and may be enforced or satisfied in like manner.

(2) Alternatively, a copy of any foreign judgment (a) authenticated in accordance with the act of congress or the statutes of this state, and (b) within the civil jurisdiction and venue of the district court as provided in RCW 3.66.020, 3.66.030, and 3.66.040, may be filed in the office of the clerk of any district court of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses, set-offs, counterclaims, cross-complaints, and proceedings for reopening, vacating, or staying as a judgment of a district court of this state, and may be enforced or satisfied in like manner.

Sec. 7. RCW 6.36.035 and 1979 c 97 s 1 are each amended to read as follows:

(1) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer if any in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3)(a) No execution or other process for enforcement of a foreign judgment filed ((hereunder)) in the office of the clerk of a superior court shall issue until ten days after the date the judgment is filed, or until ten days after mailing the notice of filing, whether mailed by the clerk or judgment creditor, whichever is later.

(b) No execution or other process for enforcement of a foreign judgment filed in the office of the clerk of a district court shall issue until fourteen days after the date the judgment is filed, or until fourteen days after mailing the notice of filing, whether mailed by the clerk or judgment creditor, whichever is later.

Sec. 8. RCW 6.36.045 and 1977 ex.s. c 45 s 3 are each amended to read as follows:

(1)(a) If the judgment debtor shows the superior court of any county that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

~~((2))~~ (b) If the judgment debtor shows the superior court of any county any ground upon which enforcement of a judgment of a superior court of any county of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

(2)(a) If the judgment debtor shows the district court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(b) If the judgment debtor shows the district court any ground upon which enforcement of a judgment of a district court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

NEW SECTION. Sec. 9. A new section is added to chapter 36.18 RCW to read as follows:

Superior court clerks may contract with collection agencies or may use county collection services for the collection of unpaid court obligations. The costs for the agencies or county services shall be paid by the debtor. Collection may not be initiated with respect to a criminal offender who is under the supervision of the department of corrections without the prior agreement of the department.

Any contract with a collection agency shall be awarded only after competitive bidding. Factors that a court clerk shall consider in awarding a collection contract include but are not limited to: (1) A collection agency's history and reputation in the community; and (2) the agency's access to a local data base that may increase the efficiency of its collections.

The servicing of an unpaid court obligation does not constitute assignment of a debt, and no contract with a collection agency may remove the court's control over unpaid obligations owed to the court."

On page 1, line 1 of the title, after "judgments;" strike the remainder of the title and insert "amending RCW 4.56.100, 4.64.030, 6.21.110, 36.48.090, 7.40.080, 6.36.025, 6.36.035, and 6.36.045; and adding a new section to chapter 36.18 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Adam Smith, Schow and Hargrove; Representatives Johanson, Chappell and Ballasiotes

MOTION

On motion of Senator Adam Smith, the Senate adopted the Report of the Conference Committee on Engrossed Senate Bill No. 5449.

MOTION

On motion of Senator Loveland, Senators Ludwig and Quigley were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5449, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5449, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Ludwig, Niemi, Quigley and Rinehart - 4.

ENGROSSED SENATE BILL NO. 5449, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6089 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 6089 March 8, 1994

Includes "NEW ITEMS": YES

Creating the collegiate license plate fund program

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6089, Creating the collegiate license plate fund program, have had the same under consideration and we recommend that:

The House Transportation Committee amendment not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Collegiate license plates" means license plates that display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

Sec. 2. RCW 46.16.301 and 1990 c 250 s 1 are each amended to read as follows:

(1) The department may create, design, and issue special license plates ~~((, upon terms and conditions as may be established by the department))~~ that may be used in lieu of regular or personalized license plates ~~((upon))~~ for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates may:

(a) Denote the age or type of vehicle; or ((may))

(b) Denote special activities or interests((,)); or

(c) Denote the status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle; or

(d) Display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

(2) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates and whether any ~~((activity;))~~ interest or status ~~((, contribution, or sacrifice))~~ merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an ~~((activity or))~~ interest ~~((proposed))~~ or status contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the ~~((activity;))~~

interest (~~contribution, or sacrifice~~) or status is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

Effective January 1, 1995, a state university, regional university, or state college as defined in RCW 28B.10.016 may apply to the department, in a form prescribed by the department, and request the department to issue a series of collegiate license plates depicting the name and mascot or symbol of the college or university, as submitted and approved for use by the requesting institution.

Sec. 4. RCW 46.16.313 and 1990 c 250 s 4 are each amended to read as follows:

(1) The department may establish a fee for ~~((the issuance of))~~ each type of special license ~~((plate or))~~ plates issued under RCW 46.16.301(1) (a), (b), or (c) in an amount calculated to offset the cost of production of the special license ~~((plate or))~~ plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in section 7 of this act.

Sec. 5. RCW 46.16.332 and 1990 c 250 s 9 are each amended to read as follows:

(1) The director may adopt fees to be charged by the department for emblems issued by the department under RCW 46.16.319 ~~((and 46.16.323))~~.

(2) The fee for each remembrance emblem issued under RCW 46.16.319 shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans affairs, not to exceed a total fee of twenty-five dollars per emblem. ~~((The fee for each special vehicle license plate emblem issued under RCW 46.16.323 shall be an amount sufficient to offset the cost of production of the emblems and of administering the special vehicle license plate emblem program.))~~

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under RCW 46.16.319 shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

~~((4) The special vehicle license plate emblem account is established in the state treasury. Fees collected by the department for emblems issued under RCW 46.16.323 shall be deposited into the special vehicle license plate emblem account to be used only to offset the costs of administering the special vehicle license plate emblem program.))~~

Sec. 6. RCW 46.16.381 and 1993 c 106 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, ~~((and))~~ private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, ~~((or))~~ private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, ~~((and))~~ private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. The director may issue a second temporary placard during that period if requested by the person who is temporarily disabled. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The parking placard of a disabled person shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the privileges.

(5) Additional fees shall not be charged for the issuance of the special placards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(6) Any unauthorized use of the special placard or the special license plate is a misdemeanor.

(7) It is a traffic infraction, with a monetary penalty of fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions on the use of these parking places.

(8) The portion of a penalty imposed under subsection (7) of this section that is retained by a local jurisdiction under RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220 shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(9) It is a misdemeanor for any person to willfully obtain a special license plate or placard in a manner other than that established under this section.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

A collegiate license plate fund is established in the custody of the state treasurer for each college or university with a collegiate license plate program approved by the department under section 3 of this act. All receipts from collegiate license plates authorized under RCW 46.16.301 shall be deposited in the appropriate local college or university nonappropriated, nonallotted fund. Expenditures from the funds may be used only for student scholarships. Only the president of the college or university or the president's designee may authorize expenditures from the fund.

NEW SECTION. Sec. 8. By January 1, 1996, the department of licensing shall report to the legislative transportation committee regarding the number of colleges or universities issued a collegiate license plate series, and the total number of collegiate plates issued for each participating college or university.

NEW SECTION. Sec. 9. RCW 46.16.323 and 1990 c 250 s 7 are each repealed."

In line 2 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.301, 46.16.313, 46.16.332, and 46.16.381; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28B.10 RCW; creating a new section; repealing RCW 46.16.323; and prescribing penalties.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Sutherland, West and Loveland; Representatives R. Fisher, Jones and Mielce

MOTION

Senator Loveland moved that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 6089.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Loveland that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 6089.

The motion by Senator Loveland carried and the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 6089.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6089, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6089, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Moore - 1.

Excused: Senators Ludwig, Niemi, Quigley and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 6089, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6547 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESSB 6547 March 8, 1994

Includes "NEW ITEMS": YES

Providing for auditing of mental health systems

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6547, Providing for auditing of mental health systems, have had the same under consideration and we recommend that: All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the current complex set of rules and regulations, audited and administered at multiple levels of the mental health system, focus primarily on the process of providing mental health services and do not sufficiently address consumer and system outcomes. To this extent, the legislature finds that the intent of RCW 71.24.015 related to reduced administrative layering, duplication, and reduced administrative costs need much more aggressive action.

NEW SECTION. Sec. 2. The department of social and health services shall establish a single comprehensive and collaborative project within regional support networks and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in section 1 of this act and to capture the diversity of the community mental health service delivery system.

The project must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all appropriated funds used to provide mental health services. Assessment must be made regarding the feasibility of also including federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers

and regional support networks. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and regional support networks and mental health service providers that link financial incentives to the success or failure of mental health service providers and regional support networks to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives in the pilot projects. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients and other related aspects of the pilot projects; and

(6) An independent evaluation component to measure the success of the projects.

NEW SECTION. Sec. 3. The project established in section 2 of this act must be implemented by July 1, 1995, in at least two regional support networks, with annual progress reports submitted to the appropriate committees of the legislature beginning November 1, 1994, and in all regional support networks state-wide with full implementation of the most effective and efficient practices identified by the evaluation in section 2 of this act no later than July 1, 1997. In addition, the department of social and health services, the participating regional support networks, and the local mental health service providers shall report to the appropriate policy and fiscal committees of the legislature on the need for any changes in state statute, rule, policy, or procedure, and any change in federal statute, regulation, policy, or procedure to ensure the purposes specified in section 1 of this act are carried out.

NEW SECTION. Sec. 4. To carry out the purposes specified in section 1 of this act, the department of social and health services is encouraged to utilize its authority to immediately eliminate any unnecessary rules, regulations, standards, or contracts, to immediately eliminate duplication of audits or any other unnecessarily duplicated functions, and to seek any waivers of federal or state rules or regulations necessary to achieve the purpose of streamlining the mental health system and infusing it with incentives that reward efficiency, positive outcomes for clients, and quality services.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 71.24 RCW."

On page 1, line 1 of the title, after "accountability;" strike the remainder of the title and insert "and adding new sections to chapter 71.24 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Niemi, Deccio and Sheldon; Representatives Leonard, Thibaudeau and Cooke

MOTION

Senator Talmadge moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6547.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6547.

The motion by Senator Talmadge carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6547.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6547, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6547, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Ludwig, Niemi and Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6547, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 7:37 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 9:53 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO 2488 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

March 9, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO 2478 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1159 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1756 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2190 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 2486 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2737 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2760 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1235,
SECOND SUBSTITUTE HOUSE BILL NO. 1457,
SUBSTITUTE HOUSE BILL NO. 1928,
SUBSTITUTE HOUSE BILL NO. 2153,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2154,
SUBSTITUTE HOUSE BILL NO. 2167,
SUBSTITUTE HOUSE BILL NO. 2176,
SECOND SUBSTITUTE HOUSE BILL NO. 2210,
SECOND SUBSTITUTE HOUSE BILL NO. 2228,
SUBSTITUTE HOUSE BILL NO. 2274,
SUBSTITUTE HOUSE BILL NO. 2278,
SUBSTITUTE HOUSE BILL NO. 2351,
SUBSTITUTE HOUSE BILL NO. 2380,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2401,
HOUSE BILL NO. 2447,
HOUSE BILL NO. 2511,
ENGROSSED HOUSE BILL NO. 2555,
HOUSE BILL NO. 2558,
HOUSE BILL NO. 2593,
HOUSE BILL NO. 2601,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
SUBSTITUTE HOUSE BILL NO. 2629,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644,
SUBSTITUTE HOUSE BILL NO. 2646,
SUBSTITUTE HOUSE BILL NO. 2707,
HOUSE BILL NO. 2743,
HOUSE BILL NO. 2905, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1235,
SECOND SUBSTITUTE HOUSE BILL NO. 1457,
SUBSTITUTE HOUSE BILL NO. 1928,
SUBSTITUTE HOUSE BILL NO. 2153,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2154,
SUBSTITUTE HOUSE BILL NO. 2167,
SUBSTITUTE HOUSE BILL NO. 2176,
SECOND SUBSTITUTE HOUSE BILL NO. 2210,
SECOND SUBSTITUTE HOUSE BILL NO. 2228,
SUBSTITUTE HOUSE BILL NO. 2274,
SUBSTITUTE HOUSE BILL NO. 2278,
SUBSTITUTE HOUSE BILL NO. 2351,
SUBSTITUTE HOUSE BILL NO. 2380,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2401,
HOUSE BILL NO. 2447,
HOUSE BILL NO. 2511,
ENGROSSED HOUSE BILL NO. 2555,
HOUSE BILL NO. 2558,
HOUSE BILL NO. 2593,
HOUSE BILL NO. 2601,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
SUBSTITUTE HOUSE BILL NO. 2629,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644,
SUBSTITUTE HOUSE BILL NO. 2646,
SUBSTITUTE HOUSE BILL NO. 2707,
HOUSE BILL NO. 2743,
HOUSE BILL NO. 2905.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House adheres to its position regarding the House amendment(s) to SENATE BILL NO. 6003 and asks the Senate to concur therein, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment(s) to Senate Bill No. 6003.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6003, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6003, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senators McCaslin, Prentice and Skratek - 3.

Excused: Senator Niemi - 1.

SENATE BILL NO. 6003, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 6074 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SB 6074 March 7, 1994

Includes "NEW ITEMS": YES

Changing the Washington award for excellence

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6074, Changing the Washington award for excellence, have had the same under consideration and we recommend that:

The House Education Committee amendment not be adopted, and the following amendments by the Conference Committee be adopted:

On page 3, line 36, after "employees," insert "superintendents employed by second class school districts,"

On page 4, beginning on line 1, after "award" strike all material down to and including "than" on line 2 and insert "of at least"

On page 4, line 3, after "dollars." insert "The amount of the recognition award for superintendents employed by first class school districts shall be at least one thousand dollars."

On page 4, after line 4, strike all material down to and including "(4)" on line 9 and insert "(3)", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Moyer, McAuliffe; Representatives Dorn, Cothorn and Brough

MOTION

On motion of Senator Pelz, the Senate adopted the Report of the Conference Committee on Senate Bill No. 6074.

MOTIONS

On motion of Senator Oke, Senator McCaslin was excused.

On motion of Senator Loveland, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6074, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6074, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 46.

Excused: Senators McCaslin, Niemi and Vognild - 3.

SENATE BILL NO. 6074, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5061 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESSB 5061 March 9, 1994

Includes "NEW ITEMS": YES

Limiting residential time in parenting plans and visitation orders for abusive parents

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, Limiting residential time in parenting plans and visitation orders for abusive parents, have had the same under consideration and we recommend that:

The House Judiciary Committee amendment not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.191 and 1989 c 375 s 11 and 1989 c 326 s 1 are each reenacted and amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm. This subsection shall not apply when (c) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; or (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm. This subsection (2)(b) shall not apply when (c) of this subsection applies.

(c) If a parent has been convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult who has been convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds based on the evidence that limitation on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

((e)) (ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(e) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) and (d)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
- (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.
(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 2. RCW 26.10.160 and 1989 c 326 s 2 are each amended to read as follows:

- (1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.
- (2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a

pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm. This subsection shall not apply when (c) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; or (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(c) If a parent has been convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult who has been convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been found to be a sexual predator under chapter 71.09 RCW, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

((e)) (ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(e) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection, or if the court expressly finds based on the evidence that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a) ~~((and))~~, (b), and (d) (i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) and (d)(ii) of this subsection apply.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

Sec. 3. RCW 26.12.170 and 1991 c 367 s 13 are each amended to read as follows:

To facilitate and promote the purposes of this chapter, family court judges and court commissioners may order or recommend family court services, parenting seminars, drug and alcohol abuse evaluations and monitoring of the parties through public or private treatment services, other treatment services, the aid of physicians, psychiatrists, other specialists, or other services or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong.

If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.17.310(3). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations.

Sec. 4. RCW 26.12.220 and 1991 c 367 s 15 are each amended to read as follows:

(1) The legislative authority of any county may authorize family court services as provided in RCW 26.12.230. The legislative authority may impose a fee in excess of that prescribed in RCW 36.18.010 for the issuance of a marriage license. The fee shall not exceed eight dollars.

(2) In addition to any other funds used therefor, the governing body of any county shall use the proceeds from the fee increase authorized by this section to pay the expenses of the family court and the family court services under chapter 26.12 RCW. If there is no family court in the county, the legislative authority may provide such services through other county agencies or may contract with a public or private agency or person to provide such services. Family court services also may be provided jointly with other counties as provided in RCW 26.12.230.

(3) The family court services program may hire professional employees to provide the investigation, evaluation and reporting, and mediation services, or the county may contract for these services, or both. To facilitate and promote the purposes of this chapter, the court may order or recommend the aid of physicians, psychiatrists, or other specialists.

(4) The family court services program may provide or contract for: (a) Mediation; (b) investigation, evaluation, and reporting to the court; and (c) reconciliation; and may provide a referral mechanism for drug and alcohol testing, monitoring, and treatment; and any other treatment, parenting, or anger management programs the family court professional considers necessary or appropriate.

(5) Services other than family court investigation, evaluation, reconciliation, and mediation services shall be at the expense of the parties involved absent a court order to the contrary. The parties shall bear all or a portion of the cost of parenting seminars and family court investigation, evaluation, reconciliation, and mediation services according to the parties' ability to pay.

(6) The county legislative authority may establish rules of eligibility for the family court services funded under this section. The rules shall not conflict with rules of the court adopted under chapter 26.12 RCW or any other statute.

(7) The legislative authority may establish fees for family court investigation, evaluation, reconciliation, and mediation services under this chapter according to the parties' ability to pay for the services. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.

NEW SECTION. Sec. 5. A new section is added to chapter 26.12 RCW to read as follows:

Any court rules adopted for the implementation of parenting seminars shall include the following provisions:

- (1) In no case shall opposing parties be required to attend seminars together;
- (2) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interests, the court shall either:
 - (a) Waive the requirement of completion of the seminar; or
 - (b) Provide an alternative, voluntary parenting seminar for battered spouses; and
- (3) The court may waive the seminar for good cause.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "parents;" strike the remainder of the title and insert "amending RCW 26.10.160, 26.12.170, and 26.12.220; reenacting and amending RCW 26.09.191; adding a new section to chapter 26.12 RCW; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Nelson, Fraser; Representatives Appelwick, Johanson, Ballasiotis

MOTION

On motion of Senator Hargrove, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5061.

MOTION

On motion of Senator Hargrove, the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5061, under suspension of the twenty-four hour rule.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5061, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5061, as recommended by the Conference Committee under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1 ; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Smith, A. - 1.

Excused: Senators McCaslin, Niemi and Vognild - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, as recommended by the Conference Committee under suspension of the twenty-four rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6204 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 6204 March 9, 1994

Includes "NEW ITEMS": YES

Changing seaweed harvesting provisions

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6204, changing seaweed harvesting provisions, have had the same under consideration and we recommend that:

The House Fisheries and Wildlife striking amendment, as amended, March 2, 1994, be adopted with the following amendment:

On page 1, line 25 of the amendment, after "fishery." insert:

"(4) Seaweed species of the genus Macrocystis may not be imported after July 1, 1995 for use in the herring spawn-on-kelp fishery."

COMMITTEE ON FISHERIES AND WILDLIFE AMENDMENT, AS AMENDED

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 79.01.805 and 1993 c 283 s 3 are each amended to read as follows:

(1) The maximum daily wet weight harvest or possession of seaweed for personal use from all ~~((private and public tidelands and state bedlands))~~ aquatic lands as defined under RCW 79.90.010 and all privately owned tidelands is ten pounds per person. The department of natural resources in cooperation with the department of ~~((fisheries))~~ fish and wildlife may establish seaweed harvest limits of less than ten pounds for conservation purposes. This section shall in no way affect the ability of any state agency to prevent harvest of any species of marine aquatic plant from lands under its control, ownership, or management.

(2) Except as provided under subsection (3) of this section, commercial harvesting of seaweed from aquatic lands as defined under RCW 79.90.010, and all privately owned tidelands is prohibited. This subsection shall in no way affect commercial seaweed aquaculture.

(3) Upon mutual approval by the department and the department of fish and wildlife, seaweed species of the genus Macrocystis may be commercially harvested for use in the herring spawn-on-kelp fishery.

Sec. 2. RCW 79.01.810 and 1993 c 283 s 4 are each amended to read as follows:

~~((A violation of RCW 79.01.805 is an infraction under chapter 7.84 RCW, punishable by a penalty of one hundred dollars.))~~

It is unlawful to exceed the harvest and possession restrictions imposed under RCW 79.01.805. A violation of this section is a misdemeanor punishable in accordance with RCW 9.92.030, and a violation taking place on aquatic lands is subject to the provisions of RCW 79.01.760. A person committing a violation of this section on private tidelands which he or she owns is liable to the state for treble the amount of damages to the seaweed resource, and a person trespassing on private tidelands and committing a violation of this section is liable to the private tideland owner for treble the amount of damages to the seaweed resource. Damages recoverable include, but are not limited to, damages for the market value of the seaweed, for injury to the aquatic ecosystem, and for the costs of restoration. In addition, the person is liable for reimbursing the injured party for the party's reasonable costs, including but not limited to investigative costs and reasonable attorneys' fees and other litigation-related costs.

Sec. 3. RCW 79.01.815 and 1993 c 283 s 5 are each amended to read as follows:

The department of ~~((fisheries))~~ fish and wildlife and law enforcement authorities may enforce the provisions of RCW 79.01.805 and 79.01.810.

NEW SECTION. **Sec. 4.** RCW 79.01.820 and 1993 c 283 s 6 are each repealed.

NEW SECTION. Sec. 5. RCW 79.96.907 is decodified.

NEW SECTION. Sec. 6. This act shall take effect July 1, 1994.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Snyder, Owen and Oke; Representatives King, Quall and Talcott

MOTION

On motion of Senator Owen, the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 6204.

MOTION

On motion of Senator Oke, Senator Nelson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6204, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6204, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Excused: Senators McCaslin, Nelson, Niemi and Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6204, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6007 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 6007 March 9, 1994

Includes "NEW ITEMS": YES

Revising provisions relating to crimes

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6007, Revising provisions relating to crimes, have had the same under consideration and we recommend that:

The House amendment not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

PURPOSE

"NEW SECTION. Sec. 1. The purpose of this act is to make certain technical corrections and correct oversights discovered only after unanticipated circumstances have arisen. These changes are necessary to give full expression to the original intent of the legislature.

PART I - SENTENCING FOR ATTEMPTED MURDER

Sec. 101. RCW 9A.28.020 and 1981 c 203 s 3 are each amended to read as follows:

- (1) A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.
- (2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.
- (3) An attempt to commit a crime is a:
 - (a) Class A felony when the crime attempted is murder in the first degree, murder in the second degree, or arson in the first degree;
 - (b) Class B felony when the crime attempted is a class A felony other than murder in the first degree, murder in the second degree, or arson in the first degree;
 - (c) Class C felony when the crime attempted is a class B felony;
 - (d) Gross misdemeanor when the crime attempted is a class C felony;
 - (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

PART II - WITNESS INTIMIDATION/TAMPERING

NEW SECTION. Sec. 201. The legislature finds that witness intimidation and witness tampering serve to thwart both the effective prosecution of criminal conduct in the state of Washington and resolution of child dependencies.

Further, the legislature finds that intimidating persons who have information pertaining to a future proceeding serves to prevent both the bringing of a charge and prosecution of such future proceeding. The legislature finds that the period before a crime or child abuse or neglect is reported is when a victim is most vulnerable to influence, both from the defendant or from people acting on behalf of the defendant and a time when the defendant is most able to threaten, bribe, and/or persuade potential witnesses to leave the jurisdiction or withhold information from law enforcement agencies.

The legislature moreover finds that a criminal defendant's admonishment or demand to a witness to "drop the charges" is intimidating to witnesses or other persons with information relevant to a criminal proceeding.

The legislature finds, therefore, that tampering with and/or intimidating witnesses or other persons with information relevant to a present or future criminal or child dependency proceeding are grave offenses which adversely impact the state's ability to promote public safety and prosecute criminal behavior.

Sec. 202. RCW 9A.72.090 and 1982 1st ex.s. c 47 s 16 are each amended to read as follows:

- (1) A person is guilty of bribing a witness if he or she offers, confers, or agrees to confer any benefit upon a witness or a person he or she has reason to believe is about to be called as a witness in any official proceeding or upon a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child, with intent to:
 - (a) Influence the testimony of that person; or
 - (b) Induce that person to avoid legal process summoning him or her to testify; or
 - (c) Induce that person to absent himself or herself from an official proceeding to which he or she has been legally summoned; or
 - (d) Induce that person to refrain from reporting information relevant to a criminal investigation or the abuse or neglect of a minor child.

(2) Bribing a witness is a class B felony.

Sec. 203. RCW 9A.72.100 and 1982 1st ex.s. c 47 s 17 are each amended to read as follows:

- (1) A witness or a person who has reason to believe he or she is about to be called as a witness in any official proceeding or that he or she may have information relevant to a criminal investigation or the abuse or neglect of a minor child is guilty of bribe receiving by a witness if he or she requests, accepts, or agrees to accept any benefit pursuant to an agreement or understanding that:
 - (a) ((His)) The person's testimony will thereby be influenced; or
 - (b) ((He)) The person will attempt to avoid legal process summoning him or her to testify; or
 - (c) ((He)) The person will attempt to absent himself or herself from an official proceeding to which he or she has been legally summoned; or
 - (d) The person will not report information he or she has relevant to a criminal investigation or the abuse or neglect of a minor child.

(2) Bribe receiving by a witness is a class B felony.

Sec. 204. RCW 9A.72.110 and 1985 c 327 s 2 are each amended to read as follows:

- (1) A person is guilty of intimidating a witness if a person directs a threat to a former witness because of the witness' testimony in any official proceeding, or if, by use of a threat directed to a current witness or a person he or she has reason to believe is about to be called as a witness

in any official proceeding or to a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child, he or she attempts to:

- (a) Influence the testimony of that person; or
- (b) Induce that person to elude legal process summoning him or her to testify; or
- (c) Induce that person to absent himself or herself from such proceedings; or
- (d) Induce that person not to report the information relevant to a criminal investigation or the abuse or neglect of a minor child, not to prosecute the crime or the abuse or neglect of a minor child, not to have the crime or the abuse or neglect of a minor child prosecuted, or not to give truthful or complete information relevant to a criminal investigation or the abuse or neglect of a minor child.

(2) "Threat" as used in this section means:

- (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) Threats as defined in RCW 9A.04.110(25).
- (3) Intimidating a witness is a class B felony.

Sec. 205. RCW 9A.72.120 and 1982 1st ex.s. c 47 s 19 are each amended to read as follows:

(1) A person is guilty of tampering with a witness if he or she attempts to induce a witness or person he or she has reason to believe is about to be called as a witness in any official proceeding or a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child to:

- (a) Testify falsely or, without right or privilege to do so, to withhold any testimony; or
- (b) Absent himself or herself from such proceedings; or
- (c) Withhold from a law enforcement agency information which he or she has relevant to a criminal investigation or the abuse or neglect of a minor child to the agency.

(2) Tampering with a witness is a class C felony.

PART III - CHILD MOLESTATION

NEW SECTION. Sec. 301. The legislature hereby reaffirms its desire to protect the children of Washington from sexual abuse and further reaffirms its condemnation of child sexual abuse that takes the form of causing one child to engage in sexual contact with another child for the sexual gratification of the one causing such activities to take place.

Sec. 302. RCW 9A.44.010 and 1993 c 477 s 1 are each amended to read as follows:

As used in this chapter:

- (1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and
- (b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and
- (c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.
- (2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.
- (3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.
- (4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.
- (5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- (6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.
- (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- (8) "Significant relationship" means a situation in which the perpetrator is:
 - (a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors; or
 - (b) A person who in the course of his or her employment supervises minors.
- (9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

(10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020(2).

(13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered or certified under chapter 18.19 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

Sec. 303. RCW 9A.44.083 and 1990 c 3 s 902 are each amended to read as follows:

(1) A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

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

Sec. 304. RCW 9A.44.086 and 1988 c 145 s 6 are each amended to read as follows:

(1) A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Child molestation in the second degree is a class B felony.

Sec. 305. RCW 9A.44.089 and 1988 c 145 s 7 are each amended to read as follows:

(1) A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.

(2) Child molestation in the third degree is a class C felony.

Sec. 306. RCW 9A.44.093 and 1988 c 145 s 8 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim.

(2) Sexual misconduct with a minor in the first degree is a class C felony.

Sec. 307. RCW 9A.44.096 and 1988 c 145 s 9 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

PART IV - DNA IDENTIFICATION

NEW SECTION. Sec. 401. The legislature finds that DNA identification analysis is an accurate and useful law enforcement tool for identifying and prosecuting sexual and violent offenders. The legislature further finds no compelling reason to exclude juvenile sexual and juvenile violent offenders from DNA identification analysis.

Sec. 402. RCW 43.43.754 and 1990 c 230 s 3 are each amended to read as follows:

~~((After July 1, 1990,))~~ Every adult or juvenile individual convicted ~~((in a Washington superior court))~~ of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under RCW 9.94A.030~~((29)(a))~~ (31)(a) or a violent offense as defined in RCW 9.94A.030~~((32))~~ shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses ~~((after July 1, 1990,))~~ or adjudicated guilty of an equivalent juvenile offense who are serving a term of confinement in a county jail or detention facility, the county shall be

responsible for obtaining blood samples prior to release from the county jail or detention facility. For persons convicted of such offenses (~~after July 1, 1994~~) or adjudicated guilty of an equivalent juvenile offense, who are serving a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the ~~((department))~~ facility holding the person shall be responsible for obtaining blood samples prior to release from such facility. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

This section applies to all adults who are convicted after July 1, 1990. This section applies to all juveniles who are adjudicated guilty after July 1, 1994.

PART V - TOXICOLOGIST AS WITNESS

Sec. 501. RCW 43.43.680 and 1992 c 129 s 1 are each amended to read as follows:

(1) In all prosecutions involving the analysis of a controlled substance or a sample of a controlled substance by the crime laboratory system of the state patrol, a certified copy of the analytical report signed by the supervisor of the state patrol's crime laboratory or the forensic scientist conducting the analysis is prima facie evidence of the results of the analytical findings.

(2) The defendant or a prosecutor may subpoena the forensic scientist who conducted the analysis of the substance to testify at the preliminary hearing and trial of the issue at no cost to the defendant, if the subpoena is issued at least ten days prior to the trial date.

(3) In all prosecutions involving the analysis of a certified simulator solution by the Washington state toxicology laboratory of the University of Washington, a certified copy of the analytical report signed by the state toxicologist or the toxicologist conducting the analysis is prima facie evidence of the results of the analytical findings, and of certification of the simulator solution used in the BAC verifier datamaster or any other alcohol/breath-testing equipment subsequently adopted by rule.

(4) The defendant of a prosecution may subpoena the toxicologist who conducted the analysis of the simulator solution to testify at the preliminary hearing and trial of the issue at no cost to the defendant, if thirty days prior to issuing the subpoena the defendant gives the state toxicologist notice of the defendant's intention to require the toxicologist's appearance.

PART VI - RESTITUTION

Sec. 601. RCW 9.94A.140 and 1989 c 252 s 5 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years ~~((subsequent to the imposition of sentence))~~ following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

Sec. 602. RCW 9.94A.142 and 1989 c 252 s 6 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years (~~subsequent to the imposition of sentence~~) following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

PART VII - BAIL JUMPING

NEW SECTION. Sec. 701. RCW 10.19.130 and 1975 1st ex.s. c 2 s 1 are each repealed.

PART VIII - STALKING

Sec. 801. RCW 9A.46.110 and 1992 c 186 s 1 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person (~~(to that person's home, school, place of employment, business, or any other location, or follows the person while the person is in transit between locations)~~); and

(b) The person being harassed or followed is (~~intimidated, harassed, or~~) placed in fear that the stalker intends to injure the person, another person, or property of the person (~~being followed~~) or of another person. The feeling of fear (~~, intimidation, or harassment~~) must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person (~~being followed~~); or

(ii) Knows or reasonably should know that the person (~~being followed~~) is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person (~~being followed~~) did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person (~~being followed~~).

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private detective acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person.

(5) A person who stalks another person is guilty of a gross misdemeanor except that the person is guilty of a class C felony if any of the following applies: (a) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a ~~((no-contact order or no-harassment))~~ protective order; (b) the ~~((person))~~ stalking violates ~~((a court))~~ any protective order ~~((issued pursuant to RCW 9A.46.040))~~ protecting the person being stalked; ~~((or))~~ (c) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (d) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.125, while stalking the person; (e) the stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or community correction's officer, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (f) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(b) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(c) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(d) "Repeatedly" means on two or more separate occasions.

Sec. 802. RCW 9A.46.060 and 1992 c 186 s 4 and 1992 c 145 s 12 are each reenacted and amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment in the second degree (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089); ~~((and))~~
- (33) Stalking (RCW 9A.46.110); and

(34) Violation of a temporary or permanent protective order issued pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW.

Sec. 803. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:
 - (a) A class A felony, or an attempt to commit a class A felony;
 - (b) Manslaughter in the first degree; or
 - (c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;
- (2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;
- (3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. Community supervision is an individualized program comprised of one or more of the following:
 - (a) Community-based sanctions;
 - (b) Community-based rehabilitation;
 - (c) Monitoring and reporting requirements;
 - (4) Community-based sanctions may include one or more of the following:
 - (a) A fine, not to exceed one hundred dollars;
 - (b) Community service not to exceed one hundred fifty hours of service;
 - (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;
 - (6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;
 - (7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;
 - (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);
 - (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:
 - (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or
 - (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;
 - (10) "Department" means the department of social and health services;
 - (11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;
 - (12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;
 - (13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;
 - (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;
 - (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except: (i)(A) Manslaughter in the second degree; or (B) felony stalking; and (ii) one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(22) "Secretary" means the secretary of the department of social and health services;

(23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

PART IX - DISCHARGE OF OFFENDERS

Sec. 901. RCW 9.94A.220 and 1984 c 209 s 14 are each amended to read as follows:

(1) When an offender has completed the requirements of the sentence, the secretary of the department or ~~((his))~~ the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge.

(2) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(3) The discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(4) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

PART X - SITING OF CORRECTIONAL FACILITIES

NEW SECTION. Sec. 1001. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department and other state agencies that have responsibility for siting the department's facilities shall establish a process for early and continuous public participation in establishing or relocating work release or other community-based facilities. This process shall include public meetings in the local communities affected, opportunities for written and oral comments, and wide dissemination of proposals and alternatives.

(2) The department may establish or relocate a work release or other community-based facility only after holding local public meetings and providing public notification to local communities consistent with this chapter.

(3) When the department has selected three or fewer sites for final consideration for site selection of a work release or other community-based facility, notification shall be given and public hearings shall be held in the final three or fewer local communities where the siting is proposed. Additional notification and a public hearing shall also be conducted in the local community selected as the final proposed site, prior to completion of the siting process. All hearings and notifications shall be consistent with this chapter.

(4) Throughout this process the department shall provide notification to all newspapers of general circulation in the local area and all local radio stations, television stations, and cable networks.

(5) Notice shall also be provided to appropriate school districts, private schools, kindergartens, city and county libraries, and all other local government offices within a one-half mile radius of the proposed facility.

(6) In addition, the department shall also provide notice to the local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department.

(7) Notification in writing shall be provided to all residents and/or property owners within a one-half mile radius of the proposed site.

PART XI - MISCELLANEOUS

NEW SECTION. Sec. 1101. Section 1001 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 1102. Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 1103. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "crimes;" strike the remainder of the title and insert "amending RCW 9A.28.020, 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.44.010, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, 43.43.754, 43.43.680, 9.94A.140, 9.94A.142, 9A.46.110, 13.40.020, and 9.94A.220; reenacting and amending RCW 9A.46.060; adding a new section to chapter 72.65 RCW; creating new sections; repealing RCW 10.19.130; prescribing penalties; and providing an effective date.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Adam Smith, Schow and Ludwig; Representatives Morris, Mastin and Long

MOTION

On motion of Senator Adam Smith, the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 6007.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6007, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6007, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator McDonald - 1.

Excused: Senators McCaslin, Nelson and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 6007, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, Senate Rule 15 was suspended.

EDITOR'S NOTE: Senate Rule 15 states, 'The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day, the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6230 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 6230 March 8, 1994

Includes "NEW ITEMS": NO

Changing charitable organizations and business licensing provisions

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6230, Changing charitable organizations and business licensing provisions, have had the same under consideration and we recommend that:

The House Judiciary Committee striking amendment adopted March 3, 1994, be adopted:

HOUSE COMMITTEE ON JUDICIARY AMENDMENT

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.09.076 and 1993 c 471 s 4 are each amended to read as follows:

The application requirements of RCW 19.09.075 do not apply to the following:

(1) Any charitable organization raising less than ~~((five thousand dollars))~~ an amount as set by rule adopted by the secretary in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;

(2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:

(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;

(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and

(c) Such federal income tax forms as may be required by rule of the secretary.

All entities soliciting charitable donations shall comply with the requirements of RCW 19.09.100.

"Sec. 2. RCW 19.09.100 and 1993 c 471 s 9 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;

(c) If requested by the solicitee, the ~~((toll-free))~~ published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and

(c) If requested by the solicitee, the ~~((toll-free))~~ published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary. The disclosure must be made during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

(a) The solicitation is conducted by a named commercial fund raiser, if it is;

(b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and

(c) The potential donor can obtain additional financial disclosure information at a ((toll-free)) published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, ((residence)) business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the secretary's office under the charitable solicitation act, registration number"

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

(a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;

(b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;

(c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "fire fighter," "firemen," or a similar name unless properly authorized by a bona fide police, sheriff, or fire fighter organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(12) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "~~Currently~~ registered with the Washington state secretary of state as required by law. Registration number . . ."

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No entity may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

(17)(a) No entity may place a telephone call for the purpose of charitable solicitation that will be received by the solicitee before eight o'clock a.m. or after nine o'clock p.m.

(b) No entity may, while placing a telephone call for the purpose of charitable solicitation, engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(18) Failure to comply with subsections (1) through (17) of this section is a violation of this chapter.

Sec. 3. RCW 19.09.230 and 1993 c 471 s 13 are each amended to read as follows:

No charitable organization, commercial fund raiser, or other entity may knowingly use the identical or deceptively similar name, symbol, or emblem of any other entity for the purpose of soliciting contributions from persons in this state without the written consent of such other entity. If the official name or the "doing business name" being registered is the same or deceptively similar as that of another entity, the secretary may request that a copy of the written consent from that entity be filed with the registration. Such consent may be deemed to have been given by anyone who is a director, trustee, or other authorized officer (~~(-employee, agent, or commercial fund raiser of the charitable organization, and))~~ of that entity. A copy of the written consent must be kept on file by the charitable organization or commercial fund raiser and made available to the secretary, attorney general, or county prosecutor upon demand.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

The secretary may revoke or deny any application for registration that violates this section.

NEW SECTION. Sec. 4. A new section is added to chapter 19.09 RCW to read as follows:

The secretary may waive penalties that have been set by rule and assessed by the secretary due from a registered charitable organization previously in good standing that would otherwise be penalized. A charitable organization desiring to seek relief under this section must, within fifteen days of discovery by its corporate officials, director, or other authorized officer of the missed filing or lapse, notify the secretary in writing. The notification must include the name and mailing address of the organization, the organization's officer to whom correspondence should be sent, and a statement under oath by a responsible officer of the organization, setting forth the nature of the missed filing or lapse, the circumstances giving rise to the missed filing or lapse, and the relief sought. Upon receipt of the notice, the secretary shall investigate the circumstances of the missed filing or lapse. If the secretary is satisfied that sufficient exigent or mitigating circumstances exist, that the organization has demonstrated good faith and a reasonable attempt to comply with the applicable corporate statutes of this state, the secretary may issue an order allowing relief from the penalty. If the secretary determines the request does not comply with the requirements for relief, the secretary shall deny the relief and state the reasons for the denial. Notwithstanding chapter 34.05 RCW, a denial of relief by the secretary is not reviewable.

Sec. 5. RCW 19.77.090 and 1982 c 35 s 184 are each amended to read as follows:

The secretary of state shall be the agent for service of process in any action relating to the registration of any registrant who is at the time of such service a nonresident or a foreign firm, corporation, association, union, or other organization without a resident of this state designated as the registrant's agent for service of record with the secretary of state, or who cannot be found in this state, and service of process, pleadings and papers in such action made upon the secretary of state shall be held as due and sufficient process upon the registrant. The secretary of state shall charge and collect ~~((a fee of twenty-five dollars))~~ an assessment, as set by rule by the secretary of state, at the time of any service of process upon the secretary of state under this section. The ~~((fee))~~ assessment may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action. The ~~((fee))~~ assessment shall be deposited in the secretary of state's revolving fund.

Sec. 6. RCW 23B.01.570 and 1991 c 72 s 30 are each amended to read as follows:

In the event any corporation, foreign or domestic, fails to file a full and complete initial report under RCW 23B.02.050(4) and 23B.16.220(3) or does business in this state without having paid its annual corporate license fee and without having filed a substantially complete annual report under RCW 23B.16.220(1) when either is due, there shall become due and owing the state of Washington a penalty ~~((of twenty-five dollars))~~ as established by rule by the secretary.

A corporation organized under this title may at any time prior to its dissolution as provided in RCW 23B.14.200, and a foreign corporation qualified to do business in this state may at any time prior to the revocation of its certificate of authority as provided in RCW 23B.15.300, pay to the state of Washington its current annual license fee, provided it also pays an amount equal to all previously unpaid annual license fees plus the penalty ~~((specified in this section))~~ established by rule by the secretary.

Sec. 7. RCW 23B.14.200 and 1991 c 72 s 37 are each amended to read as follows:

The secretary of state may administratively dissolve a corporation under RCW 23B.14.210 if:

(1) The corporation does not pay any license fees or penalties, imposed by this title, when they become due;

- (2) The corporation does not deliver its completed initial report or annual report to the secretary of state when it is due;
- (3) The corporation is without a registered agent or registered office in this state;
- (4) The corporation does not notify the secretary of state that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;
- (5) The corporation's period of duration stated in its articles of incorporation expired after July 1, 1990; or
- (6) The corporation's period of duration stated in its articles of incorporation expired prior to July 1, 1990, but the corporation has timely paid all license fees imposed by this title and set by rule by the secretary, has timely filed annual reports with the secretary of state, has never been without a registered agent or registered office in this state for sixty days or more, and has never failed to notify the secretary of state of changes in a registered agent or registered office within sixty days of such change.

Sec. 8. RCW 24.03.302 and 1993 c 356 s 5 are each amended to read as follows:

A corporation shall be administratively dissolved by the secretary of state upon the conditions prescribed in this section when the corporation:

- (1) Has failed to file or complete its annual report within the time required by law; or
- (2) Has failed for thirty days to appoint or maintain a registered agent in this state; or
- (3) Has failed for thirty days, after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change.

A corporation shall not be dissolved under this section unless the secretary of state has given the corporation not less than sixty days' notice of its delinquency or omission, by first class mail, postage prepaid, addressed to the registered office, or, if there is no registered office, to the last known address of any officer or director as shown by the records of the secretary of state, and unless the corporation has failed to correct the omission or delinquency before expiration of the sixty-day period.

When a corporation has given cause for dissolution under this section, and has failed to correct the delinquency or omission as provided in this section, the secretary of the state shall dissolve the corporation by issuing a certificate of administrative dissolution containing a statement that the corporation has been dissolved and the date and reason for which it was dissolved. The original certificate of administrative dissolution shall be filed in the records of the secretary of state, and a copy of the certificate shall forthwith be mailed to the corporation at its registered office or, if there is no registered office, to the last known address of the corporation or any officer, director, or incorporator of the corporation, as shown by the records of the secretary of state. Upon the filing of the certificate of administrative dissolution, the existence of the corporation shall cease, except as otherwise provided in this chapter, and its name shall be available to and may be adopted by another corporation after the dissolution.

Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the date on which dissolution will occur, and the action necessary to cure the delinquency or omission prior to dissolution.

A corporation which has been dissolved by operation of this section may be reinstated within a period of three years following its administrative dissolution if it completes and files a current annual report for the reinstatement year or if it appoints or maintains a registered agent, or if it files with the secretary of state a required statement of change of registered agent or registered office and in addition, if it pays a reinstatement fee ((of twenty-five dollars)) as set by rule by the secretary plus the full amount of all annual fees that would have been assessed for the years of administrative dissolution had the corporation been in active status, including the reinstatement year plus any penalties established by rule by the secretary of state. If, during the period of dissolution, another person or corporation has reserved or adopted a corporate name which is identical to or deceptively similar to the dissolved corporation's name, the dissolved corporation seeking reinstatement shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles of incorporation accordingly. When a corporation has been dissolved by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 24.03.300 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and members.

Sec. 9. RCW 24.03.388 and 1993 c 356 s 9 are each amended to read as follows:

- (1) An application processing fee as provided in RCW 24.03.405 shall be charged for an application for reinstatement under RCW 24.03.386.
- (2) An application processing fee as provided in RCW 24.03.405 shall be charged for each amendment or supplement to an application for reinstatement.
- (3) The corporation seeking reinstatement shall file a current annual report and pay the full amount of all annual corporation fees which would have been assessed for the years of the period of administrative revocation, had the corporation been in active status, including the reinstatement year, plus any penalties as established by rule by the secretary.

Sec. 10. RCW 24.06.290 and 1993 c 356 s 18 are each amended to read as follows:

Failure of the corporation to file its annual report within the time required shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

A corporation shall be dissolved by the secretary of state upon the conditions prescribed in this section when the corporation:

- (1) Has failed to file or complete its annual report within the time required by law;

(2) Has failed for thirty days to appoint or maintain a registered agent in this state; or
(3) Has failed for thirty days, after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change.

A corporation shall not be dissolved under this section unless the secretary of state has given the corporation not less than sixty days' notice of its delinquency or omission, by first class mail, postage prepaid, addressed to the registered office, or, if there is no registered office, to the last known address of any officer or director as shown by the records of the secretary of state, and unless the corporation has failed to correct the omission or delinquency before expiration of the sixty-day period.

When a corporation has given cause for dissolution under this section, and has failed to correct the delinquency or omission as provided in this section, the secretary of state shall dissolve the corporation by issuing a certificate of involuntary dissolution containing a statement that the corporation has been dissolved and the date and reason for which it was dissolved. The original certificate of involuntary dissolution shall be filed in the records of the secretary of state, and a copy of the certificate shall forthwith be mailed to the corporation at its registered office or, if there is no registered office, to the last known address of the corporation or any officer, director, or incorporator of the corporation, as shown by the records of the secretary of state. Upon the filing of the certificate of involuntary dissolution, the existence of the corporation shall cease, except as otherwise provided in this chapter, and its name shall be available to and may be adopted by another corporation after the dissolution.

A corporation which has been dissolved by operation of this section may be reinstated within a period of three years following its dissolution if it (~~shall file or~~) completes and files a current annual report(~~, appoint and maintain~~) for the current reinstatement year or it appoints or maintains a registered agent, or files a required statement of change of registered agent or registered office and in addition pays the reinstatement fee (~~of twenty-five dollars plus any other fees that may be due or owing the secretary of state including the full amount of all annual fees that would have been assessed for the years of administrative dissolution had the corporation been in active status, including the reinstatement year~~) as set by rule by the secretary of state, plus the full amount of all annual fees that would have been assessed for the years of administrative dissolution had the corporation been in active status, including the reinstatement year plus any penalties as established by rule by the secretary of state. If during the period of dissolution another person or corporation has reserved or adopted a corporate name which is identical or deceptively similar to the dissolved corporation's name, the dissolved corporation seeking reinstatement shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles accordingly. When a corporation has been dissolved by operation of this section, remedies available to or against it shall survive in the manner provided by RCW 24.06.335 and thereafter the directors of the corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

Sec. 11. RCW 24.06.465 and 1969 ex.s. c 120 s 93 are each amended to read as follows:

Each corporation, domestic or foreign, which fails or refuses to file its annual report for any year within the time prescribed by this chapter shall be subject to a penalty (~~of five dollars to be~~) as established and assessed by the secretary of state.

Each corporation, domestic or foreign, which fails or refuses to answer truthfully and fully within the time prescribed by this chapter any interrogatories propounded by the secretary of state in accordance with the provisions of this chapter, shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed five hundred dollars on each count.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson and Quigley; Representatives Appelwick, Johanson and Long

MOTION

On motion of Senator Adam Smith, the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 6230.

MOTION

On motion of Senator Loveland, Senator Quigley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6230, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6230, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, Morton, Prince, Roach, West and Williams - 11.

Excused: Senators McCaslin, Niemi and Quigley - 3.

SUBSTITUTE SENATE BILL NO. 6230, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6255 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

E2SSB 6255 March 8, 1994

Includes "NEW ITEMS": YES

Changing provisions relating to children removed from the custody of parents

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6255, Changing provisions relating to children removed from the custody of parents, have had the same under consideration and we recommend that:

The House Human Services Committee amendment not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 1993 c 241 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years~~((:))~~.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist~~((:))~~.

~~((:))~~ (5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be

the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter~~((4))~~.

~~((4))~~ (7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means family preservation services, as defined in RCW 74.14C.010, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

Sec. 2. RCW 13.34.120 and 1993 c 412 s 8 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocates report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 3. RCW 74.14C.070 and 1992 c 214 s 9 are each amended to read as follows:

After July 1, 1993, the secretary of social and health services, or the secretary's regional designee, may transfer funds appropriated for foster care services to purchase family preservation services and other preventive services for children at imminent risk of foster care placement. The secretary shall notify the appropriate committees of the senate and house of representatives of any transfers under this section. The secretary shall include caseload, expenditure, cost avoidance, identified improvements to the foster care system, and outcome data related to the transfer in the notification.

Sec. 4. RCW 13.34.130 and 1992 c 145 s 14 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, ~~((as now or hereafter amended,))~~ it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030~~((2))~~; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or

welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) ~~(A permanent plan of care that may include one of the following: Return of the child to the home of the child's parent, adoption, guardianship, or long-term placement with a relative or in foster care with a written agreement.)~~ A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed

before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 5. RCW 13.34.145 and 1993 c 412 s 1 are each amended to read as follows:

~~(1) (In all cases where a child has been placed in substitute care for at least fifteen months, the agency having custody of the child shall prepare a permanency plan and present it in a hearing held before the court no later than eighteen months following commencement of the placement episode.~~

~~(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5). In addition the court shall: (a) Approve a permanency plan which shall include one of the following: Adoption, guardianship, placement of the child in the home of the child's parent, relative placement with written permanency plan, or family foster care with written permanency agreement; (b) require filing of a petition for termination of parental rights; or (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond eighteen months, based on the permanency plan. Extensions may only be granted in increments of twelve months or less.) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.~~

~~(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.~~

~~(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.~~

~~(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months.~~

~~(2)(a) For children ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.~~

~~(b) For children over ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.~~

~~(3) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no~~

later than twelve or eighteen months, as provided in subsection (2) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree or guardianship order is entered, or the dependency is dismissed.

(4) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(5) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5) and shall review the permanency plan prepared by the agency. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(6) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(5), and the court shall determine the need for continued intervention.

(7) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(8) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(5), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(9) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(10) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(11) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 6. RCW 13.34.231 and 1981 c 195 s 2 are each amended to read as follows:

At the hearing on a dependency guardianship petition, all parties have the right to present evidence and cross examine witnesses. The rules of evidence apply to the conduct of the hearing. A guardianship ~~((may))~~ shall be established if the court finds by a preponderance of the evidence that:

(1) The child has been found to be a dependent child under RCW 13.34.030~~((2))~~;

(2) A dispositional order has been entered pursuant to RCW 13.34.130;

(3) The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030~~((2))~~;

(4) The services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;

(5) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(6) A guardianship, rather than termination of the parent-child relationship or continuation of ~~((the child's current dependent status))~~ efforts to return the child to the custody of the parent, would be in the best interest of the ~~((family))~~ child.

Sec. 7. RCW 13.34.232 and 1993 c 412 s 4 are each amended to read as follows:

(1) If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a dependency guardianship for the child. The order shall:

~~((4))~~ (a) Appoint a person or agency to serve as dependency guardian for the limited purpose of assisting the court to supervise the dependency;

~~((2))~~ (b) Specify the dependency guardian's rights and responsibilities concerning the care, custody, and control of the child. A dependency guardian shall not have the authority to consent to the child's adoption;

~~((3))~~ (c) Specify the dependency guardian's authority, if any, to receive, invest, and expend funds, benefits, or property belonging to the child;

(d) Specify an appropriate frequency of visitation between the parent and the child; and

~~((4))~~ (e) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.
(The order shall not affect the child's status as a dependent child, and the child shall remain dependent for the duration of the guardianship.)

(2) Unless the court specifies otherwise in the guardianship order, the dependency guardian shall maintain the physical custody of the child and have the following rights and duties:

(a) Protect, discipline, and educate the child;
(b) Provide food, clothing, shelter, education as required by law, and routine health care for the child;
(c) Consent to necessary health and surgical care and sign a release of health care information to appropriate authorities, pursuant to law;
(d) Consent to social and school activities of the child; and
(e) Provide an annual written accounting to the court regarding receipt by the dependency guardian of any funds, benefits, or property belonging to the child and expenditures made therefrom.

(3) As used in this section, the term "health care" includes, but is not limited to, medical, dental, psychological, and psychiatric care and treatment.

(4) The child shall remain dependent for the duration of the guardianship. While the guardianship remains in effect, the dependency guardian shall be a party to any dependency proceedings pertaining to the child.

(5) The guardianship shall remain in effect only until the child is eighteen years of age or until the court terminates the guardianship order, whichever occurs sooner.

Sec. 8. RCW 13.34.233 and 1981 c 195 s 4 are each amended to read as follows:

(1) Any party may ~~((seek a modification of the))~~ request the court to modify or terminate a dependency guardianship order under RCW 13.34.150. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice shall in all cases be served upon the department of social and health services. If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to initiate a proceeding to modify or terminate a guardianship and the right to intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party or the department if the court finds by a preponderance of the evidence that there has been a change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. Unless all parties agree to entry of an order modifying or terminating the guardianship, the court shall hold a hearing on the motion.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department of social and health services or a licensed child-placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.130(5) and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 9. RCW 13.34.234 and 1981 c 195 s 5 are each amended to read as follows:

Establishment of a dependency guardianship under RCW 13.34.231 and 13.34.232 does not preclude ~~((a))~~ the dependency guardian from receiving foster care payments.

Sec. 10. RCW 13.34.236 and 1981 c 195 s 7 are each amended to read as follows:

(1) Any person over the age of twenty-one years who is not otherwise disqualified by this section, any nonprofit corporation, or any Indian tribe may be appointed the dependency guardian of a child under RCW 13.34.232. No person is qualified to serve as a dependency guardian ~~((who-~~
~~(1) is of unsound mind; (2) has been convicted of a felony or misdemeanor involving moral turpitude; or (3) is a person whom the court finds unsuitable))~~ unless the person meets the minimum requirements to care for children as provided in RCW 74.15.030.

(2) If the preferences of a child's parent were not considered under RCW 13.34.260 as they relate to the proposed dependency guardian, the court shall consider such preferences before appointing the dependency guardian.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Nelson and Wojahn; Representatives Leonard, Karahalios and Cooke

MOTION

On motion of Senator Talmadge, the Senate adopted the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6255.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6255, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6255, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Owen - 1.

Excused: Senators McCaslin and Niemi - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6255, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2665, by Representatives G. Fisher, Fuhrman, Brown, Foreman, Bray, Campbell, Grant, Ballard, Rayburn, McMorris, Brumsickle, Dorn, Basich, Schoesler, Mastin, Kessler, Quall, Orr, Hansen, Silver, R. Johnson, Romero, Sheahan, Sheldon, Chappell, Lemmon, Jones, Moak, Springer, Roland and Morris

Providing a gross receipts tax deduction for low-density light and power businesses.

The bill was read the second time.

MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 2665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2665.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2665, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 46.

Voting nay: Senator West - 1.

Excused: Senators McCaslin and Niemi - 2.

HOUSE BILL NO. 2665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

CONFERENCE COMMITTEE REPORT

Establishing a pilot multimedia program for pollution prevention

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1743, Establishing a pilot multimedia program for pollution prevention, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the conference committee be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.95C RCW to read as follows:

(1) Not later than January 1, 1995, the department shall designate an industry type and up to ten individual facilities within that industry type to be the focus of a pilot multimedia program. The program shall be designed to coordinate department actions related to environmental permits, plans, approvals, certificates, registrations, technical assistance, and inspections. The program shall also investigate the feasibility of issuing facility-wide permits. The director shall determine the industry type and facilities based on:

(a) A review of at least three industry types; and

(b) Criteria which shall include at least the following factors:

(i) The potential for the industry to serve as a state-wide model for multimedia environmental programs including pollution prevention;

(ii) Whether the industry type is subject to regulatory requirements relating to at least two of the following subject areas: Air quality, water quality, or hazardous waste management;

(iii) The existence within the industry type of a range of business sizes; and

(iv) Voluntary participation in the program.

(2) Not later than January 1, 1997, the department shall submit to the governor and the appropriate standing committees of the legislature:

(a) A report evaluating the pilot multimedia program. The report shall consider the program's effect on the efficiency and effectiveness of program delivery and shall evaluate the feasibility of expanding the program to other industry types; and

(b) A report analyzing the feasibility of a facility-wide permit program.

(3) In developing the program, the department shall consult with and seek the cooperation of the environmental protection agency.

(4) For purposes of this section, "facility-wide permit" means a single multimedia permit issued by the department to the owner or operator of a facility incorporating the permits and any other relevant department approvals previously issued to the owner or operator or currently required by the department.

NEW SECTION. Sec. 2. The purpose of this section and section 3 of this act is to establish a pilot program to encourage environmental permit program efficiency and pollution prevention through increased private sector participation in the preparation of wastewater discharge permits currently administered by the department of ecology.

The legislature recognizes that pollution prevention can often be accomplished through cooperative partnerships between government and industry and through voluntary changes in industrial production methods. By using expertise available in the private sector, the pilot program provided for in this section and section 3 of this act is intended to reduce the backlog of expired wastewater discharge permits in order to better protect the water quality of the state.

The legislature intends that the pilot program be implemented through the use of technical assistance and administrative guidelines; it is not the intent of this act to authorize additional rule making. The legislature also intends that the pilot program be implemented without causing a reduction in the number of state employees involved in administration of the wastewater discharge permit program.

The provisions in this act do not affect the authority of the department to bring enforcement actions, nor do they affect provisions in existing law for public participation and rights of appeal of permit decisions.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) For the period beginning July 1, 1994, and ending July 1, 1996, the department shall conduct a pilot program to test the feasibility and effectiveness of allowing certain industries that require a permit, renewal, or modification under RCW 90.48.260 or 90.48.160 to submit an application in the form of a draft permit and fact sheet.

(2) Within thirty days of the effective date of this section, the department shall request approval from the federal environmental protection agency to implement the pilot program as provided in this section. If the environmental protection agency grants approval, the department shall:

(a) Establish criteria for a variety of types of applicants that are eligible to participate. Such criteria shall include:

(i) Consideration of the applicant's compliance history; and

(ii) The potential for the industry to serve as a model for increased private sector participation in permit preparation;

(b) Develop guidelines specifying the elements of a complete draft permit and fact sheet;

(c) Make available a list of approved contractors with whom applicants may contract for draft permit preparation;
(d) Document cost and time savings that may or may not result from draft permit preparation by applicants and reflect such savings in the next revision of permit fees for such applicants. Any reduction in fees for permittees participating in the pilot program shall not cause an increase in fees for other permittees; and

(e) Limit the number of facilities that will be eligible to participate in the pilot program to ten.

(3) Nothing in this section affects the requirements for public participation and right of appeal under RCW 90.48.260 and chapter 43.21B RCW. The department shall retain full authority under this chapter to approve, modify, or disapprove any draft permit or fact sheet submitted under this section.

(4) By July 1, 1995, the department shall provide an interim report to the appropriate standing committees of the legislature evaluating the effectiveness of the pilot program authorized under this section. A final report shall be submitted by December 1, 1996.

NEW SECTION. Sec. 4. (1) The legislature finds that utilization of private sector expertise may also benefit other administrative functions within the department of ecology's wastewater discharge permit program. The legislature therefore directs the department to conduct a study, in cooperation with the federal environmental protection agency, to evaluate the feasibility of utilizing private sector expertise for permit compliance assurance activities. By December 1, 1994, the department shall submit a report to the appropriate standing committees of the legislature that includes the following elements:

(a) A review of options for utilizing the private sector in the performance of annual compliance inspections of facilities covered under wastewater discharge permits. Such options shall include a review of the feasibility of: (i) The department contracting for compliance inspection services; (ii) the permittee contracting for compliance inspection services; and (iii) any other options identified by the department;

(b) An analysis of whether the options identified in (a) of this subsection are permissible under the federal clean water act and implementing regulations;

(c) An evaluation of whether cost savings or other benefits would result from utilizing private sector resources;

(d) An evaluation of whether staffing reductions would result from such privatization and, if so, what plan should be followed in order to transfer these employees to other appropriate classifications within the water quality program;

(e) An analysis of changes that may be necessary in the wastewater discharge permit fee schedule to accomplish such privatization; and

(f) Identification of any other alternative compliance strategies, in addition to privatization, that will improve the effectiveness and efficiency of the wastewater discharge permit program, and thereby improve the water quality of the state.

(2) The department shall seek recommendations from the federal environmental protection agency as to what federal waivers or approvals, if any, may be required to implement the options identified in subsection (1)(a) of this section.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned."

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "adding a new section to chapter 70.95C RCW; adding a new section to chapter 90.48 RCW; and creating new sections.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge and Fraser; Representatives Rust, Flemming and Horn

MOTION

On motion of Senator Fraser, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Substitute House Bill No. 1743.

MOTION

On motion of Senator Fraser, the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 1743, under suspension of the twenty-four hour rule.

MOTION

On motion of Senator McAuliffe, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1743, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1743, as recommended by the Conference Committee under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Vognilid - 1.

Excused: Senators Loveland, McCaslin and Niemi - 3.

SUBSTITUTE HOUSE BILL NO. 1743, as recommended by the Conference Committee under suspension of the twenty-four rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

HB 2480 March 9, 1994

Includes "NEW ITEMS": YES

Relating to taxation of manufacturers of fish products

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 2480, Relating to the taxation of manufacturers of fish products, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following amendment by the Conference Committee be adopted:

On page 1, after line 8, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 75.20 RCW to read as follow:

Local governments shall not charge permit fees for fish enhancement projects that are proposed by state agencies, cooperative groups, and regional fisheries enhancement groups."

Renumber the remainder sections consecutively and correct any internal references accordingly

On page 1, line 2 of the title, after "RCW;" insert "adding a new section to chapter 75.20 RCW;"; and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Oke and Owen; Representatives Holm, G. Fisher and Foreman

MOTION

On motion of Senator Hargrove, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on House Bill No. 2480.

MOTION

On motion of Senator Hargrove, the Senate adopted the Report of the Conference Committee on House Bill No. 2480, under suspension of the twenty-four hour rule.

MOTION

On motion of Senator Drew, Senator Ludwig was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2480, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2480, as recommended by the Conference Committee under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Smith, A. - 1.

Excused: Senators Ludwig, McCaslin and Niemi - 3.

HOUSE BILL NO. 2480, as recommended by the Conference Committee under suspension of the twenty-four rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

ESSB 2741 March 9, 1994

Includes "NEW ITEMS": YES

Coordinating watershed-based natural resource planning

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2741, Coordinating watershed-based natural resource planning, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Long-term sustainable and economically productive watersheds are necessary for the well-being of the citizens of the state of Washington. The legislature also finds that there is a need to develop consensus regarding the beneficial economic and natural values which watersheds provide. The legislature further finds that watershed units are the appropriate geographic planning and implementation element for addressing the health and economic productivity of the state's natural resources;

(2) The ongoing efforts of public agencies and private parties in watershed planning and its implementation are having a far-reaching effect on lands and resources, and continued integrated and coordinated planning and its implementation is needed to achieve the most effective and efficient use of public funds;

(3) In times of decreasing revenues and increasing demands, it is critically important to ensure the efficient and effective use of scarce financial resources by avoiding overlap and duplication of effort among watershed-based planning and implementation efforts;

(4) The existing efforts implementing watershed-based planning are often complicated by multiple land ownerships, different management missions and objectives, different ways of collecting information, and legal constraints; and

(5) Many different entities, including federal, state, and local governments, tribes, private landowners, and other groups are conducting planning, research, implementation, and monitoring programs relating to watersheds. To the greatest extent possible, coordinated planning and its implementation should be based on these efforts.

NEW SECTION. Sec. 2. The purpose of this act and the intent of the legislature is:

(1) That sections 3 through 5 of this act do not grant any new rule-making authority nor direct any substantive changes to existing management policies established pursuant to law;

(2) To provide mechanisms to make comprehensive watershed planning and implementation policy recommendations for consideration by the legislature;

(3) To encourage coordination and integration of existing state agency and private party watershed planning and implementation; and

(4) To develop a set of measurable objectives against which the effectiveness of watershed programs may be assessed.

NEW SECTION. Sec. 3. (1) The watershed coordinating council is hereby established. The council shall be comprised of the commissioner of public lands or the commissioner's designee and the director or the director's designee or the secretary or the secretary's designee of the following agencies: The department of transportation, the department of agriculture, the department of ecology, the department of fish and wildlife, the department of health, the department of community, trade, and economic development, the interagency committee for outdoor recreation, the

Puget Sound water quality authority, and the conservation commission. The members of the council shall coordinate their watershed planning and implementation activities. Meetings of the council shall be subject to the provisions of the open public meetings act.

(2) In conjunction with the council's efforts, the commissioner of public lands shall continue to coordinate the department of natural resources' landscape planning and implementation activities with landowners and other interested parties.

(3) The council shall coordinate its activities set forth in section 4 of this act with federal, tribal, and local governments.

(4) The directors of the departments of agriculture, fish and wildlife, and ecology and the commissioner of public lands shall organize meetings of the council and shall cooperatively ensure a reasonable level of staff support for the council and for the task force established in section 5 of this act.

(5) The watershed coordinating council shall expire on June 30, 1997.

NEW SECTION. Sec. 4. By December 15, 1994, the watershed coordinating council shall provide to the legislature a summary of all state agency watershed programs, plans, and ongoing activities on a watershed-by-watershed basis. The council shall also prepare a report of its recommendations for consideration by the legislature. The report of recommendations shall include:

(1) A recommended definition of the geographical unit for watershed planning and implementation processes, taking into account the relationships between smaller watersheds within larger watersheds and the relationships between adjacent watersheds;

(2) Recommendations for the establishment of common protocols governing data collection and analysis and for a central depository of information which could be used by all state agencies involved in watershed planning and implementation processes;

(3) Identification of data available from all existing sources regarding the condition of the state's watersheds;

(4) Identification of any barriers to state agency cooperation in watershed planning and implementation, and recommendations to overcome such barriers;

(5) Recommendations for minimizing duplication, segmentation, and overlap, and identification of proposals for improving efficiency in watershed planning and implementation; and

(6) Recommendations for new sources of funding and reallocation of existing state funding sources for watershed planning and implementation.

NEW SECTION. Sec. 5. (1) The legislature establishes the watershed policy task force to make recommendations on policies for the legislature to consider. The task force shall be established by May 1, 1994, and shall complete its tasks and report to the legislature by December 1, 1995. The task force shall expire on June 30, 1996.

(2) The watershed policy task force shall complete the following tasks:

(a) The development of recommendations for goals and measurable objectives for watersheds in the state of Washington. Such goals and measurable objectives shall recognize the unique characteristics and circumstances of each watershed. The goals and measurable objectives recommended shall address at least the following values inherent in watersheds: Fish and wildlife, water, beneficial economic uses of natural resources including timber and fish harvest and agricultural use, wetlands protection, employment, recreation, and educational opportunities;

(b) The identification of proposed strategies for establishing and funding locally or regionally based watershed planning and implementation activities which would help achieve the goals and measurable objectives proposed for adoption by the legislature;

(c) Identification of barriers to cooperation and possible incentives to encourage local governments, tribal governments, private landowners, and citizen participation in watershed planning and implementation;

(d) Recommendations for legislative policy changes to integrate state watershed planning and its implementation with land use planning and regulation responsibilities of local governments under the growth management act and other relevant acts; and

(e) Recommendations for coordination with student and citizen watershed protection efforts.

(3) Members may be appointed by May 1, 1994, to the task force as follows:

(a) The watershed coordinating council shall appoint four of its members to the task force;

(b) The speaker of the house of representatives shall appoint two members to the task force, one from the majority party and one from the minority party;

(c) The president of the senate shall appoint two members to the task force, one from the majority party and one from the minority party;

and

(d) The governor, the speaker of the house of representatives, and the president of the senate shall jointly appoint twelve additional members to the task force. The members so appointed shall be selected to represent each of the following interests: Small private forest landowners, large private forest landowners, agricultural interests east of the crest of the Cascade mountains, agricultural interests west of the crest of the Cascade mountains, commercial fishing, recreational fishing, labor interests from a natural resource related union, federally recognized Indian tribes, the environmental community (two members), cities, and counties. The task force shall encourage a representative from federal land resource management agencies to attend and participate in task force meetings.

(4) For the purposes of this section, "measurable objective" means a results-oriented objective against which general state goals and specific individual watershed goals can be evaluated as to current and continuing progress in meeting such goals."

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "and creating new sections.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Morton and Spanel; Representatives Pruitt, Linville and Stevens

MOTION

On motion of Senator Spanel, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Engrossed Substitute House Bill No. 2741.

MOTION

Senator Spanel moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2741, under suspension of the twenty-four hour rule.

POINT OF INQUIRY

Senator Anderson: "Senator Spanel, I was just quickly trying to read through this. At one point, there was some discussion of some monies being used in terms of watershed restoration. It was part of this discussion. Is that now dropped from this Conference Committee Report and we are back to just the task force notion?"

Senator Spanel: "The money is in the capital budget."

Senator Anderson: "For restoration projects?"

Senator Spanel: "Yes."

Senator Anderson: "To accompany the task force recommendations?"

Senator Spanel: "Yes."

Senator Anderson: "Thank you."

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2741, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

The motion by Senator Spanel carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 2741, as recommended by the Conference Committee under suspension of the twenty-four hour rule, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2741, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2741, as recommended by the Conference Committee under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Smith, A. - 1.

Excused: Senators McCaslin and Niemi - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2741, as recommended by the Conference Committee under suspension of the twenty-four rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2696, by House Committee on Commerce and Labor (originally sponsored by Representatives Flemming, Heavey, Backlund, Voloria, Thibaudeau, Campbell, Valle, Wineberry, Holm, Roland, Johanson, Pruitt, J. Kohl, Jones, L. Johnson, King, Karahalios, Conway and Springer)

Developing procedures and criteria for chemically related illness.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Labor and Commerce amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.32 RCW to read as follows:

(1) By July 1, 1994, the department shall establish interim criteria and procedures for management of claims involving chemically related illness to ensure consistency and fairness in the adjudication of these claims. The criteria and procedures shall apply to employees covered by the state fund and employees of self-insured employers. The department shall adopt final criteria and procedures by December 31, 1994, and report the criteria and procedures as required under section 5 of this act.

(2) The special procedures developed by the department shall include procedures to determine which claims involving chemically related illness require expert management. The department shall assign claims managers with special training or expertise to manage these claims.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

(1) The department of labor and industries and the department of health shall be the colead agencies for an advisory committee that shall consult with and advise the participating agencies on issues relating to chemically related illness. The committee shall include three persons with chemically related illness, one of whom is a worker from a self-insured employer and two of whom are members of a labor union, three persons representing employers with chemically related illness industrial insurance claims, one of whom is a self-insured employer, a representative of the department of labor and industries, a representative of the department of health, and two physicians licensed to practice medicine, one of whom is an osteopathic physician. Appointments to the committee shall be made jointly by the director of the department of health and the department of labor and industries. The committee should review and make recommendations regarding the criteria and procedures developed by the department under section 1 of this act, the responsibilities of the several agencies for providing services to persons with chemically related illness, the coordination between chemically related occupational disease and other chemically related illness public health issues, and any other issues related to providing services to persons with chemically related illnesses that the committee may choose to review.

(2) This section shall expire June 30, 1995.

NEW SECTION. Sec. 3. A new section is added to chapter 51.32 RCW to read as follows:

The department shall work with the department of health to establish one or more centers for research and clinical assessment of chemically related illness.

NEW SECTION. Sec. 4. A new section is added to chapter 51.32 RCW to read as follows:

(1) The department shall conduct research on chemically related illnesses, which shall include contracting with recognized medical research institutions. The department shall develop an implementation plan for research based on sound scientific research criteria, such as double blind studies, and shall include adequate provisions for peer review, and submit the plan to the worker's compensation advisory committee for review and approval. Following approval of the plan, all specific proposals for projects under the plan shall be submitted for review to a scientific advisory committee, established to provide scientific oversight of research projects, and to the workers' compensation advisory committee. The department shall include a research project that encourages regional cooperation in addressing chemically related illness.

(2) Expenditures for research projects shall be within legislative appropriations from the medical aid fund, with self-insured employers and the state fund each paying a pro rata share, based on the number of worker hours, of the authorized expenditures.

NEW SECTION. Sec. 5. In consultation with the workers' compensation advisory committee, the department of labor and industries and the department of health shall jointly make an interim report to the governor and the appropriate committees of the legislature by December 31, 1994, and a final report by June 30, 1995, on:

(1) The status of the department of labor and industries' final criteria and procedures for management of claims involving chemically related illness;

(2) The status of research projects authorized under section 4 of this act;

(3) A plan by the department of health for including accurate occupational information in all relevant current and developing automated health data bases;

(4) A state board of health plan to make occupational diseases reportable conditions;

(5) Other initiatives related to chemically related illness; and

(6) Any recommendations for legislation."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Moore that the Committee on Labor and Commerce striking amendment to Engrossed Substitute House Bill No. 2696 not be adopted.

The motion by Senator Moore carried and the Committee on Labor and Commerce striking amendment was not adopted.

MOTIONS

On motion of Senator Moore, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.32 RCW to read as follows:

(1) By July 1, 1994, the department shall establish interim criteria and procedures for management of claims involving chemically related illness to ensure consistency and fairness in the adjudication of these claims. The criteria and procedures shall apply to employees covered by the state fund and employees of self-insured employers. The department shall adopt final criteria and procedures by December 31, 1994, and report the criteria and procedures as required under section 5 of this act.

(2) The special procedures developed by the department shall include procedures to determine which claims involving chemically related illness require expert management. The department shall assign claims managers with special training or expertise to manage these claims.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

(1) The department of labor and industries and the department of health shall be the colead agencies for an advisory committee that shall consult with and advise the participating agencies on issues relating to chemically related illness. Appointments to the committee shall be made jointly by the directors of the department of health and the department of labor and industries. The committee shall include at least one member who represents each of the following: (a) Injured workers with chemically related illness; (b) large employers who qualify as self-insurers under Title 51 RCW; (c) small employers who insure their workers' compensation obligation through the state fund; (d) organized labor; (e) the department of health; (f) the department of labor and industries; (g) physicians licensed to practice under chapter 18.71 RCW; and (h) physicians licensed to practice under chapter 18.57 RCW. The committee shall review and make recommendations regarding the responsibilities of the several agencies for providing services to persons with chemically related illness and any other issues related to providing services to persons with chemically related illness that the committee may choose to review.

(2) This section shall expire June 30, 1995.

NEW SECTION. Sec. 3. A new section is added to chapter 51.32 RCW to read as follows:

The department shall work with the department of health to establish one or more centers for research and clinical assessment of chemically related illness.

NEW SECTION. Sec. 4. A new section is added to chapter 51.32 RCW to read as follows:

(1) The department shall conduct research on chemically related illnesses, which shall include contracting with recognized medical research institutions. The department shall develop an implementation plan for research based on sound scientific research criteria, such as double blind studies, and shall include adequate provisions for peer review, and submit the plan to the worker's compensation advisory committee for review and approval. Following approval of the plan, all specific proposals for projects under the plan shall be submitted for review to a scientific advisory committee, established to provide scientific oversight of research projects, and to the workers' compensation advisory committee. The department shall include a research project that encourages regional cooperation in addressing chemically related illness.

(2) Expenditures for research projects shall be within legislative appropriations from the medical aid fund, with self-insured employers and the state fund each paying a pro rata share, based on the number of worker hours, of the authorized expenditures. For the purposes of this subsection only, self-insured employers may deduct from the pay of each of their employees one-half of the share charged to the employer for the expenditures from the medical aid fund.

NEW SECTION. Sec. 5. In consultation with the workers' compensation advisory committee, the department of labor and industries and the department of health shall jointly make an interim report to the governor and the appropriate committees of the legislature by December 31, 1994, and a final report by June 30, 1995, on:

(1) The status of the department of labor and industries' final criteria and procedures for management of claims involving chemically related illness;

(2) The status of research projects authorized under section 4 of this act;

(3) A plan by the department of health for including accurate occupational information in all relevant current and developing automated health data bases;

(4) A state board of health plan to make occupational diseases reportable conditions;

(5) Other initiatives related to chemically related illness; and

(6) Any recommendations for legislation."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "illness;" strike the remainder of the title and insert "adding new sections to chapter 51.32 RCW; adding a new section to chapter 51.04 RCW; and creating a new section."

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 2696, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2696, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2696, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Bluechel, Cantu, Haugen, Hochstatter, McDonald, Morton, Nelson, Newhouse, Prince, Schow, Sellar, Smith, L. and West - 14.

Absent: Senator Rinehart - 1.

Excused: Senators McCaslin and Niemi - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2696, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5920,
SUBSTITUTE SENATE BILL NO. 6018,
ENGROSSED SENATE BILL NO. 6044,
SECOND SUBSTITUTE SENATE BILL NO. 6053,
ENGROSSED SENATE BILL NO. 6057,
SENATE BILL NO. 6065,
SUBSTITUTE SENATE BILL NO. 6070,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6071,
SENATE BILL NO. 6080,
SUBSTITUTE SENATE BILL NO. 6081,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6084,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6111,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6123,
SUBSTITUTE SENATE BILL NO. 6138,
SUBSTITUTE SENATE BILL NO. 6143,
SENATE BILL NO. 6203,
SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6228,
SENATE BILL NO. 6266,
SUBSTITUTE SENATE BILL NO. 6283,
ENGROSSED SENATE BILL NO. 6284,
SUBSTITUTE SENATE BILL NO. 6298,

SUBSTITUTE SENATE BILL NO. 6307,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6339,
ENGROSSED SENATE BILL NO. 6356,
SENATE BILL NO. 6377,
SENATE BILL NO. 6408,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6426,
SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6447,
SUBSTITUTE SENATE BILL NO. 6466,
SUBSTITUTE SENATE BILL NO. 6487,
ENGROSSED SENATE BILL NO. 6493,
SENATE BILL NO. 6584,
SENATE JOINT MEMORIAL NO. 8030, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 9, 1994

MR. PRESIDENT:

The Speaker has signed:
SECOND SUBSTITUTE SENATE BILL NO. 5372,
THIRD SUBSTITUTE SENATE BILL NO. 5918, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

At 11:12 p.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 11:41 p.m. by President Pro Tempore Wojahn.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2237 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2815 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 2798 and the pending motion by Senator Talmadge to adopt the Committee on Ways and Means striking amendment under consideration before the time arrived for the Special Order of Business, March 4, 1994.

MOTION

Senator Rinehart moved that the Committee on Ways and Means striking amendment not be adopted.

The President Pro Tempore declared the question before the Senate to be the positive motion by Senator Talmadge that the Committee on Ways and Means amendment be adopted.

The motion by Senator Rinehart carried and the Committee on Ways and Means amendment was not adopted.

MOTIONS

Senator Rinehart moved that the following amendment by Senators Rinehart and Talmadge be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that lengthy stays on welfare, lack of access to vocational education and training, the inadequate emphasis on employment by the social welfare system, and teen pregnancy are obstacles to achieving economic independence.

Therefore, the legislature intends that:

- (1) Income and employment assistance programs emphasize the temporary nature of welfare and set goals of responsibility, work, and independence;
- (2) State institutions take an active role in preventing pregnancy in young teens;
- (3) Family planning assistance be readily available to welfare recipients;
- (4) Support enforcement be more effective and the level of responsibility of noncustodial parents be significantly increased; and
- (5) Job search, job skills training, and vocational education resources are to be used in the most cost-effective manner possible.

PART I. EMPHASIZING WORK AND FAMILY PLANNING IN PUBLIC ASSISTANCE

NEW SECTION. Sec. 2. A new section is added to chapter 74.12 RCW to read as follows:

The department shall train financial services and social work staff who provide direct service to recipients of aid to families with dependent children to:

- (1) Effectively communicate the transitional nature of aid to families with dependent children and the expectation that recipients will enter employment;
- (2) Actively refer clients to the job opportunities and basic skills program;
- (3) Provide social services needed to overcome obstacles to employability; and
- (4) Provide family planning information and assistance, including alternatives to abortion, which shall be conducted in consultation with the department of health.

NEW SECTION. Sec. 3. A new section is added to chapter 74.12 RCW to read as follows:

At time of application or reassessment under this chapter the department shall offer or contract for family planning information and assistance, including alternatives to abortion, and any other available locally based teen pregnancy prevention programs, to prospective and current recipients of aid to families with dependent children.

PART II. TEEN PREGNANCY PREVENTION

NEW SECTION. Sec. 4. For the 1994-95 school year, the office of the superintendent of public instruction shall administer a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. The messages shall be distributed in the school and community where produced. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields. For purposes of evaluating the impact of the campaigns, applicants shall estimate student pregnancy and birth rates over the prior three to five years.

PART III. REFOCUSING JOBS

Sec. 5. RCW 74.25.010 and 1991 c 126 s 5 are each amended to read as follows:

The legislature establishes as state policy the goal of economic self-sufficiency for employable recipients of public assistance, through employment, training, and education. In furtherance of this policy, the legislature intends to comply with the requirements of the federal social security act, as amended, by creating a job opportunities and basic skills training program for applicants and recipients of aid to families with dependent children. The purpose of this program is to provide recipients of aid to families with dependent children the opportunity to obtain ((a full range of necessary)) appropriate education, training, skills, and supportive services, including child care, consistent with their needs, that will help them enter or

reenter gainful employment, thereby avoiding long-term welfare dependence and achieving economic self-sufficiency. The program shall be operated by the department of social and health services in conformance with federal law and consistent with the following legislative findings:

(1) The legislature finds that the well-being of children depends not only on meeting their material needs, but also on the ability of parents to become economically self-sufficient. The job opportunities and basic skills training program is specifically directed at increasing the labor force participation and household earnings of aid to families with dependent children recipients, through the removal of barriers preventing them from achieving self-sufficiency. These barriers include, but are not limited to, the lack of recent work experience, supportive services such as affordable and reliable child care, adequate transportation, appropriate counseling, and necessary job-related tools, equipment, books, clothing, and supplies, the absence of basic literacy skills, the lack of educational attainment sufficient to meet labor market demands for career employees, and the nonavailability of useful labor market assessments.

(2) The legislature also recognizes that aid to families with dependent children recipients must be acknowledged as active participants in self-sufficiency planning under the program. The legislature finds that the department of social and health services should communicate concepts of the importance of work and how performance and effort directly affect future career and educational opportunities and economic well-being, as well as personal empowerment, self-motivation, and self-esteem to program participants. The legislature further recognizes that informed choice is consistent with individual responsibility, and that parents should be given a range of options for available child care while participating in the program.

(3) The legislature finds that current work experience is one of the most important factors influencing an individual's ability to work toward financial stability and an adequate standard of living in the long term, and that work experience should be the most important component of the program.

(4) The legislature finds that education, including, but not limited to, literacy, high school equivalency, vocational, secondary, and postsecondary, is one of the most important tools an individual needs to achieve full independence, and that this should be an important component of the program.

~~((4))~~ (5) The legislature further finds that the objectives of this program are to assure that aid to families with dependent children recipients gain experience in the labor force and thereby enhance their long-term ability to achieve financial stability and an adequate standard of living at wages that will meet family needs.

Sec. 6. RCW 74.25.020 and 1993 c 312 s 7 are each amended to read as follows:

(1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. In contracting for job placement, job search, and other job opportunities and basic skills services, the department is encouraged to structure payments to the contractor on a performance basis. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services. The department shall maximize the federal matching funds available for the job opportunities and basic skills program by aggressively seeking private and public funds as match for federal funds.

(2) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall ~~((give first priority of service to individuals volunteering for program participation))~~ require nonexempt parents to actively participate in the JOBS program, with an emphasis on job readiness activities and vocational education. Social services shall be offered to participants in accordance with federal law. The department shall adopt appropriate sanctions to ensure compliance with the requirement and policies of this chapter.

(3) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall ensure that long-term recipients of aid to families with dependent children or those who are potentially long-term recipients as identified in federal job opportunities and basic skills (JOBS) target populations shall receive first priority for JOBS services. Federal JOBS targets are: (a) Applicants for assistance who have received such aid for thirty-six of the preceding sixty months; (b) recipients who have received assistance for thirty-six of the preceding sixty months; (c) custodial parents under the age of twenty-four who have not completed high school or its equivalent; (d) custodial parents under the age of twenty-four with little or no recent work experience; and (e) members of families in which the youngest child is within two years of being ineligible for assistance because of age.

(4) The department shall prioritize JOBS service delivery according to the categories within the existing federal target groups as follows: (a) Custodial parents under the age of twenty-four with little or no recent work experience; (b) custodial parents under the age of twenty-four who have not completed high school or its equivalent may be required to do so; (c) recipients who have received assistance for thirty-six of the preceding sixty months; and (d) at least one parent in an aid to families with dependent children-employable household shall be required to participate in one of the following JOBS components for a minimum of sixteen hours per week: (i) Community work experience; (ii) work experience; (iii) on-the-job training; (iv) work supplementation; (v) those under the age of twenty-four who have not completed high school or its equivalent may be required to do so.

(5) The department shall develop a realistic schedule for the phase-in of recipient participation in the JOBS program based on the availability of state, federal, and other relevant funding.

(6) All job search, skills training, and postsecondary education shall be oriented towards local labor force needs as determined by the department in consultation with the local private industry council and the employment security department. Education and skills training shall emphasize basic, secondary, and vocational education. Aid to families with dependent children grants shall be provided to individuals attending a four-

year college or university only if it can be demonstrated that it provides the fastest and most efficient path to employment for a particular recipient. Aid to families with dependent children recipients are prohibited from undertaking a postsecondary course of study oriented primarily towards liberal arts.

(7) Job search assistance, whether provided by the department or an entity contracting with the department, shall include job development services. The services shall be provided by persons responsible for identifying existing and potential job openings and for developing relationships with existing and potential area employers.

~~((3))~~ (8) The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age ~~(six years, and the employment would require the individual to work more than twenty hours per week)~~ three; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; (d) if the individual is engaged in at least fifteen hours per week of unsubsidized employment; or ~~((4))~~ (e) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

~~((4))~~ (9) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 74.25 RCW to read as follows:

Recipients of aid to families with dependent children who are not participating in an education or work training program may volunteer to work in a licensed child care facility, or other willing volunteer work site. Licensed child care facilities participating in this effort shall provide care for the recipient's children and provide for the development of positive child care skills.

PART IV. ELIGIBILITY AND BENEFIT PAYMENT REVISIONS

NEW SECTION. Sec. 8. A new section is added to chapter 74.12 RCW to read as follows:

The department shall pay to all recipients of food stamps a cash grant equal to the monthly food stamp benefit.

NEW SECTION. Sec. 9. A new section is added to chapter 74.12 RCW to read as follows:

The legislature recognizes that long-term recipients of aid to families with dependent children may require a period of several years to attain economic self-sufficiency. To provide incentives for long-term recipients to leave public assistance and accept paid employment, the legislature finds that less punitive and onerous sanctions than those required by the federal government are appropriate. The legislature finds that a ten percent reduction in grants for long-term recipients that may be replaced through earned income is a more positive approach than sanctions required by the federal government for long-term recipients who fail to comply with requirements of the job opportunities and basic skills program. A long-term recipient shall not be subject to two simultaneous sanctions for failure to comply with the participation requirements of the job opportunities and basic skills program and for exceeding the length of stay provisions of this section.

(1) After forty-eight monthly benefit payments in a sixty-month period, and after each additional twelve monthly benefit payments, the aid to families with dependent children monthly benefit payment shall be reduced by ten percent of the payment standard, except that after forty-eight monthly payments in a sixty-month period, full monthly benefit payments may be made if:

- (a) The person is incapacitated or is needed in the home to care for a member of the household who is incapacitated;
- (b) The person is needed in the home to care for a child who is under three years of age;
- (c) There are no adults in the assistance unit;
- (d) The person is cooperating in the development and implementation of an employability plan while receiving aid to families with dependent children and no present full-time, part-time, or unpaid work experience job is offered; or
- (e) During a month in which a grant reduction would be imposed under this section, the person is participating in an unpaid work experience program.

(2) For purposes of determining the amount of the food stamp benefit for recipients subject to benefit reductions provided for in subsection (1) of this section, countable income from the aid to families with dependent children program shall be set at the payment standard.

(3) For purposes of determining monthly benefit payments for two-parent aid to families with dependent children households, the length of stay criterion will be applied to the parent with the longer history of public assistance receipt.

NEW SECTION. Sec. 10. A new section is added to chapter 74.12 RCW to read as follows:

For purposes of determining the amount of monthly benefit payment to recipients of aid to families with dependent children who are subject to benefit reductions due to length of stay, all countable nonexempt earned income shall be subtracted from an amount equal to the payment standard.

NEW SECTION. Sec. 11. A new section is added to chapter 74.12 RCW to read as follows:

The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable.

NEW SECTION. Sec. 12. A new section is added to chapter 74.12 RCW to read as follows:

The revisions to the aid to families with dependent children program and job opportunities and basic skills training program shall be implemented by the department of social and health services on a state-wide basis.

PART V. CHILD SUPPORT

NEW SECTION. Sec. 13. The department of social and health services shall make a substantial effort to determine the identity of the noncustodial parent through consistent implementation of RCW 70.58.080. By December 1, 1994, the department of social and health services shall report to the fiscal committees of the legislature on the method for validating claims of good cause for refusing to establish paternity, the methods used in other states, and the national average rate of claims of good cause for refusing to establish paternity compared to the Washington state rate of claims of good cause for refusing to establish paternity, the reasons for differences in the rates, and steps that may be taken to reduce these differences.

NEW SECTION. Sec. 14. A new section is added to chapter 74.20A RCW to read as follows:

(1) In each case within the jurisdiction of the office of support enforcement in which a child support obligation has been established, the secretary shall issue a letter, by mail, to the parent responsible for payment of the support obligation. The letter shall notify the parent that the fact and amount of the child support obligation will be reported to consumer reporting agencies, as defined in RCW 19.182.010, operating in the state of Washington.

(2) Within thirty days following the date that a notice described in subsection (1) of this section is mailed, the secretary shall report the fact and amount of the child support obligation to consumer reporting agencies, as defined in RCW 19.182.010, operating in the state of Washington. Any modification in the amount of a child support obligation for which a report has been made under this section, shall be reported to consumer reporting agencies, as defined in RCW 19.182.010, operating in the state of Washington.

NEW SECTION. Sec. 15. A new section is added to chapter 74.20 RCW to read as follows:

(1) The office of support enforcement shall contract with private collection agencies to pursue collection of arrearages that might otherwise consume a disproportionate share of the office's collection efforts. In determining appropriate contract provisions, the department shall consult with other state support enforcement agencies which have successfully contracted with private collection agencies to the extent allowed by federal regulations.

(2) The department shall solicit proposals and shall select collection agencies that have computerized location and asset information service capabilities.

(3) The department shall monitor each case that it refers to a collection agency.

(4) The department shall evaluate the effectiveness of entering into contracts for services under this section.

(5) The department shall report to the fiscal committees of the legislature on the results of its analysis under subsections (3) and (4) of this section.

NEW SECTION. Sec. 16. A new section is added to chapter 74.20 RCW to read as follows:

The office of support enforcement shall, as a matter of policy, use all available remedies for the enforcement of support obligations where the obligor is a self-employed individual. The office of support enforcement shall not discriminate in favor of certain obligors based upon employment status.

PART VI. EMPLOYMENT PARTNERSHIP PROGRAM

Sec. 17. RCW 50.63.010 and 1986 c 172 s 1 are each amended to read as follows:

The legislature finds that the restructuring in the Washington economy has created rising public assistance caseloads and declining real wages for Washington workers. There is a profound need to develop partnership programs between the private and public sectors to create new jobs with adequate salaries and promotional opportunities for chronically unemployed and underemployed citizens of the state. Most public assistance recipients want to become financially independent through paid employment. A voluntary program which utilizes public wage subsidies and employer matching salaries has provided a beneficial financial incentive allowing public assistance recipients transition to permanent full-time employment.

Sec. 18. RCW 50.63.020 and 1986 c 172 s 2 are each amended to read as follows:

The employment partnership program is created to develop a series of geographically distributed model projects to provide permanent full-time employment for low-income and unemployed persons. The program shall be ~~((a cooperative effort between the employment security department and))~~ administered by the department of social and health services. The department shall contract for the program through local public or private nonprofit organizations. The goals of the program are as follows:

(1) To reduce inefficiencies in administration and provide model coordination of agencies with responsibilities for employment and human service delivery to unemployed persons;

(2) To create voluntary financial incentives to simultaneously reduce unemployment and welfare caseloads; ~~((and))~~

(3) To provide other state and federal support services to the client population to enable economic independence;

(4) To improve partnerships between the public and private sectors designed to move recipients of public assistance into productive employment; and

(5) To provide employers with information on federal targeted jobs tax credit and other state and federal tax incentives for participation in the program.

Sec. 19. RCW 50.63.030 and 1986 c 172 s 3 are each amended to read as follows:

The (~~commissioner of employment security and the~~) secretary of the department of social and health services shall establish pilot projects that enable grants to be used as a wage subsidy. The department of social and health services (~~is designated as the lead agency for the purpose of employing~~) shall comply with applicable federal statutes and regulations (~~The department~~) and shall seek any waivers from the federal government necessary to operate the employment partnership program. The projects shall be available on an individual case-by-case basis or subject to the limitations outlined in RCW 50.63.050 (as recodified by this act) for the start-up or reopening of a plant under worker ownership. The projects shall be subject to the following criteria:

- (1) It shall be a voluntary program and no person may have any sanction applied for failure to participate.
- (2) Employment positions established by this chapter shall not be created as the result of, nor result in, any of the following:
 - (a) Displacement of current employees, including overtime currently worked by these employees;
 - (b) The filling of positions that would otherwise be promotional opportunities for current employees;
 - (c) The filling of a position, before compliance with applicable personnel procedures or provisions of collective bargaining agreements;
 - (d) The filling of a position created by termination, layoff, or reduction in workforce;
 - (e) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific work site, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff;
 - (f) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers;
 - (g) Decertification of any collective bargaining unit.
- (3) Wages shall be paid at the usual and customary rate of comparable jobs and may include a training wage if permitted by applicable federal statutes and regulations;
- (4) A recoupment process shall recover state supplemented wages from an employer when a job does not last six months following the subsidization period for reasons other than the employee voluntarily quitting or being fired for good cause as determined by the (~~commissioner of employment security~~) local employment partnership council under rules prescribed by the (~~commissioner pursuant to chapter 50.20 RCW~~) secretary;
- (5) Job placements shall have promotional opportunities or reasonable opportunities for wage increases;
- (6) Other necessary support services such as training, day care, medical insurance, and transportation shall be provided to the extent possible;
- (7) Employers shall provide monetary matching funds of at least fifty percent of total wages;
- (8) Wages paid to participants shall be a minimum of five dollars an hour; and
- (9) The projects shall target the (~~hardest-to-employ~~) populations in the priority and for the purposes set forth in RCW 74.25.020, to the extent that necessary support services are available.

Sec. 20. RCW 50.63.040 and 1986 c 172 s 4 are each amended to read as follows:

An employer, before becoming eligible to fill a position under the employment partnership program, shall certify to the (~~department of employment security~~) local employment partnership council that the employment, offer of employment, or work activity complies with the following conditions:

- (1) The conditions of work are reasonable and not in violation of applicable federal, state, or local safety and health standards;
- (2) The assignments are not in any way related to political, electoral, or partisan activities;
- (3) The employer shall provide industrial insurance coverage as required by Title 51 RCW;
- (4) The employer shall provide unemployment compensation coverage as required by Title 50 RCW;
- (5) The employment partnership program participants hired following the completion of the program shall be provided benefits equal to those provided to other employees including social security coverage, sick leave, the opportunity to join a collective bargaining unit, and medical benefits.

NEW SECTION. Sec. 21. A local employment partnership council shall be established in each pilot project area to assist the department of social and health services in the administration of this chapter and to allow local flexibility in dealing with the particular needs of each pilot project area. Each council shall be primarily responsible for recruiting and encouraging participation of employment providers in the project site. Each council shall be composed of nine members who shall be appointed by the county legislative authority of the county in which the pilot project operates. Councilmembers shall be residents of or employers in the pilot project area in which they are appointed and shall serve three-year terms. The council shall have two members who are current or former recipients of the aid to families with dependent children program or food stamp program, two members who represent labor, and five members who represent the local business community. In addition, one person representing the local

community service office of the department of social and health services, one person representing a community action agency or other nonprofit service provider, and one person from a local city or county government shall serve as nonvoting members.

Sec. 22. RCW 50.63.060 and 1986 c 172 s 6 are each amended to read as follows:

Participants shall be considered recipients of aid to families with dependent children and remain eligible for medicaid benefits even if the participant does not receive a residual grant. Work supplementation participants shall be eligible for (1) the thirty-dollar plus one-third of earned income exclusion from income, (2) the work related expense disregard, and (3) any applicable child care expense disregard deemed available to recipient of aid in computing his or her grant under this chapter, unless prohibited by federal law.

Sec. 23. RCW 50.63.090 and 1986 c 172 s 9 are each amended to read as follows:

The department of social and health services shall seek any federal funds available for implementation of this chapter, including, but not limited to, funds available under Title IV of the federal social security act (42 U.S.C. Sec. 601 et seq.) for the ~~((work incentive demonstration program, and the employment search program))~~ job opportunities and basic skills program.

NEW SECTION. **Sec. 24.** RCW 50.63.010, 50.63.020, 50.63.030, 50.63.040, 50.63.050, 50.63.060, 50.63.070, 50.63.080, and 50.63.090 are each recodified as a new chapter in Title 74 RCW.

NEW SECTION. **Sec. 25.** The department of social and health services shall report to the appropriate committees of the house of representatives and senate on the implementation of this employment partnership program for recipients of aid to families with dependent children by October 1, 1995.

NEW SECTION. **Sec. 26.** Section 21 of this act shall be codified in the new chapter created by section 24 of this act.

PART VII. IMMUNIZATION

NEW SECTION. **Sec. 27.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in conjunction with local health jurisdictions, shall require each local health jurisdiction to submit an immunization assessment and enhancement proposal, consistent with the standards established in the public health improvement plan, to provide immunization protection to the children of the state to further reduce vaccine-preventable diseases.

(2) These plans shall include, but not be limited to:

- (a) A description of the population groups in the jurisdiction that are in the greatest need of immunizations;
- (b) A description of strategies to use outreach, volunteer, and other local educational resources to enhance immunization rates; and
- (c) A description of the capacity required to accomplish the enhancement proposal.

(3) This section shall be implemented consistent with available funding.

(4) The secretary shall report through the public health improvement plan to the health care and fiscal committees of the legislature on the status of the program and progress made toward increasing immunization rates in population groups of greatest need.

PART VIII. CHILD'S RESOURCES

Sec. 28. RCW 74.12.350 and 1979 c 141 s 354 are each amended to read as follows:

The department of social and health services is hereby authorized to promulgate rules and regulations in conformity with the provisions of Public Law 87-543 to allow all or any portion of a dependent child's earned or other income to be set aside for the identifiable future needs of the dependent child which will make possible the realization of the child's maximum potential as an independent and useful citizen.

The transfer into, or accumulation of, a child's income or resources in an irrevocable trust account is hereby allowed. The amount allowable is four thousand dollars. The department will provide income assistance recipients with clear and simple information on how to set up educational accounts, including how to assure that the accounts comply with federal law by being adequately earmarked for future educational use, and are irrevocable.

NEW SECTION. **Sec. 29.** RCW 74.12.360 and 1993 c 312 s 10 are each repealed.

NEW SECTION. **Sec. 30.** A new section is added to chapter 74.12 RCW to read as follows:

(1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and either pregnant or having a dependent child in the applicant's care. Appropriate living situations shall include a place of residence maintained by the applicant's parent, legal guardian, or other adult relative as their own home, or other appropriate supportive living arrangement supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107.

(2) An applicant under eighteen years of age who is either pregnant or has a dependent child and is not living in a situation described in subsection (1) of this section shall be presumed to be unable to manage adequately the funds paid on behalf of the dependent child and, unless the teenage custodial parent demonstrates otherwise, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

(3) In cases in which the head of household is under eighteen years of age, unmarried, unemployed, and requests information on adoption, the department shall, as part of the determination of the appropriate living situation, provide information about adoption including referral to community-based organizations for counseling.

NEW SECTION. Sec. 31. A new section is added to chapter 74.04 RCW to read as follows:

(1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and pregnant who are eligible for general assistance as defined in RCW 74.04.005 (6)(a)(ii)(A). Appropriate living situations shall include a place of residence maintained by the applicant's parent, legal guardian, or other adult relative as their own home, or other appropriate supportive living arrangement supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107.

(2) An applicant under eighteen years of age who is pregnant and is not living in a situation described in subsection (1) of this section shall be presumed to be unable to manage adequately the funds paid on behalf of the dependent child and, unless the teenage custodial parent demonstrates otherwise, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

(3) In cases in which the head of household is under eighteen years of age, unmarried, unemployed, and requests information on adoption, the department shall, as part of the determination of the appropriate living situation, provide information about adoption including referral to community-based organizations for counseling.

PART IX. MISCELLANEOUS

NEW SECTION. Sec. 32. A new section is added to chapter 74.12 RCW to read as follows:

The department shall actively develop mechanisms for the income assistance program, the medical assistance program, and the community services administration to facilitate the enrollment in the federal supplemental security income program of disabled persons currently part of assistance units receiving aid to families with dependent children benefits.

NEW SECTION. Sec. 33. A new section is added to chapter 69.80 RCW to read as follows:

(1) This section may be cited as the "Good Samaritan Food Donation Act."

(2) As used in this section:

(a) "Apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by federal, state, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

(b) "Apparently wholesome food" means food that meets all quality and labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

(c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(d) "Food" means a raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(e) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(f) "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(g) "Gross negligence" means voluntary and conscious conduct by a person with knowledge, at the time of the conduct, that the conduct is likely to be harmful to the health or well-being of another person.

(h) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

(i) "Nonprofit organization" means an incorporated or unincorporated entity that:

(i) Is operating for religious, charitable, or educational purposes; and

(ii) Does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(j) "Person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, councilmember, or other elected or appointed individual responsible for the governance of the entity.

(3) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution

to needy individuals, except that this subsection does not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(4) A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this subsection does not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) If some or all of the donated food and grocery products do not meet all quality and labeling standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or grocery products:

- (a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;
 - (b) Agrees to recondition the donated food or grocery products to comply with all the quality and labeling standards prior to distribution; and
 - (c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.
- (6) This section may not be construed to create liability.

NEW SECTION. Sec. 34. RCW 69.80.030 and 1983 c 241 s 3 are each repealed.

Sec. 35. RCW 69.80.900 and 1983 c 241 s 5 are each amended to read as follows:

Nothing in this chapter may be construed to create any liability of, or penalty against a donor or distributing organization except as provided in ((RCW 69.80.030)) section 33 of this act.

NEW SECTION. Sec. 36. A new section is added to chapter 74.12 RCW to read as follows:

By October 1, 1994, the department shall request the governor to seek congressional action on any federal legislation that may be necessary to implement any sections of chapter . . . , Laws of 1994 (this act). By October 1, 1994, the department shall request the governor to seek federal agency action on any federal regulation that may require a federal waiver.

NEW SECTION. Sec. 37. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 38. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 39. Sections 6 and 8 of this act shall take effect July 1, 1995.

NEW SECTION. Sec. 40. Part headings as used in this act constitute no part of the law."

MOTION

Senator Erwin moved that the following amendments to the striking amendment by Senator Rinehart and Talmadge be considered simultaneously and be adopted:

On page 1, line 9 of the amendment, after "system," insert "government disincentives to private sector job creation,"

On page 1, line 15 of the amendment, after "(2)" insert "Government disincentives to private sector job creation be identified and removed;

(3)"

Renumber the remaining subsections consecutively.

On page 2, after line 12 of the amendment, insert the following:

"PART II PRIVATE SECTOR JOB CREATION

NEW SECTION. Sec. 4. The task force on private sector job creation is created. The task force shall be composed of twelve members as follows:

- (1) Two members of each of the two largest caucuses of the senate, to be appointed by the president of the senate;
- (2) Two members of each of the two largest caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; and
- (3) Four members of the private sector, to be appointed jointly by the president of the senate and the speaker of the house of representatives. One of the four members shall represent employers who employ twenty-five or fewer employees, one shall represent employers who employ two hundred or fewer employees, one shall represent employers who employ more than two hundred employees, and one shall represent agricultural employers.

The task force shall elect its own officers, and its expenses shall be paid jointly by the senate and the house of representatives.

NEW SECTION. Sec. 5. The task force on private sector job creation shall examine government disincentives to private sector job creation, and make a preliminary report to the legislature before January 1, 1995, and a final report to the legislature before December 1, 1995. The task force in its report shall identify local and state government policies, rules, regulations, ordinances, and statutes that are disincentives to private sector job creation, and shall recommend actions to be taken by local and state governments, including proposed legislation, to remove identified disincentives."

Renumber the remaining parts and sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Erwin on page 1, lines 9 and 15, and page 2, after line 12, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Erwin failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Talmadge to the striking amendment by Senators Rinehart and Talmadge be adopted:

On page 2, after line 28 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 70.190 RCW to read as follows:

The community network's plan may include funding for a student designed media and community campaign promoting sexual abstinence and addressing the importance of delaying sexual activity and pregnancy or male parenting until individuals are ready to nurture and support their children. Under the campaign, which shall be substantially designed and produced by students, the same messages shall be distributed in schools, through the media, and in the community where the campaign is targeted. The campaign shall require local private sector matching funds equal to state funds. Local private sector funds may include in-kind contributions of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields. The campaign shall be evaluated using the outcomes required of community networks under this chapter, in particular reductions in the number or rate of teen pregnancies and teen male parentage over a three to five year period."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Talmadge on page 2, after line 28, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted on a rising vote.

MOTION

Senator McDonald moved that the following amendment to the striking amendment by Senators Rinehart and Talmadge be adopted:

On page 7, beginning on line 6 of the amendment, insert the following:

"PART IV. FRAUD DETECTION AND CONTROL

NEW SECTION. Sec. 18. A new section is added to Chapter 74.12 RCW to read as follows:

Recipients of aid to families with dependent children who are convicted of financial assistance fraud under RCW 74.08.331 shall be ineligible to receive benefits under the aid to families with dependent children program unless they reside in a privately administered home or supported living situation, under supervision, with food and shelter provided in lieu of grant assistance, food stamps, any rent subsidies or housing allowances for the period of time that the individual continues to receive benefits under the aid to families with dependent children program."

POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, do you know of any private group homes in existence that would take this population of people? Number one and number two, are you aware of any excess capacity in our group care system that would admit entry for this population?"

Senator McDonald: "Clearly, Senator Talmadge, if you have a demand for these type of services, then they will have somebody that will build them. I feel very comfortable that this can and will happen."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 7, beginning on line 6, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator McDonald failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Oke moved that the following amendment by Senators Oke and Hochstatter to the striking amendment by Senators Rinehart and Talmadge be adopted:

On page 7, on line 8 of the amendment, after "PART IV. ELIGIBILITY AND BENEFIT PAYMENT REVISIONS" strike all of section 8

Renumber remaining sections consecutively and correct any internal references accordingly

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Oke and Hochstatter on page 7, line 8, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Oke carried and the amendment to the striking amendment was adopted.

MOTION

Senator Deccio moved that the following amendment to the striking amendment by Senators Rinehart and Talmadge be adopted.

On page 9, after line 14 of the amendment, insert the following:

"NEW SECTION, Sec. 14. Applicants for aid to families with dependent children must provide the name of both parents of the child or children, whether born or unborn, at the time of application. An applicant who fails to comply with this section shall have their monthly grant reduced by fifteen percent unless the applicant has good cause for refusing to establish paternity."

Renumber remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 9, beginning on line 14, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Deccio failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Schow to the striking amendment by Senators Rinehart and Talmadge be adopted.

On page 10, line 2 of the amendment after "efforts." insert "Those cases considered to consume a disproportionate share of the offices collection efforts shall include those cases owing more than fifteen hundred dollars, cases where no payment has been received in the last six months towards any debt owed to the department, or cases where the last known address was outside of the state of Washington."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Schow on page 10, line 2, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Nelson carried and the amendment to the striking amendment was adopted.

MOTIONS

On motion of Senator Spanel, the following amendment by Senators Spanel and Rinehart to the striking amendment by Senators Rinehart and Talmadge was adopted:

On page 10, after line 22 of the amendment, insert the following:

"NEW SECTION. Sec. 17. The legislature finds that the reliable receipt of child support payments by custodial parents is essential to maintaining economic self-sufficiency. It is the intent of the legislature to ensure that child support payments received by custodial parents when such support is owed are retained by those parents regardless of future claims made against such payments.

Sec. 18. RCW 26.23.035 and 1991 c 367 s 38 are each amended to read as follows:

(1) The department of social and health services shall adopt rules for the distribution of support money collected by the office of support enforcement. These rules shall:

(a) Comply with 42 U.S.C. Sec. 657;

(b) Direct the office of support enforcement to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The office of support enforcement cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The office of support enforcement may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support.

(4) If the Washington state support registry distributes a support payment to a payee under a support order or to another person who has lawful physical custody of the child or custody with the payee's consent, and the negotiable instrument received for such payment from the payer under a child support order is returned for nonsufficient funds, the registry shall obtain restitution from the payer under the child support order.

(5) If the Washington state support registry distributes funds collected under 42 U.S.C. Sec. 664 to a payee under a support order or to another person who has lawful physical custody of the child or custody with the payee's consent, and another person filing a joint return with the payer owing past due support under a child support order takes appropriate action to secure a share of the refund from which the withholding has been made, the registry shall obtain restitution from the payer under the child support order."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator West moved that the following amendment to the striking amendment by Senators Rinehart and Talmadge be adopted:

On page 15 , after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 28. The legislature budget committee shall conduct a program performance audit of the department of health's immunization program and report its findings to the legislature by no later than October 31, 1994. The program performance audit shall include (1) an analysis of the distribution and utilization of vaccines by local health departments and private physicians, (2) an identification of destroyed and unused amounts of vaccine, and (3) an evaluation of the department of health's program to increase the rate of vaccination of children two years old and under. The department of health shall allocate \$40,000 or so much thereof as may be necessary from its 1993-95 general fund -- state appropriation to the legislative budget committee for the purposes of the program performance audit required by this section."

Renumber remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator West on page 15, after line 24, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator West carried and the amendment to the striking amendment was adopted on a rising vote.

MOTIONS

On motion of Senator Hargrove, the following amendments by Senators Hargrove, McDonald, Rinehart, Linda Smith and Talmadge to the striking amendment by Senators Rinehart and Talmadge were considered simultaneously and were adopted:

On page 16, line 26 of the amendment, after "(3)" insert "The department shall consider any statements or opinions by either parent of the teen recipient as to an appropriate living situation for the teen, whether in the parental home or other situation. If the parents of the teen head of household applicant for assistance request, they shall be entitled to a hearing in juvenile court regarding the fitness and suitability of their home as the top priority choice for the pregnant or parenting teen applicant for assistance.

The parents shall have the opportunity to make a showing, based on the preponderance of the evidence, that the parental home is the most appropriate living situation.

(4)"

On page 17, line 13 of the amendment, after "(3)" insert "The department shall consider any statements or opinions by either parent of the teen recipient as to an appropriate living situation for the teen, whether in the parental home or other situation. If the parents of the teen head of household applicant for assistance request, they shall be entitled to a hearing in juvenile court regarding the fitness and suitability of their home as the top priority choice for the pregnant or parenting teen applicant for assistance.

The parents shall have the opportunity to make a showing, based on the preponderance of the evidence, that the parental home is the most appropriate living situation.

(4)"

Senator Anderson moved that the following amendment by Senator McDonald to the striking amendment by Senators Rinehart and Talmadge be adopted:

On page 17, beginning on line 19 of the amendment, insert the following:

"NEW SECTION. Sec. 32. The department shall design a rent voucher program for cases where there is a judgement for nonpayment of rent against a recipient of public assistance."

Renumber remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 17, beginning on line 19, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Anderson failed and the amendment by Senator McDonald to the striking amendment was not adopted.

MOTION

On motion of Senator Drew, Senator Vognild was excused.

MOTION

Senator Quigley moved that the following amendments to the striking amendment by Senators Rinehart and Talmadge be considered simultaneously and be adopted:

On page 17, after line 18 of the amendment, insert the following:

"NEW SECTION. Sec. 32. The department of social and health services shall implement a plan for a pilot program to be known as the focused intensive services for kids (FISK) program applicable to children and parents that are long-term recipients of the aid to families with dependent children-regular (AFDC-R) program. The goal of the program is to provide intensive services to children in long-term AFDC-R assistance units by

utilizing and providing such children a safe, secure environment and on-site management to maximize services for the affected children and by providing employment training and incentives for self-sufficiency for their parents.

(1) After thirty-six months of benefit payments, an AFDC-R recipient household, including all minor children, shall reside in a state or privately administered group home, or supported living situation to be known as FISK homes, under supervision, with food, shelter, and child care provided in lieu of grant assistance, food stamps, and any rent subsidies or housing allowances.

(2) Each adult in the FISK home shall provide at least forty hours per week of paid or unpaid employment.

(3) The provision of day care within the FISK home, for purposes of caring for children of recipients, shall be countable as hours of employment under subsection (2) of this section.

(4) Disabled adults are not subject to the provisions of this section.

(5) Children in a FISK home shall receive priority in receiving early childhood education assistance program, head start, readiness to learn, mental health, and sexual assault victim funds and services, as well as funds and services from other related programs.

(6) The administrator of the FISK home shall work to see that adult residents of FISK homes shall receive services from the job opportunities and basic skills (JOBS) program, alcohol and drug treatment programs, mental health programs, women, infants, and children (WIC) program and receive access to domestic violence and subsidized day care funds and services, as well as funds and services from other related programs.

(7) The department shall work with local communities to assure that FISK homes are not sited in clusters and are widely distributed in multiple neighborhoods.

(8) The department shall accept bids from local organizations to build and or administer FISK homes.

(9) The department shall submit a capital plan for at least one hundred FISK homes.

(10) The department shall submit grants to the United States department of housing and urban development to attract federal housing dollars for purposes of building FISK homes.

(11) The department shall establish measurable outcomes to determine the success of FISK homes including (a) percentage of school-age FISK home residents (i) absent from school at least once per week (ii) who have repeated a grade (iii) who have been expelled or suspended from school (iv) who have a chronic illness and (v) who become welfare recipients, and (b) length of stay of AFDC-R recipients on assistance."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 20, line 11 of the amendment, after "waiver" insert ", including waivers allowing for the use of grants, food stamps, job opportunities and basic skills funds, rent subsidies, housing allowances, and any other available federal funds or services to offset the costs of food, shelter, supervision, and work experience as necessary to implement section 32 of this act"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Quigley on page 17, after line 18, and page 20, line 11, to the striking amendment by Senators Rinehart and Talmadge to Engrossed Second Substitute House Bill No. 2798.

The motion by Senator Quigley failed and the amendments to the striking amendment were not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rinehart and Talmadge, as amended, to Engrossed Second Substitute House Bill No. 2798.

The striking amendment by Senators Rinehart and Talmadge, as amended, to Engrossed Second Substitute House Bill No. 2798 was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 74.25.010, 74.25.020, 50.63.010, 50.63.020, 50.63.030, 50.63.040, 50.63.060, 50.63.090, 74.12.350, and 69.80.900; adding new sections to chapter 74.12 RCW; adding a new section to chapter 74.25 RCW; adding a new section to chapter 74.20A RCW; adding new sections to chapter 74.20 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 69.80 RCW; adding a new chapter to Title 74 RCW; creating new sections; recodifying RCW 50.63.010, 50.63.020, 50.63.030, 50.63.040, 50.63.050, 50.63.060, 50.63.070, 50.63.080, and 50.63.090; repealing RCW 74.12.360 and 69.80.030; and providing an effective date."

On page 21, line 7 of the title amendment, after "74.25.020," insert "26.23.035,"

On page 21, line 9 of the title amendment, after "74.12 RCW;" insert "adding a new section to chapter 70.190 RCW;"

On motion of Senator Rinehart, the rules were suspended, Engrossed Second Substitute House Bill No. 2798, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2798, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2798, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 44.

Voting nay: Senators Pelz and Williams - 2.

Excused: Senators McCaslin, Niemi and Vognild - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2798, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on REENGROSSED SUBSTITUTE HOUSE BILL NO. 1471 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MOTION

At 12:44 a.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, March 10, 1994.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 9, 1994

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

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 10, 1994

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Cantu, Hargrove, Haugen, Owen, Rasmussen, Rinehart, Roach, Adam Smith and Talmadge. On motion of Senator Oke, Senators Cantu and Roach were excused. On motion of Senator Drew, Senators Hargrove, Owen, Rasmussen and Rinehart were excused. On motion of Senator Morton, Senator Amondson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jessica Bork and Matthew Gonzales, presented the Colors. Jim Cammack of the Baha'i Assembly of Thurston County, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1756 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2605 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2627 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 10, 1994

MR. PRESIDENT:

The Speaker has appointed Representative Springer to replace Representative Dunshee on the Conference Committee to SENATE BILL NO. 6055.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5449,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,
SUBSTITUTE SENATE BILL NO. 6089,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6547.

STATEMENT FOR THE JOURNAL

Due to work on the anti-violence bill, I missed the following votes: Gubernatorial Appointment No. 9337, Pleas Green as a member of the Sentencing Guidelines Commission; Gubernatorial Appointment No. 9287, Dean Lydig, as a member of the Wildlife Commission; Engrossed Substitute Senate Bill No. 6124, as recommended by the Conference Committee; and Engrossed House Bill No. 2643, as recommended by the Conference Committee.

I would have voted 'yes' on these measures.

SENATOR PHIL TALMADGE, 34th District

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Ludwig, Gubernatorial Appointment No. 9337, Pleas Green, as member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF PLEAS GREEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 39.

Absent: Senators Haugen, Smith, A. and Talmadge - 3.

Excused: Senators Amondson, Cantu, Hargrove, Owen, Rasmussen, M., Rinehart and Roach - 7.

MOTIONS

On motion of Senator Oke, Senator Bluechel was excused.

On motion of Senator Drew, Senators Adam Smith and Talmadge were excused.

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9287, Dean Lydig, as member of the Wildlife Commission, was confirmed.

APPOINTMENT OF DEAN LYDIG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Bluechel, Hargrove, Rinehart, Smith, A. and Talmadge - 5.

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

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6124 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESSB 6124 March 9, 1994

Includes "NEW ITEMS": YES

Protecting homeowner's equity

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6124, Protecting homeowner's equity, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many homeowners are solicited by siding and roofing contractors to purchase home improvements. Some contractors misrepresent the financing terms or the cost of the improvements, preventing the homeowner from making an informed decision about whether the improvements are affordable. The result is that many homeowners face financial hardship including the loss of their homes through foreclosure. The legislature declares that this is a matter of public interest. It is the intent of the legislature to establish rules of business practice for roofing and siding contractors to promote honesty and fair dealing with homeowners.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Roofing or siding contract" means an agreement between a roofing or siding contractor or salesperson and a homeowner that includes, in part, an agreement to install, repair or replace residential roofing or siding for a total cost including labor and materials in excess of one thousand dollars.

This chapter does not apply to the following contracts:

- (a) Residential remodel or repair contracts where the cost specified for roofing or siding is less than twenty percent of the total contract price;
- (b) Contracts where the roofing or siding is part of a contract to build a new dwelling or an addition that provides additional living space;
- (c) Contracts for emergency repairs made necessary by a natural disaster such as an earthquake, wind storm, or hurricane, or after a fire in the dwelling;
- (d) Homes being prepared for resale; or
- (e) Roofing or siding contracts in which the homeowner was not directly solicited by a roofing or siding contractor or salesperson. If a roofing or siding contractor or roofing or siding salesperson generally does business by soliciting, it shall be a rebuttable presumption that any roofing or siding contract entered into with a homeowner shall have been the result of a solicitation.

(2) "Roofing or siding contractor" means a person who owns or operates a contracting business that purports to install, repair, or replace or subcontracts to install, repair, or replace residential roofing or siding.

(3) "Roofing or siding salesperson" means a person who solicits, negotiates, executes, or otherwise endeavors to procure a contract with a homeowner to install, repair, or replace residential roofing or siding on behalf of a roofing or siding contractor.

(4) "Residential roofing or siding" means roofing or siding installation, repair or replacement for an existing single-family dwelling or multiple family dwelling of four or less units, provided that this does not apply to a residence under construction.

(5) "Person" includes an individual, corporation, company, partnership, joint venture, or a business entity.

(6) "Siding" means material used to cover the exterior walls of a residential dwelling, excluding paint application.

(7)(a) "Solicit" means to initiate contact with the homeowner for the purpose of selling or installing roofing or siding by one of the following methods:

- (i) Door-to-door contact;
- (ii) Telephone contact;
- (iii) Flyers left at a residence; or
- (iv) Other promotional advertisements which offer gifts, cash, or services if the homeowner contacts the roofing or siding contractor or salesperson, except for newspaper advertisements which offer a seasonal discount.

(b) "Solicit" does not include:

- (i) Calls made in response to a request or inquiry by the homeowner; or
- (ii) Calls made to homeowners who have prior business or personal contact with the residential roofing or siding contractor or salesperson.

NEW SECTION. Sec. 3. A roofing or siding contract shall be in writing. A copy of the contract shall be given to the homeowner at the time the homeowner signs the contract. The contract shall be typed or printed legibly and contain the following provisions:

- (1) An itemized list of all work to be performed;
- (2) The grade, quality, or brand name of materials to be used;
- (3) The dollar amount of the contract;
- (4) The name and address of the roofing or siding salesperson;
- (5) The name, address, and contractor's registration number of the roofing or siding contractor;
- (6) A statement as to whether all or part of the work is to be subcontracted to another person;
- (7) The contract shall require the homeowner to disclose whether he or she intends to obtain a loan in order to pay for all or part of the amount due under the contract;
- (8) If the customer indicates that he or she intends to obtain a loan to pay for a portion of the roofing or siding contract, the homeowner shall have the right to rescind the contract within three business days of receiving truth-in-lending disclosures or three business days of receiving written notification that the loan application was denied, whichever date is later; and
- (9) The contract shall provide the following notice in ten-point boldface type in capital letters:

"CUSTOMER'S RIGHT TO CANCEL

IF YOU HAVE INDICATED IN THIS CONTRACT THAT YOU INTEND TO OBTAIN A LOAN TO PAY FOR ALL OR PART OF THE WORK SPECIFIED IN THE CONTRACT, YOU HAVE THE RIGHT TO CHANGE YOUR MIND AND CANCEL THIS CONTRACT WITHIN THREE

DAYS OF THE DATE WHEN THE LENDER PROVIDES YOU WITH YOUR TRUTH-IN-LENDING DISCLOSURE STATEMENT OR THE DATE WHEN YOU RECEIVE WRITTEN NOTIFICATION THAT YOUR LOAN WAS DENIED.

BE SURE THAT ALL PROMISES MADE BY YOUR CONTRACTOR ARE PUT IN WRITING BEFORE YOU SIGN THIS CONTRACT."

NEW SECTION. Sec. 4. If the customer indicates that he or she intends to obtain a loan to pay for all or part of the cost of the roofing or siding contract, the roofing or siding contractor shall not begin work until after the homeowner's rescission rights provided in section 3(9) of this act have expired. If the roofing or siding contractor commences work under the contract before the homeowner's rescission rights have expired, the roofing or siding contractor or salesperson shall be prohibited from enforcing terms of the contract, including claims for labor or materials, in a court of law and shall terminate any security interest or statutory lien created under the transaction within twenty days of receiving written rescission of the contract from the customer.

NEW SECTION. Sec. 5. A person who purchases or is otherwise assigned a roofing or siding contract shall be subject to all claims and defenses with respect to the contract that the homeowner could assert against the siding or roofing contractor or salesperson. A person who sells or otherwise assigns a roofing or siding contract shall include a prominent notice of the potential liability under this section.

NEW SECTION. Sec. 6. The legislature finds and declares that a violation of this chapter substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce as set forth under chapter 19.86 RCW.

NEW SECTION. Sec. 7. A roofing or siding contractor or salesperson who fails to comply with the requirements of this chapter shall be liable to the homeowner for any actual damages sustained by the person as a result of the failure. Nothing in this section shall limit any cause of action or remedy available under section 6 of this act or chapter 19.86 RCW.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act shall constitute a new chapter in Title 19 RCW."

On page 1, line 2 of the title, after "practices;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and creating a new section.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Prentice, Newhouse and Fraser; Representatives Heavey, G. Cole and Horn

MOTION

On motion of Senator Prentice, the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6124.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6124, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6124, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognil, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Erwin and McDonald - 2.

Excused: Senators Hargrove, Rinehart and Talmadge - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6124, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

EHB 2643 March 9, 1994

Includes "NEW ITEMS": YES

Cross-referencing pension statutes

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2643, Cross-referencing pension statutes, have had the same under consideration and we recommend that:

All previous Senate amendments not be adopted, and the following amendments by the Conference Committee be adopted:

On page 1, line 19, after "retirees." insert "Sections 6 and 7 of this act create the pension funding account in the state treasury and direct the transfer of moneys deposited in the budget stabilization account by the 1993-95 operating appropriations act, section 919, chapter 24, Laws of 1993 sp. sess., for the continuing costs of state retirement system benefits in effect on July 1, 1993, consistent with section 919, chapter 24, Laws of 1993 sp. sess. to the pension funding account."

On page 18, after line 12, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 41.04 RCW to read as follows:

The pension funding account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the continuing costs of any state retirement system benefits in effect on July 1, 1993, consistent with section 919, chapter 24, Laws of 1993 sp. sess.

NEW SECTION. Sec. 7. On July 1, 1995, the state treasurer shall transfer twenty-five million dollars from the budget stabilization account to the pension funding account created under section 6 of this act.

Sec. 8. RCW 41.40.023 and 1993 c 319 s 1 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
- (3)(a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;
- (b) A member holding elective office who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official. A member who receives more than fifteen thousand dollars per year in compensation for his or her elective service, adjusted annually for inflation by the director, is not eligible for the option provided by this subsection (3)(b);
- (4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer fire fighters' relief and pension fund under chapter 41.24 RCW;
- (5) Patient and inmate help in state charitable, penal, and correctional institutions;
- (6) "Members" of a state veterans' home or state soldiers' home;
- (7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;
- (8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;
- (9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;
- (10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;
- (11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;
- (12) Plan I retirees employed in eligible positions on a temporary basis for a period not to exceed five months in a calendar year: PROVIDED, That if such employees are employed for more than five months in a calendar year in an eligible position they shall become members of the system prospectively;
- (13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from: (a) Transferring all of its current employees to the retirement system established under this chapter, or (b) allowing newly hired employees the option of continuing coverage under the retirement system established by this chapter.
- Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;
- (14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;
- (15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;
- (16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;
- (17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions;
- (18) Persons enrolled in state-approved apprenticeship programs, authorized under chapter 49.04 RCW, and who are employed by local governments to earn hours to complete such apprenticeship programs, if the employee is a member of a union-sponsored retirement plan and is making contributions to such a retirement plan or if the employee is a member of a Taft-Hartley retirement plan."
On page 1, line 2 of the title, after "41.32.010," strike "and 41.32.470" and insert "41.32.470, and 41.40.023"
On page 1, line 3 of the title, after "41.26 RCW;" insert "adding a new section to chapter 41.04 RCW;"
On page 1, line 3 of the title, after "creating" strike "a new section" and insert "new sections", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Spanel, McDonald and Bauer; Representatives Sommers, Valle and Silver

MOTION

On motion of Senator Bauer, the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 2643.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2643, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2643, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Hargrove and Talmadge - 2.

ENGROSSED HOUSE BILL NO. 2643, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9447, Robert Turner, as Director of the Department of Fish and Wildlife, was confirmed.

Senators Owen and Oke spoke to the confirmation of Robert Turner as Director of the Department of Fish and Wildlife.

APPOINTMENT OF ROBERT TURNER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 5; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McCaslin, McDonald, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Winsley - 40.

Voting nay: Senators Anderson, Moore, Prince, Vognild and Wojahn - 5.

Absent: Senators Newhouse, Rasmussen, M. and Skratek - 3.

Excused: Senator Hargrove - 1.

MOTION

At 10:24 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:20 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6516,

SUBSTITUTE SENATE BILL NO. 6556,

SUBSTITUTE SENATE BILL NO. 6571,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6585,

ENGROSSED SENATE BILL NO. 6601, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 10, 1994

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,
SUBSTITUTE HOUSE BILL NO. 2226,
HOUSE BILL NO. 2300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2412,
HOUSE BILL NO. 2512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2521,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2592,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863,
SUBSTITUTE HOUSE BILL NO. 2865,
HOUSE BILL NO. 2867, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,
SUBSTITUTE HOUSE BILL NO. 2226,
HOUSE BILL NO. 2300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2412,
HOUSE BILL NO. 2512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2521,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2592,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863,
SUBSTITUTE HOUSE BILL NO. 2865,
HOUSE BILL NO. 2867.

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 6438 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SB 6438 March 8, 1994

Includes "NEW ITEMS": YES

Providing for the Running Start Program

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6438, Providing for the Running Start Program, have had the same under consideration and we recommend that:

The House Education Committee amendment adopted March 4, 1994, be adopted, but without the amendment by Representative Dorn on page 1, line 16, and without the amendment by Representatives Brumsickle and G. Cole on page 1, line 16, thereto, and the following amendments by the Conference Committee be adopted:

On page 1, beginning on line 16, after "(2)" strike "An institution of higher education as defined in RCW 28B.10.016" and insert "Central Washington University, Eastern Washington University, and Washington State University"

On page 1, line 26, after "education." insert "However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program."

Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students."

HOUSE COMMITTEE ON EDUCATION AMENDMENT

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.600.300 and 1990 1st ex.s. c 9 s 401 are each amended to read as follows:

~~((As used in RCW 28A.600.300 through 28A.600.390, community college means a public community college as defined in chapter 28B-50 RCW)) For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:~~

~~(1) A community or technical college as defined in RCW 28B.50.030; and~~

~~(2) An institution of higher education as defined in RCW 28B.10.016 if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400.~~

Sec. 2. RCW 28A.600.310 and 1993 c 222 s 1 are each amended to read as follows:

(1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a ~~((community college or technical college))~~ participating institution of higher education to enroll in courses or programs offered by the ~~((community college or technical college))~~ institution of higher education. If ~~((a community college or technical college))~~ the institution of higher education accepts a secondary school pupil for enrollment under this section, the ~~((community college or technical college))~~ institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the ~~((community college or technical college))~~ institution of higher education an amount per each full-time equivalent college student at state-wide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated state-wide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The ~~((community college or technical college))~~ institution of higher education shall not require the pupil to pay any other fees. The funds received by the ~~((community college or technical college))~~ institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the ~~((community college or technical college))~~ institution of higher education. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the ~~((community colleges))~~ institution of higher education.

Sec. 3. RCW 28A.600.320 and 1990 1st ex.s. c 9 s 403 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten ~~((and))~~, eleven, and twelve and the parents and guardians of those pupils. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in ~~((community college or a vocational-technical institute))~~ courses at an institution of higher education for credit. Students are responsible for applying for admission to the ~~((community college or vocational-technical institute))~~ institution of higher education.

Sec. 4. RCW 28A.600.330 and 1990 1st ex.s. c 9 s 404 are each amended to read as follows:

A pupil who enrolls in ~~((a community college or a vocational-technical institute))~~ an institution of higher education in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and ~~((community college or vocational-technical institute))~~ postsecondary credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in ~~((a community college or vocational-technical institute))~~ an institution of higher education in grade twelve may not enroll in postsecondary courses under this section for high school credit and ~~((community college or vocational-technical institute))~~ postsecondary credit for more than the equivalent of the course work for one academic year.

Sec. 5. RCW 28A.600.340 and 1990 1st ex.s. c 9 s 405 are each amended to read as follows:

Once a pupil has been enrolled in a postsecondary course ~~((;))~~ or program ~~((, or vocational-technical institute))~~ under ~~((this section))~~ RCW 28A.600.300 through 28A.600.400, the pupil shall not be displaced by another student.

Sec. 6. RCW 28A.600.350 and 1990 1st ex.s. c 9 s 406 are each amended to read as follows:

A pupil may enroll in a course under RCW 28A.600.300 through 28A.600.390 for both high school credit and ~~((college-level academic and vocational or vocational-technical institute))~~ postsecondary credit.

Sec. 7. RCW 28A.600.360 and 1990 1st ex.s. c 9 s 407 are each amended to read as follows:

A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in ~~((a community college or vocational-technical institute))~~ an institution of higher education shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at ~~((a community college or vocational-technical institute))~~ an institution of higher education.

Sec. 8. RCW 28A.600.370 and 1990 1st ex.s. c 9 s 408 are each amended to read as follows:

Any state institution of higher education may award postsecondary credit for college level academic and vocational ~~((or vocational-technical institute))~~ courses successfully completed by a student while in high school and taken at ~~((a community college or vocational-technical institute))~~ an institution of higher education. The state institution of higher education shall not charge a fee for the award of the credits.

Sec. 9. RCW 28A.600.380 and 1990 1st ex.s. c 9 s 409 are each amended to read as follows:

Transportation to and from the ~~((community college or vocational-technical institute))~~ institution of higher education is not the responsibility of the school district.

Sec. 10. RCW 28A.600.390 and 1990 1st ex.s. c 9 s 410 are each amended to read as follows:

The superintendent of public instruction, the state board for community and technical colleges ~~((education))~~, and the higher education coordinating board shall jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380.

Sec. 11. RCW 28A.600.400 and 1990 1st ex.s. c 9 s 412 are each amended to read as follows:

RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and ~~((community college districts or vocational-technical institutes))~~ institutions of higher education in effect on April 11, 1990, and in the future.

NEW SECTION. Sec. 12. RCW 28A.600.395 and 1990 1st ex.s. c 9 s 411 are each repealed.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bauer and Drew; Representatives Dorn and Jones

MOTION

On motion of Senator Bauer, the Senate adopted the Report of the Conference Committee on Senate Bill No. 6438.

MOTION

On motion of Senator Oke, Senators Deccio, McCaslin and Prince were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6438, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6438, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Anderson - 1.

Absent: Senator Hochstatter - 1.

Excused: Senators Deccio, McCaslin and Prince - 3.

SENATE BILL NO. 6438, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MESSAGE FROM THE GOVERNOR

March 8, 1994

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES
Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the State of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1993 First Special Session of the Fifty-Third Legislature, copy of which is attached.

Respectfully submitted,
Ed Fleisher, Legal Counsel to the Governor

CONDITIONAL COMMUTATION ORDER FOR MALCOLM GODDARD

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

From July through September 1988 and June through August 1989, Malcolm Goddard engaged in sexual contact and sexual activity with three separate victims. Goddard lured two male victims, ages five and three into his basement where he allowed them to touch his penis and play with him. The third victim was a nine year old female whom he also lured into his basement with candy bars and allowed her to play with his penis and actually tried to have sexual intercourse with her.

Mr. Goddard was sentenced by the Superior Court of the state of Washington for Thurston County on June 6, 1991. Mr. Goddard was given sentences of thirty-one months for Child Molestation and sixty-two months for Rape of Child, 1st Degree, to run concurrently. Mr. Goddard was also sentenced to Community Placement for one year.

Mr. Goddard has been confined since June 7, 1991, and is currently incarcerated in the Washington State Reformatory with an anticipated release to Community Placement on November 15, 1994. He has been continually assigned to the hospital unit at the Washington State Reformatory since December 16, 1991. Mr. Goddard has suffered a cerebral hemorrhage. He is seriously disabled and will require nursing home care for the rest of his life. He is not ambulatory and his speech has been affected.

Mr. Goddard is currently ninety years old. Mr. Goddard is unable to participate in programming due to his serious health problems. He retired from the Olympic Canning Company where he worked for over thirty-two years.

The Department of Corrections referred Mr. Goddard to the Clemency and Pardons Board on June 21, 1993. The basis for the request is that Mr. Goddard is severely debilitated and will require care in a skilled nursing facility for the rest of his life. Mr. Goddard's son, Mr. Gerald M. Goddard indicated willingness to help fund a suitable facility for his father's release. The Clemency and Pardons Board, at its September 3, 1993 meeting, reviewed and discussed the petition regarding Mr. Goddard. After deliberation, the Board voted 3-0 to recommend to the Governor that Conditional Clemency be granted on the basis of Mr. Goddard's medical condition and that he be released through the Department of Social and Health Services to an appropriate care facility.

This is an extraordinary case which, because of Mr. Goddard's medical condition, justifies granting Conditional Clemency, at this time, for the remainder of Mr. Goddard's sentence. By this Order, I hereby commute the sentence imposed on Malcolm Goddard to a term of Community Placement not to exceed the term imposed by the sentencing court with the following conditions:

1. Mr. Goddard shall be released from the Washington State Reformatory and placed in a skilled nursing facility or other appropriate facility, based on medical necessity, with specific procedures for his release, transfer, and placement, to be determined by the Department of Corrections in consultation with the Department of Social and Health Services.

2. Upon his placement, Mr. Goddard shall be restricted to the confines of that placement institution, unless specific authorization is otherwise secured by a Community Corrections Officer.

3. In the event that Mr. Goddard violates the conditions of this order or conditions imposed by the Department of Corrections, the Department of Corrections shall return Mr. Goddard to the Washington State Reformatory, or such other institution that the Secretary deems appropriate. Should this occur, this Conditional Clemency shall be revoked and the sentence imposed by the court reinstated without benefit of sentence reduction credits.

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant conditional clemency for Malcolm Goddard, Department of Corrections inmate #979335, and commute his sentence subject and pursuant to the conditions set forth herein.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this 1st day of December, A.D., nineteen hundred and ninety-three.

MIKE LOWRY,
Governor of Washington

BY THE GOVERNOR:

DONALD F. WHITING
Secretary of State, Assistant

COMMUTATION ORDER
FOR
PEGGY SUE MILLER

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

On July 4, 1977, Peggy Sue Miller shot and killed Mrs. Myrtle Boston. Ms. Miller performed this act at the request of Mr. Jeff Boston, the victim's son. Ms. Miller plead guilty to the crime of Murder in the First Degree and was sentenced to life imprisonment on October 17, 1978.

Ms. Miller is currently being held temporarily at the Asotin County Jail. Until February, 1993, she has been incarcerated at the Washington Corrections Center for women in Purdy. Ms. Miller was moved to Asotin County in order to testify against Jeff Boston. Mr. Boston had been at large since the murder, living in Florida under an assumed name.

According to both the Asotin County Prosecutor and Sheriff, at the time of the murder, Ms. Miller was a 24 year old drug and alcohol addict who worked as a part time prostitute to support her habit. Over the past 16 years, Ms. Miller has led a remarkably different life.

Ms. Miller has successfully participated in drug and alcohol abuse therapy and counseling. Additionally she has studied psychology and human and animal behavior. She has worked to help herself and fellow inmates to admit wrongdoing and shortcomings in order to become responsible, caring members of society.

Since its inception in 1982, Ms. Miller has participated and become a leader in the prisoner pet partnership program where inmates train dogs to assist individuals with developmental disabilities. Over the years, she has gained national recognition for her efforts in this highly specialized area.

She has been the subject of numerous magazine and trade journal articles and has appeared on network television as a result of the success of her efforts. Ms. Miller has received numerous letters of support from organizations involved in the training of dogs and at least one job offer.

In 1990, in setting a standard range sentence as required by law, the Indeterminate Sentence Review Board set a minimum term for Ms. Miller at 331 months. In setting this term, the Board sought but did not receive an updated recommendation from the judge and prosecutor in Asotin County. Due to the length of this minimum sentence, Ms. Miller is not currently eligible for a parolability hearing until April, 1997.

On June 11, 1993, the Clemency and Pardons Board met to consider Ms. Miller's case. The exemplary behavior and efforts of Ms. Miller during her period of incarceration, along with the support of the Asotin County Sheriff and Prosecutor and those best able to judge her dog training efforts, let the Board to recommend a grant of conditional clemency.

This is an exceptional case, worthy of executive intervention.

By this order, I hereby commute Ms. Miller's minimum sentence of 331 months to 264 months, solely for the purpose of allowing the Indeterminate Sentence Review Board the opportunity to conduct a parolability hearing immediately, rather than in April, 1997.

It has been the experience of the Indeterminate Sentence Review board that offenders incarcerated ten years or more benefit greatly from a transition program that provides a structured transition from prison to the community. It is my opinion that the board is the proper body to determine the exact scope and nature of such a transition program, should they determine that release is appropriate.

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the power invested in me by the laws of the state of Washington, do hereby grant a commutation of sentence for Peggy Sue Miller, Department of Corrections #262088, reducing her minimum sentence of 331 months to 264 months.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this 30th day of June, A.D., nineteen hundred and ninety-three.

MIKE LOWRY,
Governor of Washington

BY THE GOVERNOR:

DONALD F. WHITING

Secretary of State, Assistant

CONDITIONAL COMMUTATION ORDER
FOR
STEPHEN G. FARMER

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

In two separate incidents during 1987, Stephen Farmer solicited sexual activity from two juveniles. One victim, a sixteen year old male, agreed to have sexual intercourse with Mr. Farmer. Mr. Farmer took some explicit photographs of the victim, engaged in sexual intercourse with the victim, and then refused to allow the victim to leave for approximately three hours. The second victim was also a sixteen year old male. Mr. Farmer also took explicit photographs and engaged in sexual intercourse with this individual.

Mr. Farmer was sentenced by the Superior Court of the state of Washington for King County on July 1, 1988. Mr. Farmer was given terms of forty-five months each for Sexual Exploitation of a Minor, Counts 1 and 4, and twelve months each for Patronizing a Juvenile Prostitute, Counts 2 and 3. Counts 1 and 2 were ordered to run consecutive to Counts 3 and 4. The terms imposed were exceptional, based on Mr. Farmer engaging in sexual intercourse with two minors and the fact testimony was given at trial, albeit later recanted, that at the time of the commission of these crimes, Mr. Farmer knew he was positive for the AIDS virus and that he could pass on the virus to the victims.

Mr. Farmer has been incarcerated since June 17, 1992, and is currently housed at the Twin Rivers Corrections Center with an anticipated release date of July 9, 1996. Mr. Farmer has not been a management problem during incarceration. He has participated in educational activities, but medical restrictions have limited his ability to perform work activities. A current evaluation assesses Mr. Farmer's likelihood of re-offending as relatively low.

Dr. Robert Coombs, Assistance Professor and Clinical Director at the University of Washington Medical Center Virology Clinic reported to the Clemency and Pardons Board on August 24, 1993, in part, as follows:

Since last writing to you concerning this matter on March 10, 1993, Mr. Farmer has had a further deterioration in his health with continued weight loss, fatigue and importantly, he has not developed an AIDS-related cancer, Kaposi's Sarcoma....

In short, Mr. Farmer is dying. Mr. Farmer's condition is grave and his median expected survival is 12 months from the time his CD4 cell count dropped below 50/micro liter, approximately 6 months ago.

Mr. Farmer petitioned the Clemency and Pardons Board for extraordinary release on the basis of his grave medical condition. On September 3, 1993, the Clemency and Pardons Board reviewed and discussed the petition of Mr. Farmer. Testimony and associated documents were presented on his behalf by his attorney, Lenell Nussbaum, and others. After deliberation, the Board voted 3-0 to recommend to the Governor that Conditional Clemency be granted on the basis of Mr. Farmer's medical condition.

This is an extraordinary case which, because of Mr. Farmer's medical condition, justifies granting Conditional Clemency at this time, for the remainder of this sentence. By this Order, I hereby commute the sentence imposed upon Stephen Farmer to a term of Community Placement not to exceed the term imposed by the sentencing court with the following conditions:

1. Mr. Farmer shall be released by the Department of Corrections when, in the opinion of the Secretary of the Department of Corrections, due to Mr. Farmer's medical status and the placement conditions noted below, he presents minimal criminal threat to the community.

2. Upon his placement, Mr. Farmer shall have his access limited only to the confines of that placement institution, unless specific authorization otherwise is secured from a Community Corrections Officer.

3. In the event that Mr. Farmer's condition improves to the point, in the opinion of the Secretary of the Department of Correction, he presents a viable criminal threat to the community, the Department of Corrections shall return Mr. Farmer to Twin Rivers Corrections Center, or such other institution that the Secretary deems appropriate, until such time as that threat is alleviated and/or his full sentence is completed without benefit of sentence reduction credits; and

4. In the event that Mr. Farmer violates the conditions of this Order or the conditions imposed by the Department of Corrections, the Department of Corrections shall return Mr. Farmer to Twin Rivers Corrections Center, or such other institution that the Secretary deems appropriate. Should this occur, this Conditional Clemency shall be revoked and the sentence imposed by the court reinstated without benefit of sentence reduction credits.

The Department of Corrections, in consultation with the Department of Social and Health Services, shall set further conditions as deemed necessary to meet the general conditions enumerated above.

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant conditional clemency for Stephen G. Farmer, Department of Corrections #936785, and commute his sentence subject and pursuant to the conditions set forth herein.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this 1st day of December, A.D., nineteen hundred and ninety-three.

MIKE LOWRY,
Governor of Washington

BY THE GOVERNOR:

DONALD F. WHITING
Secretary of State, Assistant

MOTION

At 12:21 p.m., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 2:05 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 6041 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representative Morris, Mastin and Long.
MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Ludwig, the Senate refuses to grant the request of the House for a conference on Senate Bill No. 6041 and the House amendments thereto, insists on its position and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6278 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.
MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 6278 March 9, 1994

Includes "NEW ITEMS": YES

Authorizing cities and towns to use their special excise tax for public restroom facilities intended for visitors

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6278, Authorizing cities and towns to use their special excise tax for public restroom facilities intended for visitors, have had the same under consideration and we recommend that:

The House amendment not be adopted, and the following striking amendment by the Conference Committee be adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 67.28.210 and 1993 c 197 s 1 and 1993 c 46 s 1 are each reenacted and amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.240, and 67.28.260 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes: PROVIDED FURTHER, That any city bordering on the Pacific Ocean or on Baker Bay with a population of not less than ~~((one thousand))~~ eight hundred and the county in which such a city is located may use the proceeds of such taxes for funding special events or festivals, or promotional infrastructures including but not limited to an ocean beach boardwalk: PROVIDED FURTHER, That any county which imposes a tax under RCW 67.28.182 or any city with a population less than fifty thousand in such county may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any county made up entirely of islands, (city or town, if the) and any city or town that has a population less than five thousand, may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors.

NEW SECTION. Sec. 2. Any county that commenced use of the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities, prior to March 10, 1994, may continue to use such proceeds until the facilities are completed or December 31, 1995, whichever date is earlier.

This section expires January 1, 1996."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "reenacting and amending RCW 67.28.210; and creating a new section.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Loveland, Winsley and Haugen; Representatives Holm and G. Fisher

MOTION

On motion of Senator Haugen, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Substitute Senate Bill No. 6278.

MOTION

On motion of Senator Haugen, the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 6278, under suspension of the twenty-four hour rule.

MOTIONS

On motion of Senator Oke, Senator Moyer was excused.

On motion of Senator Drew, Senator Williams was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6278, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6278, as recommended by the Conference Committee under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Cantu, Erwin and Prince - 4.

Excused: Senators McCaslin, Moyer and Williams - 3.

SUBSTITUTE SENATE BILL NO. 6278, as recommended by the Conference Committee under suspension of the twenty-four hour rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

E2SHB 2510 March 9, 1994

Includes "NEW ITEMS": YES

Implementing regulatory reform

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2510, Implementing regulatory reform, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 34.05.310 and 1993 c 202 s 2 are each amended to read as follows:

(1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies ~~((are encouraged to:~~

~~(1))) shall solicit comments from the public on a subject of possible rule making before publication of a notice of proposed rule adoption under RCW 34.05.320. ((This process can be accomplished by having a notice published in the state register of the subject under active consideration and indicating where, when, and how persons may comment; and)) The agency shall prepare a statement of intent that:~~

(a) States the specific statutory authority for the new rule;

(b) Identifies the reasons the new rule is needed;

(c) Identifies the goals of the new rule;

(d) Describes the process by which the rule will be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; and

(e) Specifies the process by which interested parties can effectively participate in the formulation of the new rule.

The statement of intent shall be filed with the code reviser for publication in the state register and shall be sent to any party that has requested receipt of the agency's statements of intent.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Negotiated rule making which includes:

(i) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;

~~((#))~~ (ii) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;
~~((#))~~ (iii) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;

~~((#))~~ (iv) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;

~~((#))~~ (v) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and

~~((#))~~ (vi) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement; and

(b) Pilot rule making which includes testing the draft of a proposed rule through the use of volunteer pilot study groups in various areas and circumstances.

(3)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

Sec. 2. RCW 34.05.370 and 1988 c 288 s 313 are each amended to read as follows:

The file and materials incorporated by reference shall be available for public inspection.

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(e) The concise explanatory statement required by RCW 34.05.355;

(f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule; ~~((and))~~

(g) Citations to data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public;

(h) The written summary and response required by RCW 34.05.325(6); and

(i) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

Sec. 3. RCW 34.05.350 and 1989 c 175 s 10 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule, the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

(4) In adopting an emergency rule, the agency shall comply with section 4 of this act or provide a written explanation for its failure to do so.

NEW SECTION. Sec. 4. A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) In addition to other requirements imposed by law, an agency may adopt a rule only if it determines that:

(a) The rule is needed;

(b) The likely benefits of the rule justify its likely costs;

(c) There are no reasonable alternatives to the rule that were presented during the public comment period that would be as effective but less burdensome on those required to comply;

(d) Any fee imposed will generate no more revenue than is necessary to achieve the objectives of the statute authorizing the fee;

(e) The rule does not conflict with any other provision of federal or state law;

(f) Any overlap or duplication of the rule with any other provision of federal or state law is necessary to achieve the objectives of the statute upon which the rule is based or expressly authorized by statute;

(g) Any difference between the rule and any provision of federal law regulating the same activity or subject matter is necessary to achieve the objectives of the statute upon which the rule is based or expressly authorized by statute; and

(h) Any difference between the rule's application to public and private entities is necessary to achieve the objectives of the statute upon which the rule is based or expressly authorized by statute.

(2) The agency shall prepare a written description of its determinations under subsection (1) of this section. This description shall be part of the official rule-making file for the rule.

(3) This section applies only to a rule the violation of which subjects a person to a penalty or administrative sanction; that establishes, alters, or revokes a qualification or standard for the issuance, suspension, or revocation of a license to pursue a commercial activity, trade, or profession; or that establishes, alters, or revokes a mandatory standard for a product or material that must be met before distribution or sale.

NEW SECTION. Sec. 5. A new section is added to chapter 34.05 RCW to read as follows:

(1) Within a reasonable period of time after adopting rules covered by section 4 of this act, an agency shall have a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to: (a) Inform and educate affected persons about the rule; (b) promote voluntary compliance; and (c) evaluate whether the rule achieves the purpose for which it was adopted.

(2) After the adoption of a rule covered by section 4 of this act regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following:

(a) Provide to the business assistance center a list citing by reference the other federal and state laws that regulate the same activity or subject matter;

(b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following: (i) Defer to the other entity; (ii) designate a lead agency; or (iii) enter into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement. If the agency is unable to do this, the agency shall report to the legislature pursuant to (c) of this subsection;

(c) Report to the joint administrative rules review committee: (i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and (ii) legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference.

Sec. 6. RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. Each agency may prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency shall ~~((4))~~ (a) either deny the petition in writing, stating its reasons for the denial, or ~~((2))~~ (b) initiate rule-making proceedings in accordance with this chapter.

(2) If any department listed in RCW 43.17.010 denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The petitioner may file notice of the appeal with the code reviser for publication in the Washington State Register. Within sixty days after receiving the appeal, the governor shall either reject the appeal in writing, stating his or her reasons for the rejection, or order the agency to initiate rule-making proceedings in accordance with this chapter.

(3) In petitioning or appealing under this section, the person should address, among other factors:

(a) Whether the agency complied with sections 4 and 5 of this act;

(b) Whether the agency has established an adequate internal rules review process, allowing public participation, and has subjected the rule to that review;

(c) Whether the rule conflicts with, overlaps, or duplicates any other provision of federal, state, or local law and, if so, whether the agency has taken steps to mitigate any adverse effects of the conflict, overlap, or duplication;

(d) The extent to which technology, social or economic conditions, or other relevant factors have changed since the rule was adopted, and whether, given those changes, the rule continues to be necessary and appropriate;

(e) Whether the statute that the rule implements has been amended or repealed by the legislature, or ruled invalid by a court.

(4) The governor's office shall provide a copy of the governor's ruling under subsection (2) of this section to anyone upon request.

Sec. 7. RCW 34.05.325 and 1992 c 57 s 1 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6) Before the adoption of a final rule, an agency shall prepare a written summary of all comments received regarding the proposed rule, and a substantive response to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so. The agency shall provide the written summary and response to any person upon request or from whom the agency received comment.

Sec. 8. RCW 34.05.355 and 1988 c 288 s 310 are each amended to read as follows:

~~((4))~~ At the time it files an adopted rule with the code reviser or within thirty days thereafter, an agency shall place into the rule-making file maintained under RCW 34.05.370 a concise explanatory statement about the rule, identifying ~~((4))~~ (1) the agency's reasons for adopting the rule, and ~~((b))~~ (2) a description of any difference between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for change.

~~((2) Upon the request of any interested person within thirty days after adoption of a rule, the agency shall issue a concise statement of the principal reasons for overruling the considerations urged against its adoption.)~~

NEW SECTION. Sec. 9. A new section is added to chapter 19.85 RCW to read as follows:

The legislature finds that administrative rules adopted by state agencies can have a disproportionate impact on the state's small businesses because of the size of those businesses. This disproportionate impact reduces competition, innovation, employment, and new employment opportunities, and threatens the very existence of some small businesses. The legislature therefore enacts the regulatory fairness act with the intent of reducing the disproportionate impact of state administrative rules on small business.

Sec. 10. RCW 19.85.020 and 1993 c 280 s 34 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one ~~((three-digit))~~ four-digit standard industrial classification as published by the United States department of commerce. However, if the use of a four-digit standard industrial classification would result in the release of data that would violate state confidentiality laws, "industry" means all businesses in a three-digit standard industrial classification.

Sec. 11. RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are each reenacted and amended to read as follows:

(1) In the adoption of any rule pursuant to RCW 34.05.320 that will ~~((have an economic impact))~~ impose more than minor costs on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:

~~((4))~~ (a) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:

~~((a))~~ (i) Establish differing compliance or reporting requirements or timetables for small businesses;

~~((b))~~ (ii) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;

~~((c))~~ (iii) Establish performance rather than design standards;

~~((d))~~ (iv) Exempt small businesses from any or all requirements of the rule;

(v) Reduce or modify fine schedules for noncompliance; and

(vi) Other mitigation techniques;

~~((2))~~ (b) Before filing notice of a proposed rule, shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file ~~((such))~~ notice of how the person can obtain the statement with the code reviser ~~((along with))~~ as part of the notice required under RCW 34.05.320;

(2) If requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register, an agency shall prepare a small business economic impact statement on the proposed rule before adoption of the rule. Upon completion, an agency shall provide a copy of the small business economic impact statement to any person requesting it.

(3) An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.

(4) The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.

Sec. 12. RCW 19.85.040 and 1989 c 374 s 3 and 1989 c 175 s 73 are each reenacted and amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. ~~((A small business economic impact statement))~~ It shall analyze ~~((based on existing data,))~~ the costs of compliance for businesses required to comply with the ~~((provisions of a))~~ proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, and increased administrative costs ~~((and))~~. It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare ~~((to the greatest extent possible))~~ the cost of compliance for small business with the cost of compliance for the ten percent of ~~((firms which))~~ businesses that are the largest businesses required to comply with the proposed ~~((new or amendatory))~~ rules ~~((The small business economic impact statement shall use))~~ using one or more of the following as a basis for comparing costs:

~~((1))~~ (a) Cost per employee;

~~((2))~~ (b) Cost per hour of labor; or

~~((3))~~ (c) Cost per one hundred dollars of sales;

(4) Any combination of (1), (2), or (3)).

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(1), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(1);

(b) A description of how the agency will involve small businesses in the development of the rule; and

(c) A list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.

NEW SECTION. Sec. 13. A new section is added to chapter 19.85 RCW to read as follows:

Unless so requested by a majority vote of the joint administrative rules review committee under RCW 19.85.030, an agency is not required to comply with this chapter when adopting any rule solely for the purpose of conformity or compliance, or both, with federal law. In lieu of the statement required under RCW 19.85.030, the agency shall file a statement citing, with specificity, the federal law with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted.

Sec. 14. RCW 34.05.320 and 1992 c 197 s 8 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and

(k) A statement indicating how a person can obtain a copy of the small business economic impact statement ~~((if applicable, and a statement of steps taken to minimize the economic impact in accordance with RCW 19.85.030))~~ prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing individual mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

NEW SECTION. Sec. 15. A new section is added to chapter 43.31 RCW to read as follows:

To assist state agencies in reducing regulatory costs to small business and to promote greater public participation in the rule-making process, the business assistance center shall:

(1) Develop agency guidelines for the preparation of a small business economic impact statement and compliance with chapter 19.85 RCW;

(2) Review and provide comments to agencies on draft or final small business economic impact statements;

(3) Advise the joint administrative rules review committee on whether an agency reasonably assessed the costs of a proposed rule and reduced the costs for small business as required by chapter 19.85 RCW; and

(4) Organize and chair a state rules coordinating committee, consisting of agency rules coordinators and interested members of the public, to develop an education and training program that includes, among other components, a component that addresses voluntary compliance, for agency personnel responsible for rule development and implementation. The business assistance center shall submit recommendations to the department of personnel for an administrative procedures training program that is based on the sharing of interagency resources.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 19.85.010 and 1982 c 6 s 1;

(2) RCW 19.85.060 and 1989 c 374 s 5; and

(3) RCW 19.85.080 and 1992 c 197 s 2.

Sec. 17. RCW 34.05.620 and 1988 c 288 s 602 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, or that an agency may not be adopting a proposed rule in accordance with all applicable provisions of law, including section 4 of this act and chapter 19.85 RCW, the committee shall give the affected agency written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.05.320. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

Sec. 18. RCW 34.05.630 and 1993 c 277 s 1 are each amended to read as follows:

(1) All rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350, are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule or whether they are within the intent of the legislature as expressed by the governing statute.

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, including section 4 of this act if the rule was adopted after the effective date of section 4 of this act and chapter 19.85 RCW, (c) that an agency is using a policy statement, guideline, or issuance in place of a rule, or (d) that the policy statement, guideline, or issuance is outside of legislative intent, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, including section 4 of this act if the rule was adopted after the effective date of section 4 of this act and chapter 19.85 RCW, (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule, or (d) whether the policy statement, guideline, or issuance is within the legislative intent.

Sec. 19. RCW 34.05.640 and 1993 c 277 s 2 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.05.620 or 34.05.630, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a committee finding of the agency's failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that an existing rule was not adopted in accordance with all applicable provisions of law, including section 4 of this act if the rule was adopted after the effective date of section 4 of this act and chapter 19.85 RCW, or (c) that the agency is using a policy statement, guideline, or issuance in place of a rule, or that the policy statement, guideline, or issuance is outside of the legislative intent, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a ~~two-thirds~~ majority vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the appropriate standing committees of the legislature, the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session.

(4) If the governor disapproves the recommendation of the rules review committee to suspend the rule, the transmittal of such decision, along with the findings of the rules review committee, shall be treated by the agency as a petition by the rules review committee to repeal the rule under RCW 34.05.330.

(5) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (1), (2), or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

~~((5))~~ (6) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 20. RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

(1) It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

(2) Notwithstanding subsection (1) of this section, if the joint administrative rules review committee, by a two-thirds vote of its members, recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature, the recommendation shall establish a rebuttable presumption in any proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 34.05.670 and 1992 c 197 s 3; and

(2) RCW 34.05.680 and 1992 c 197 s 4.

NEW SECTION. Sec. 22. The department of community, trade, and economic development shall develop a standardized format for reporting information that is commonly required from the public by state, local, and where appropriate, federal government agencies for permits, licenses, approvals, and services. In the development of the format, the department shall work in conjunction with representatives from state, local, and where appropriate, federal government agencies. In developing the standardized format, the department shall also consult with representatives of both small and large businesses in the state.

The department shall submit the standardized format together with recommendations for implementation to the legislature by December 31, 1994.

NEW SECTION. Sec. 23. A new section is added to chapter 34.05 RCW to read as follows:

(1) This section applies only to the department of revenue, the employment security department, the department of ecology, the department of labor and industries, the department of health, the department of licensing, and the department of fish and wildlife for rules other than those that deal only with seasons, catch or bag limits, gear types, or geographical areas for fishing or shellfish removal.

(2) If a business entity has written to an agency listed in subsection (1) of this section requesting technical assistance to comply with specific types of the agency's statutes or rules, the agency may immediately impose a penalty otherwise provided for by law for a violation of a statute or administrative rule only if the business entity on which the penalty will be imposed has: (a) Previously violated the same statute or rule; or (b) knowingly violated the statute or rule. Where a penalty is otherwise provided, but may not be imposed under this subsection, the agency shall issue a statement of deficiency.

(3) A statement of deficiency shall specify: (a) The particular rule violated; (b) the steps the entity must take to comply with the rule; (c) any agency personnel designated by the agency to provide technical assistance regarding compliance with the rule; and (d) a date by which the entity is required to comply with the rule. The date specified shall provide a reasonable period of time for the entity to comply with the rule, considering the size of the entity, its available resources, and the threat posed by the violation. If the entity fails to comply with the rule by the date specified, it shall be subject to the penalty otherwise provided in law.

(4) Subsection (2) of this section shall not apply to any violation that places a person in danger of death or bodily harm, is causing or is likely to cause more than minor environmental harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars. With regard to a statute or rule requiring the payment of a tax, subsection (2) of this section shall not apply if the amount of taxes actually owed by the business entity exceeds the amount paid by more than one thousand dollars and shall not be construed to relieve anyone from the obligation to pay interest on taxes owed.

(5) The state, the agency, and officers or employees of the state shall not be liable for damages to any person to the extent that liability is asserted to arise from the technical assistance provided under this section, or if liability is asserted to arise from the failure of the agency to supply technical assistance.

(6) An agency need not comply with this section if compliance may be in conflict with a requirement of federal law for obtaining or maintaining state authority to administer a federally delegated program; however, the agency shall submit a written petition to the appropriate federal agency for authorization to comply with this section for all inspections while obtaining or maintaining the state's federal delegation and shall comply with this section to the extent authorized by the appropriate federal agency.

Sec. 24. RCW 34.05.220 and 1989 c 175 s 4 are each amended to read as follows:

(1) In addition to other rule-making requirements imposed by law:

(a) Each agency may adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions. If an agency has not adopted procedural rules under this section, the model rules adopted by the chief administrative law judge under RCW 34.05.250 govern procedures before the agency.

(b) To assist interested persons dealing with it, each agency shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. No person may be required to comply with agency procedure not adopted as a rule as herein required.

(2) To the extent not prohibited by federal law or regulation, nor prohibited for reasons of confidentiality by state law, each agency shall keep on file for public inspection all final orders, decisions, and opinions in adjudicative proceedings, interpretive statements, policy statements, and any digest or index to those orders, decisions, opinions, or statements prepared by or for the agency.

(3) No agency order, decision, or opinion is valid or effective against any person, nor may it be invoked by the agency for any purpose, unless it is available for public inspection. This subsection is not applicable in favor of any person who has actual knowledge of the order, decision, or opinion. The agency has the burden of proving that knowledge, but may meet that burden by proving that the person has been properly served with a copy of the order.

(4) Each agency that is authorized by law to exercise discretion in deciding individual cases is encouraged to formalize the general principles that may evolve from these decisions by adopting the principles as rules that the agency will follow until they are amended or repealed.

(5) To the extent practicable, any rule proposed or adopted by an agency should be clearly and simply stated, so that it can be understood by those required to comply.

Sec. 25. RCW 34.05.534 and 1988 c 288 s 507 are each amended to read as follows:

A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

(1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, ~~(or)~~ have petitioned for its amendment or repeal, or have appealed a petition for amendment or repeal to the governor;

(2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or

(3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:

(a) The remedies would be patently inadequate;

(b) The exhaustion of remedies would be futile; or

(c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

Sec. 26. RCW 36.70A.290 and 1991 sp.s. c 32 s 10 are each amended to read as follows:

(1) All requests for review to a growth ~~(planning)~~ management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city. The date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published. Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto. The date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

Sec. 27. RCW 36.70A.110 and 1993 sp.s. c 6 s 2 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth ((planning)) management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 28. RCW 36.70A.210 and 1993 sp.s. c 6 s 4 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community, trade, and economic development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth ((planning)) management hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

Sec. 29. RCW 36.70A.250 and 1991 sp.s. c 32 s 5 are each amended to read as follows:

(1) There are hereby created three growth (~~(planning))~~ management hearings boards for the state of Washington. The boards shall be established as follows:

(a) An Eastern Washington board with jurisdictional boundaries including all counties that are required to or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) A Central Puget Sound board with jurisdictional boundaries including King, Pierce, Snohomish, and Kitsap counties; and

(c) A Western Washington board with jurisdictional boundaries including all counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound board jurisdictional boundaries. Skamania county, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of either the Western or Eastern board.

(2) Each board shall only hear matters pertaining to the cities and counties located within its jurisdictional boundaries.

Sec. 30. RCW 36.70A.280 and 1991 sp.s. c 32 s 6 are each amended to read as follows:

(1) Each growth (~~(planning))~~ management hearings board shall consist of three members qualified by experience or training in matters pertaining to land use planning and residing within the jurisdictional boundaries of the applicable board. At least one member of each board must be admitted to practice law in this state and at least one member must have been a city or county elected official. Each board shall be appointed by the governor and not more than two members at the time of appointment or during their term shall be members of the same political party. No more than two members at the time of appointment or during their term shall reside in the same county.

(2) Each member of a board shall be appointed for a term of six years. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. The terms of the first three members of a board shall be staggered so that one member is appointed to serve until July 1, 1994, one member until July 1, 1996, and one member until July 1, 1998.

Sec. 31. RCW 36.70A.280 and 1991 sp.s. c 32 s 9 are each amended to read as follows:

(1) A growth (~~(planning))~~ management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city is not in compliance with the requirements of this chapter, or chapter 43.21C RCW as it relates to plans, regulations, (~~and~~) or amendments (~~thereof~~), adopted under RCW 36.70A.040; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

Sec. 32. RCW 36.70A.310 and 1991 sp.s. c 32 s 12 are each amended to read as follows:

A request for review by the state to a growth (~~(planning))~~ management hearings board may be made only by the governor, or with the governor's consent the head of an agency, or by the commissioner of public lands as relating to state trust lands, for the review of whether: (1) A county or city that is required or chooses to plan under RCW 36.70A.040 has failed to adopt a comprehensive plan or development regulations, or county-wide planning policies within the time limits established by this chapter; or (2) a county or city that is required or chooses to plan under this chapter has adopted a comprehensive plan, development regulations, or county-wide planning policies, that are not in compliance with the requirements of this chapter.

Sec. 33. RCW 36.70A.345 and 1993 sp.s. c 6 s 5 are each amended to read as follows:

The governor may impose a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of a sanction or sanctions under this section shall be preceded by written findings by the governor, that either the county or city is not proceeding in good faith to meet the requirements of the act; or that the county or city has unreasonably delayed taking the required action. The governor shall consult with and communicate his or her findings to the appropriate growth (~~(planning))~~ management hearings board prior to imposing the sanction or sanctions. For those counties or cities that are not required to plan or have not opted in, the governor in imposing sanctions shall consider the size of the jurisdiction relative to the requirements of this chapter and the degree of technical and financial assistance provided.

NEW SECTION. Sec. 34. A new section is added to chapter 35.21 RCW to read as follows:

(1) Before a city or town adopts a law that regulates the same activity or subject matter as another provision of federal or state law, the city or town shall:

(a) Contact appropriate state and federal government entities regulating the same activity or subject matter to identify areas of conflict, overlap, or duplication; and

(b) Make every effort to avoid conflict, overlap, and duplication;

(2) After the adoption of a law that conflicts with, overlaps, or duplicates other laws, the city or town shall:

(a) Notify the state and federal entities of the adoption of the law and the areas of conflict, overlap, and duplication; and

(b) Make every effort to coordinate implementation of the law with the appropriate state and federal entities.

NEW SECTION. Sec. 35. A new section is added to chapter 36.01 RCW to read as follows:

(1) Before a county adopts a law that regulates the same activity or subject matter as another provision of federal or state law, the county shall:

(a) Contact appropriate state and federal government entities regulating the same activity or subject matter to identify areas of conflict, overlap, or duplication; and

(b) Make every effort to avoid conflict, overlap, and duplication;

(2) After the adoption of a law that conflicts with, overlaps, or duplicates other laws, the county shall:

(a) Notify the state and federal entities of the adoption of the law and the areas of conflict, overlap, and duplication; and

(b) Make every effort to coordinate implementation of the law with the appropriate state and federal entities.

NEW SECTION. Sec. 36. This act applies prospectively only and not retroactively.

NEW SECTION. Sec. 37. Section 10 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 34.05.310, 34.05.370, 34.05.350, 34.05.330, 34.05.325, 34.05.355, 19.85.020, 34.05.320, 34.05.620, 34.05.630, 34.05.640, 34.05.660, 34.05.220, 34.05.534, 36.70A.290, 36.70A.110, 36.70A.210, 36.70A.250, 36.70A.260, 36.70A.280, 36.70A.310, and 36.70A.345; reenacting and amending RCW 19.85.030 and 19.85.040; adding new sections to chapter 34.05 RCW; adding new sections to chapter 19.85 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; creating new sections; repealing RCW 19.85.010, 19.85.060, 19.85.080, 34.05.670, and 34.05.680; prescribing penalties; and providing an effective date.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Moore and Sheldon; Representatives R. Meyers and Anderson

MOTION

Senator Moore moved that the Senate do adopt the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 2510.
Debate ensued.

POINT OF INQUIRY

Senator Amondson: "Senator Moore, will the determinations made by the agencies in Section 4 of the Conference Report be subject to judicial review?"

Senator Moore: "Yes, the intent, I think, of our committee originally, as well as the Conference Committee, meant that this section is subject to judicial review. That is my feeling and I think it is the feeling of everybody involved."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate adopt the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 2510.

The motion by Senator Moore carried and the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 2510 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2510, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2510, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Gaspard, Hargrove, Loveland, Ludwig, McAuliffe, Moore, Newhouse, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Fraser, Haugen, Hochstatter, McDonald, Morton, Moyer, Nelson, Niemi, Oke, Prince, Roach, Schow, Sellar, Smith, L., West, Williams and Winsley - 22.

Excused: Senator McCaslin - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2510, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Moore: "Mr. President, I request the opportunity to speak on a matter of personal privilege. Thank you, Mr. President, and fellow members. I came here to Olympia in 1925, when this building was being built with block and tackle, a donkey engine and a few horses, so I have seen a lot. I saw the first draperies that were put in this place. I have a great reverence, and you know me well enough to know that I don't have a whole lot of reverence in my soul, but I do have for this institution. I love the marble; I love the wood and I'll tell you I have disagreed with a whole lot of people before our time in the Legislature--to whom I have had the opportunity to listen. Even those people that I have disagreed with, I have never doubted for a minute their sincerity, their honesty of view and almost, universally, I can understand what they were saying and where they came from.

"Looking back, there have been some truly historic moments in this body. One was the day in the thirties when they passed the sales tax. That is a story in itself and there isn't time to go into it. There have been a lot of great moments. I feel very lucky, after having tried to be elected for thirty-four years to have finally made it, and to have been reelected three times has been the ultimate. I must say that even in defeat here, it didn't take a great toll on me, because I knew I was part of the process.

"I would like to take a minute at this time, because I feel an explanation may be in order. Incidentally, I'm still standing here in the same suit that I arrived here in fifteen years ago. There have been charges that I don't live where I allege that I live. More recently a document has been produced that says, and accurately, that I appeared in Hawaii before the tax collector and argued that I wanted to be a citizen of Hawaii and that I thought I was entitled to a hundred thousand dollar tax exemption on the property that I own. Since the property is only valued at about three hundred and some thousand, that made quite a difference in the taxes.

"I want you to keep in mind the dates involved. In 1991, I left this body very discouraged. A lot of things that I had wanted, mostly to do with social services, had been eroded to the point where I was--I don't want to say devastated, because that is too harsh a word--but I was very discouraged. So, I made application, as I said, for this tax exemption. It was denied. A few

months later came the election of 1992. Our side prevailed and I realized that this was probably the last chance I would ever have to be chairman of a committee. The Senate dignified me, considerably, by combining two committees, so that I really had something that I had always wanted. I've tried to handle that in this little over a year with dignity, a certain amount of levity and always, I trust, with fairness. So, that is why I am here today to thank everybody for a great romp--sixteen years worth--in a great institution.

"In 1990, when I ran for reelection for the fourth time--the fourth term--I--and Virginia--incidentally, I wouldn't be here if it hadn't been for Virginia--because she literally ran the campaigns for me, up until a few years ago. I had a difficult time, but I made the decision in 1990 that I would never run again. Obviously, we all know, that when you are a lame duck anything, you are a nobody. So, I waited until this session was over to reaffirm that I will not again seek office.

"I want to thank everybody for all the courtesies--great staff. I thank Senator Cantu, for example, for starting the committee in the Senate to give us a better staff. There are a lot of good things that have happened that I have been lucky to be part of. I hope my contributions to the State Investment Board have been of some small value. I have enjoyed the time on the Gambling Commission and the Pension Policy Committee. Those are the three things that I spent the most time on and in which I had the greatest interest. Again, I want to thank everybody for probably the greatest sixteen years that an eighty-two year old ever had. Thank you."

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

MOTION

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

SENATE RESOLUTION 1994-8702

By Senators Moore and Sheldon

WHEREAS, The Legislature recognizes that clear grants of rule-making authority are necessary for efficient and effective regulatory programs and accountability in governmental decision-making; and

WHEREAS, It is necessary and appropriate for the standing committees of the Senate to review existing rule-making authority which has been granted to state agencies;

NOW, THEREFORE, BE IT RESOLVED, That the standing committees of the Senate shall selectively review statutory grants of rule-making authority to determine: (1) Whether the authority granted is clear and as intended; (2) whether the legislative intent is specific and includes defined objectives; and (3) whether the grant of authority is consistent with and not duplicative of grants to other agencies; and

BE IT FURTHER RESOLVED, That in performing such reviews, priority shall be given to grants of rule-making authority to the Department of Revenue, the Employment Security Department, the Department of Ecology, the Department of Labor and Industries, the Department of Health, the Department of Licensing, the Department of Fish and Wildlife, the Department of Natural Resources, the Forest Practices Board, and the Insurance Commissioner; and

BE IT FURTHER RESOLVED, That the committees shall selectively review cases of potentially conflicting or duplicative rules and recommend corrective action where appropriate; and

BE IT FURTHER RESOLVED, That the committees shall recommend any corrective legislation that they consider appropriate.

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

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

E2SSB 5468 March 9, 1994

Includes "NEW ITEMS": YES

Imposing requirements for businesses that receive public assistance

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468, Imposing requirements for businesses that receive public assistance, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that when public funds are used to support private enterprise, the public may gain through the creation of new jobs, the diversification of the economy, or higher quality jobs for existing workers. The legislature further finds that such returns on public investments are not automatic and that tax-based incentives, in particular, may result in a greater tax burden on businesses and individuals that are not eligible for the public support. It is the purpose of this chapter to collect information sufficient to allow the legislature and the executive branch to make informed decisions about the merits of existing tax-based incentives and loan programs intended to encourage economic development in the state.

NEW SECTION. Sec. 2. (1) The department of revenue and the department of community, trade, and economic development shall gather such base-line data as is necessary to measure the effect on businesses of any of the following benefits: (a) A loan of one hundred thousand dollars or more from the development loan fund; (b) fifty thousand dollars or more in tax credits under chapter 82.62 RCW; or (c) a deferral of one hundred thousand dollars or more in taxes under chapter 82.60 or 82.61 RCW. The departments shall measure the effect of the programs on job creation, company growth, the introduction of new products, the diversification of the state's economy, growth in investments, the movement of firms or the consolidation of firms' operation into the state, and such other factors as the departments select.

(2) The departments shall also measure whether the businesses receiving the benefits: (a) Have complied with federal and state requirements for affirmative action in hiring and promotion of their employees; (b) have provided an average wage that is above the average wage paid by firms located in the same county that share the same two-digit standard industrial code; (c) have provided basic health coverage at a level at least equivalent to basic health coverage under chapter 70.47 RCW; (d) have complied with all applicable federal and state environmental and employment laws and regulations; and (e) have complied with the requirements of all federal and state plant closure laws if reducing operations at a facility or relocating a facility.

(3) Businesses applying for one of the benefits specified in subsection (1) of this section shall submit employment impact estimates to the departments specifying the number and types of jobs, with wage rates and benefits for those jobs, that the business submitting the application expects to be eliminated, created, or retained on the project site and on other employment sites of the business in Washington as a result of the project that is the subject of the application.

(4) The departments shall specify that upon a certain date or dates, the businesses that receive one of the benefits specified in subsection (1) of this section shall submit to the department an employment impact statement stating the net number and types of jobs eliminated, created, or retained, with the wage rates and benefits for those jobs, by the business in Washington as a result of the benefit received.

(5) The information collected on individual businesses under this section is not subject to public disclosure.

(6) The departments shall report their findings to the executive-legislative committee on economic development policy, or the appropriate legislative committees, if the executive-legislative committee on economic development policy is not created by statute, by September 1, 1995. The report shall provide aggregate information on businesses that share the same two-digit standard industrial code.

(6) The executive-legislative committee on economic development policy shall evaluate the departments' report and make recommendations to the governor and the legislature on the continuation of the benefit programs and any conditions under which they should operate if they are to continue.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Skratek and Sheldon; Representatives Wineberry and Conway

MOTION

On motion of Senator Skratek, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5468.

MOTION

Senator Skratek moved that the Senate adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5468, under suspension of the twenty-four hour rule.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Skratek that the Senate adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5468, under suspension of the twenty-four hour rule.

The motion by Senator Skratek carried and the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5468 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5468, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5468, as recommended by the Conference Committee under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L. and West - 18.

Excused: Senator McCaslin - 1.
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468, as recommended by the Conference Committee under suspension of the twenty-four rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Roach, Senators Cantu and McDonald were excused.
On motion of Senator Drew, Senators Owen and Rinehart were excused.

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 6025 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESB 6025 March 9, 1994

Includes "NEW ITEMS": YES

Changing provisions relating to cities and towns

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 6025, Changing provisions relating to cities and towns, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 35.16.010 and 1965 c 7 s 35.16.010 are each amended to read as follows:

Upon the filing of a petition (~~(praying for an election to submit the question of excluding)~~ which is sufficient as determined by RCW 35A.01.040 requesting the exclusion from the boundaries of a city or town of an area described by metes and bounds or by reference to a recorded plat or government survey ((from the boundaries of a city or town)), signed by qualified voters ((thereof) of the city or town equal in number to not less than ((one-fifth)) ten percent of the number of ((votes cast)) voters voting at the last general municipal election, the city or town ((council)) legislative body shall ((cause to be submitted)) submit the question to the voters ((by a special election held for that purpose. Such special election shall not be held within ninety days next preceding any general election)). As an alternate method, the legislative body of the city or town may by resolution submit a proposal to the voters for excluding such a described area from the boundaries of the city or town. The question shall be submitted at the next general municipal election if one is to be held within one hundred eighty days or at a special election called for that purpose not less than ninety days nor more than one hundred eighty days after the certification of sufficiency of the petition or the passage of the resolution. The petition or resolution shall set out and describe the territory to be excluded from the ((corporation)) city or town, together with the boundaries of the ((said corporation)) city or town as it will exist after such change is made.

Sec. 2. RCW 35.16.020 and 1985 c 469 s 19 are each amended to read as follows:

Notice of a ((special)) corporate limit reduction election shall be published ((for)) at least ((four)) once each week for two consecutive weeks prior to the election in the official newspaper of the city or town. The notice shall distinctly state the proposition to be submitted, shall designate specifically the area proposed to be excluded and the boundaries of the city or town as they would be after the proposed exclusion of territory therefrom ((and shall require the voters to cast ballots which)). The ballots shall contain the words "For reduction of ((corporate)) city limits" and "Against reduction of ((corporate)) city limits" or words equivalent thereto. ((This notice shall be in addition to the notice required by chapter 29.27 RCW.))

Sec. 3. RCW 35.16.030 and 1965 c 7 s 35.16.030 are each amended to read as follows:

((On the Monday next succeeding a special corporate limit reduction election, the canvassing authority shall proceed to canvass the returns thereof and)) The election returns shall be canvassed as provided in RCW 29.13.040. If three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the ((council)) legislative body of the city or town, by an order entered on its minutes, shall ((cause)) direct the clerk to make and transmit to the office of the secretary of state a certified abstract of the vote. The abstract shall show the ((whole)) total number of ((electors)) voters voting, the number of votes cast for reduction and the number of votes cast against reduction.

Sec. 4. RCW 35.16.040 and 1965 c 7 s 35.16.040 are each amended to read as follows:

((Immediately)) Promptly after the filing of the abstract of votes with the office of the secretary of state, the legislative body of the city or town ((council)) shall adopt an ordinance defining and fixing the corporate limits after excluding the area as determined by the election. The ordinance shall also describe the excluded territory by metes and bounds or by reference to a recorded plat or government survey and declare it no longer a part of the city or town.

Sec. 5. RCW 35.16.050 and 1965 c 7 s 35.16.050 are each amended to read as follows:

((Immediately upon)) A certified copy of the ordinance defining the reduced city or town limits ((going into effect, a certified copy thereof)) together with a map showing the corporate limits as altered shall be filed and recorded in the office of the county auditor of the county in which the city or town is situated, ((and thereupon the boundaries shall be as set forth therein)) upon the effective date of the ordinance. The new boundaries of the city or town shall take effect immediately after they are filed and recorded with the county auditor.

NEW SECTION. Sec. 6. A new section is added to chapter 35.16 RCW to read as follows:

In regard to franchises previously granted for operation of any public service business or facility within the territory excluded from a city or town by proceedings under this chapter, the rights, obligations, and duties of the legislative body of the county or other political subdivision having jurisdiction over such territory and of the franchise holder shall be as provided in RCW 35.02.160, relating to inclusion of territory by an incorporation.

Sec. 7. RCW 35.22.288 and 1988 c 168 s 1 are each amended to read as follows:

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the city. For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 8. RCW 35.23.310 and 1988 c 168 s 2 are each amended to read as follows:

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the city. For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

Sec. 9. RCW 35.23.352 and 1993 c 198 s 10 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon publication of notice calling for sealed bids upon the work. The notice shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, at least thirteen days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use ((a)) the small works roster process ((and)) provided in RCW 39.04.155 to award public works contracts with an estimated value of one hundred thousand dollars or less ((as provided in RCW 39.04.155)).

Whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(4) After September 1, 1987, each second class city, third class city, and town shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, or equipment ((or services other than professional services)), except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and formal sealed bidding to be dispensed with as to purchases between seven thousand five hundred and fifteen thousand dollars, the city legislative authority must authorize by resolution, use of the uniform procedure provided in RCW 39.04.190.

(9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second or third class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 10. RCW 35.24.220 and 1988 c 168 s 4 are each amended to read as follows:

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the city's official newspaper.

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 11. RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to read as follows:

Every municipal corporation of the fourth class shall be entitled the "Town of " (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control (~~and~~), lease, sublease, convey, or otherwise dispose of the same for the common benefit.

Sec. 12. RCW 35.27.300 and 1988 c 168 s 5 are each amended to read as follows:

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the town.

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the town publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a town publish the text or a summary of the content of each adopted ordinance, every town shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the town's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the town determines will satisfy the intent of this requirement.

Sec. 13. RCW 35.30.018 and 1988 c 168 s 6 are each amended to read as follows:

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the city.

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

NEW SECTION. Sec. 14. A new section is added to chapter 35.63 RCW to read as follows:

No city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city may require that the facility: (1) Comply with all building, fire, safety, health code, and business licensing requirements; (2) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (3) is certified by the state department of licensing as providing a safe passenger loading area; (4) include signage, if any, that conforms to applicable regulations; and (5) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

A city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

Nothing in this section shall be construed to prohibit a city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

Sec. 15. RCW 35A.12.160 and 1988 c 168 s 7 are each amended to read as follows:

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the city's official newspaper.

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

NEW SECTION. Sec. 16. A new section is added to chapter 35A.63 RCW to read as follows:

No city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city may require that the facility: (1) Comply with all building, fire, safety, health code, and business licensing requirements; (2) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (3) is certified by the state department of licensing as providing a safe passenger loading area; (4) include signage, if any, that conforms to applicable regulations; and (5) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

A city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

Nothing in this section shall be construed to prohibit a city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

NEW SECTION. Sec. 17. A new section is added to chapter 36.70A RCW to read as follows:

No city that plans or elects to plan under this chapter may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city may require that the facility: (1) Comply with all building, fire, safety, health code, and business licensing requirements; (2) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (3) is certified by the state department of licensing as providing a safe passenger loading area; (4) include signage, if any, that conforms to applicable regulations; and (5) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

A city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

Nothing in this section shall be construed to prohibit a city that plans or elects to plan under this chapter from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

Sec. 18. RCW 42.24.180 and 1984 c 128 s 11 are each amended to read as follows:

In order to expedite the payment of claims, the legislative body of any taxing district, as defined in RCW 43.09.260, may authorize the issuance of warrants or checks in payment of claims after the provisions of this chapter have been met and after the officer designated by statute, or in the absence of statute, an appropriate charter provision, ordinance, or resolution of the taxing district, has signed the checks or warrants, but before the legislative body has acted to approve the claims. The legislative body may stipulate that certain kinds or amounts of claims shall not be paid before the board has reviewed the supporting documentation and approved the issue of checks or warrants in payment of those claims. However, all of the following conditions shall be met before the payment:

(1) The auditing officer and the officer designated to sign the checks or warrants shall each be required to furnish an official bond for the faithful discharge of his or her duties in an amount determined by the legislative body but not less than fifty thousand dollars;

(2) The legislative body shall adopt contracting, hiring, purchasing, and disbursing policies that implement effective internal control;

(3) The legislative body shall provide for its review of the documentation supporting claims paid and for its approval of all checks or warrants issued in payment of claims at its next regularly scheduled public meeting or, for cities and towns, at a regularly scheduled public meeting within one month of issuance; and

(4) The legislative body shall require that if, upon review, it disapproves some claims, the auditing officer and the officer designated to sign the checks or warrants shall jointly cause the disapproved claims to be recognized as receivables of the taxing district and to pursue collection diligently until the amounts disapproved are collected or until the legislative body is satisfied and approves the claims.

Sec. 19. RCW 65.16.160 and 1977 c 34 s 4 are each amended to read as follows:

(1) Whenever any county, city, or town is required by law to publish legal notices containing the full text of any proposed or adopted ordinance in a newspaper, the county, city, or town may publish a summary of the ordinance which summary shall be approved by the governing body and which shall include:

(a) The name of the county, city, or town;

(b) The formal identification or citation number of the ordinance;

(c) A descriptive title;

(d) A section-by-section summary;

(e) Any other information which the county, city, or town finds is necessary to provide a complete summary; and

(f) A statement that the full text will be mailed upon request.

Publication of the title of an ordinance by a city or town authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a complete summary of that ordinance, and a section-by-section summary shall not be required.

(2) Subsection (1) of this section notwithstanding, whenever any publication is made under this section and the proposed or adopted ordinance contains provisions regarding taxation or penalties or contains legal descriptions of real property, then the sections containing this matter shall be published in full and shall not be summarized. When a legal description of real property is involved, the notice shall also include the street address or addresses of the property described, if any. In the case of descriptions covering more than one street address, the street addresses of the four corners of the area described shall meet this requirement.

(3) The full text of any ordinance which is summarized by publication under this section shall be mailed without charge to any person who requests the text from the adopting county, city, or town.

Sec. 20. RCW 68.24.180 and 1984 c 7 s 369 are each amended to read as follows:

After dedication under this title, and as long as the property remains dedicated to cemetery purposes, a railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall not be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots; PROVIDED HOWEVER, That a city of under twenty thousand may initiate, prior to January 1, 1995, an action to condemn cemetery property if the purpose is to further improve an existing street, or other public improvement and the proposed improvement does not interfere with existing interment plots containing human remains. ((However, so long as the action is commenced prior to March 31, 1961, the department of transportation may condemn for state highway purposes for Primary State Highway No. 14 in the vicinity of Gig Harbor land in any burial ground or cemetery in the following cases: (1) Where no organized or known authority is in charge of any such cemetery, or (2) where the necessary consent cannot be obtained and the court finds that considerations of highway safety necessitate the taking of the land. A judgment entered in the condemnation proceedings shall require that before an entry is made on the land condemned for state highway purposes, the state shall, at its own expense, remove or cause to be removed from the land any bodies buried therein and suitably reinter them elsewhere to the satisfaction of relatives, if they can be found.))

Sec. 21. RCW 74.15.020 and 1991 c 128 s 14 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;

(2) "Secretary" means the secretary of social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

- (a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;
- (b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;
- (c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;
- (d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;
- (e) "Family day-care provider" means a licensed day-care provider who regularly provides day care for not more than twelve children in the provider's home in the family living quarters;
- (f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;
- ((#)) (g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.
- (4) "Agency" shall not include the following:
- (a) Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;
- (b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;
- (c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;
- (d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors;
- (e) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;
- (f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
- (g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;
- (h) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;
- (i) Licensed physicians or lawyers;
- (j) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;
- (k) Facilities approved and certified under chapter 71A.22 RCW;
- (l) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;
- (m) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;
- (n) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;
- (o) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

Sec. 22. RCW 82.14.330 and 1993 sp.s. c 21 s 3 are each amended to read as follows:

- (1) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed to the cities of the state as follows:
- (a) Twenty percent appropriated for distribution shall be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the state-wide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate shall be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys shall be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.
- (b) Sixteen percent shall be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.
- The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at such times as distributions are made under RCW 82.44.150.
- Moneys distributed under this subsection shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.
- (2) In addition to the distributions under subsection (1) of this section:
- (a) Fourteen percent shall be distributed to cities that have initiated innovative law enforcement strategies, including alternative sentencing and crime prevention programs. No city may receive more than one dollar per capita under this subsection (2)(a).
- (b) Twenty percent shall be distributed to cities that have initiated programs to help at-risk children or child abuse victim response programs. No city may receive more than fifty cents per capita under this subsection (2)(b).
- (c) Twenty percent shall be distributed to cities that have initiated programs designed to reduce the level of domestic violence within their jurisdictions or to provide counseling for domestic violence victims. No city may receive more than fifty cents per capita under this subsection (2)(c).
- (d) Ten percent shall be distributed to cities that contract with another governmental agency for a majority of the city's law enforcement services.
- Moneys distributed under this subsection shall be distributed to those cities that submit funding requests under this subsection to the department of community, trade, and economic development based on criteria developed under RCW 82.14.335. Allocation of funds shall be in proportion to the population of qualified jurisdictions, but the distribution to a city shall not exceed the amount of funds requested. Cities shall submit requests for program funding to the department of community, trade, and economic development by November 1 of each year for funding the following year. The department shall certify to the state treasurer the cities eligible for funding under this subsection and the amount of each allocation.

~~((One-half of the moneys distributed under (a) through (d) of this subsection shall be distributed on March 1st and the remaining one-half of the moneys shall be distributed on September 1st))~~ The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at the times as distributions are made under RCW 82.44.150. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

If a city is found by the state auditor to have expended funds received under this subsection in a manner that does not comply with the criteria under which the moneys were received, the city shall be ineligible to receive future distributions under this subsection until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund. The director may allow noncomplying use of moneys received under this subsection upon a showing of hardship or other emergent need.

(3) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

Sec. 23. RCW 41.16.050 and 1986 c 296 s 3 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments, or donations given or paid thereto; (2) forty-five percent of all moneys received by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by ~~(firemen)~~ fire fighters as provided for herein. The moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid ~~(firemen)~~ fire fighters in the city, town, or fire protection district bears to the total number of paid ~~(firemen)~~ fire fighters throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid ~~(firemen)~~ fire fighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after the effective date of this section, the city or town shall continue to certify to the state treasurer the number of paid fire fighters in the city or town fire department immediately before annexation until all obligations against the firemen's pension fund in the city or town have been satisfied. For the purposes of the calculation in this section, the state treasurer shall subtract the number certified by the annexed city or town from the number of paid fire fighters certified by an annexing fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town, and fire protection district coming under the provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town, or fire protection district.

NEW SECTION. Sec. 24. Section 22 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.16.010, 35.16.020, 35.16.030, 35.16.040, 35.16.050, 35.22.288, 35.23.310, 35.23.352, 35.24.220, 35.27.010, 35.27.300, 35.30.018, 35A.12.160, 42.24.180, 65.16.160, 68.24.180, 74.15.020, 82.14.330, and 41.16.050; adding a new section to chapter 35.16 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70A RCW; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Haugen, Drew and Winsley; Representatives H. Myers, Springer and Edmondson

MOTION

On motion of Senator Haugen, the Senate adopted the Report of the Conference Committee on Engrossed Senate Bill No. 6025.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6025, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6025, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson and Smith, L. - 2.

Excused: Senators Cantu, McCaslin, McDonald, Owen and Rinehart - 5.

ENGROSSED SENATE BILL NO. 6025, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGES FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1743 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 2480 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2643 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,
SENATE BILL NO. 6003,
SUBSTITUTE SENATE BILL NO. 6007,
SENATE BILL NO. 6074,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6124,
SUBSTITUTE SENATE BILL NO. 6204,
SUBSTITUTE SENATE BILL NO. 6230,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6255,
SENATE BILL NO. 6438.

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

MOTION

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

SENATE RESOLUTION 1994-8685

By Senators Wojahn, Franklin, Gaspard, Winsley, Rasmussen and Oke

WHEREAS, The Senate finds and declares that the Legislative Building, as the seat of representative government for the people of Washington, is both a temple of democracy as well as an educational platform; and

WHEREAS, The study of history counsels our personal and professional lives; and

WHEREAS, The study of history furnishes rational, concrete examples upon which to base a common civic pride, especially in the minds of young people;

NOW, THEREFORE, BE IT RESOLVED, That the Senate do hereby extend an expression of appreciation to the Washington State Historical Society for taking the lead in the preparation of the historic bridges of Washington exhibit on display in the rotunda of the Legislative Building this session; and

BE IT FURTHER RESOLVED, That the Senate invites the Washington State Historical Society to continue its leadership role, in consultation with tenants of the Legislative Building and the Department of General Administration, to preserve and interpret relevant facets of Washington's history within the Legislative Building for the benefit of citizens and visitors alike.

MOTION

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

SENATE RESOLUTION 1994-8703

By Senators Pelz, Gaspard, Moyer, McAuliffe, Prentice, Moore, Sheldon, Snyder, Rinehart, Bauer, Quigley, Spanel, Niemi, Talmadge, Fraser, Vognilid, A. Smith, Williams, Franklin, Drew, Wojahn, Prince, Skratek, Bluechel, Winsley and Sutherland

WHEREAS, A home to live in, employment, and ordinary, everyday business transactions are not special rights but are among the basic and fundamental human rights of every person; and

WHEREAS, The mosaic of our society as exemplified by the wide diversity of Washingtonians, does not harm us, and, in fact, makes us stronger; and

WHEREAS, The Constitution of the United States, which we are sworn to uphold, seeks to "secure the blessings of liberty to us and our posterity;" and

WHEREAS, The Constitution of the state of Washington, which we are also sworn to uphold, guarantees "No person shall be deprived of life, liberty, or property without due process of law," and that "No person shall be disturbed in his private affairs or his home invaded without the authority of law;" and

WHEREAS, Our state and our Nation are built upon the principles of tolerance and forbearance; and

WHEREAS, We should strive to deal with others based on the content of their character, not stereotypes and prejudices;
and

WHEREAS, Many local governments and private employers in Washington have adopted policies prohibiting discrimination, including discrimination based on sexual orientation; and

WHEREAS, The Measure 9 campaign in Oregon tore apart the social fabric of our neighbor state to the south, creating an environment we do not want to duplicate; and

WHEREAS, Efforts to bring a similar movement to Washington may foster acts of prejudice, fear, discrimination, and injustice; and

WHEREAS, In the words of Dr. Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere;"

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington go on record in opposition to any effort to divide our communities and in opposition to acts of prejudice and discrimination; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington stands firmly for basic dignity and fundamental human rights for all people, and strongly against those acts of prejudice and discrimination that undermine those rights.

Senators Pelz, Hargrove and Moyer spoke to Senate Resolution 1994-8703.

MOTION

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

SENATE RESOLUTION 1994-8700

By Senators Spanel and Haugen

WHEREAS, The Fertile Skagit Valley is the tulip capital of the Northwest; and

WHEREAS, Tulips are the harbingers of spring; and

WHEREAS, There are one thousand five hundred acres in the Skagit Valley planted in tulips ready to bloom; and

WHEREAS, This year's eleventh annual Skagit Valley Tulip Festival will run from April 1 through April 17, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, LaConner, and Mount Vernon; and

WHEREAS, Approximately half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing almost five million dollars to the economy of the Skagit Valley; and

WHEREAS, Highlights of the annual event include the Mount Vernon Street Fair, a Sousa band concert, an International Volks Walk, a 10K Slug Run/Walk, a Paccar Open House, a Tulip Pedal bicycle ride, a 10K walk through the Skagit Valley tulip fields and farmlands, and a new addition this year, the Key Bank Flower and Garden Show;

NOW, THEREFORE, BE IT RESOLVED, That the Senate applaud the five communities of the Skagit Valley and their chambers of commerce for hosting the Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend and honor the community leaders and corporate sponsors responsible for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular floral display; and

BE IT FURTHER RESOLVED, That the Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, April 1 through April 17, 1994.

MOTION

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

SENATE RESOLUTION 1994-8701

By Senators Bauer, Spanel, Vognild, Moore, Newhouse, Nelson, Winsley and Gaspard

WHEREAS, The Joint Committee on Pension Policy has studied and analyzed issues related to Plan II retirement systems for the past three years; and

WHEREAS, The Joint Committee on Pension Policy completed its report on Plan II retirement age in October 1992 and has reviewed eligibility criteria for retirement under Plan II; and

WHEREAS, Legislation was introduced at the request of the Joint Committee on Pension Policy during the 1994 session which created Plan III retirement systems to address some of the underlying concerns of members of Plan II systems; and

WHEREAS, Legislation to create Plan III retirement systems was not acted upon during the 1994 session; and

WHEREAS, Plan II members of the Teachers' Retirement System, Public Employees' Retirement System and the Law Enforcement Officers' and Fire Fighters' Retirement System have serious concerns with some provisions of these systems, especially issues related to eligibility for retirement benefits, which contribute to poor morale in the workplaces of state and local government and strain relations between the legislature, as employer, and the state's employees;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate directs the Joint Committee on Pension Policy to continue work on revisions to state Plan II retirement systems which recognize the following principles:

Benefits under a revised retirement plan should provide a fair and proportional level of retirement benefits for all members who provide significant periods of state service;

Public employees should not incur a major reduction in the value of accrued retirement benefits when they make career changes prior to retirement age; and

Members who are required to change careers for personal or family needs or due to physical or mental disability should be able to do so without jeopardizing their long term retirement income security; and

BE IT FURTHER RESOLVED, That the Washington State Senate intends for the Joint Committee on Pension Policy to work in consultation with an advisory committee comprised of representatives from employee organizations whose members belong to the Washington State Patrol and Plan II retirement system; and

BE IT FURTHER RESOLVED, That the Joint Committee on Pension Policy shall report and make recommendations to the Senate Ways and Means Committee and the House Appropriations Committee by December 15, 1995.

MOTION

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

SENATE RESOLUTION 1994-8687

By Senators Morton, Owen, Hargrove, Sutherland and Moore

WHEREAS, Washington State has rich and diverse forest resources; and

WHEREAS, There are 21.5 million acres of public and private forest lands in this state; and

WHEREAS, Washington forests supply many goods and services, including water, fish, wildlife, recreation, timber, forage, and open space; and

WHEREAS, The regulations and importance of forest practices and their effect on the environment and quality of soil in Washington State are increasingly complex; and

WHEREAS, There is increasing demand for timber from private nonindustrial landowners; and

WHEREAS, An increasing number of individuals hold themselves out as experts in forest management practices as the available supply of harvestable timber diminishes and the value of forest products increases; and

WHEREAS, There currently is no means of providing reliable information to private landowners about the training and expertise of persons representing themselves as consulting foresters; and

WHEREAS, Individuals without adequate training and experience can cause significant damage to the forests of our state by recommending unproven or unsound forest management practices;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recommends that an interim review be conducted to determine appropriate methods for developing consistent and reliable information about consulting foresters, and for publication and distribution of such information to the public, especially to private timberland owners; and

BE IT FURTHER RESOLVED, That advice and counsel should be sought from representatives of the Association of Consulting Foresters; Washington Farm Forestry Association; Society of American Foresters; Washington Forest Protection Association; and Department of Natural Resources Stewardship Incentive program to make the best use of information currently available; and

BE IT FURTHER RESOLVED, That the chairs of the Senate Labor and Commerce Committee and the Senate Natural Resources Committee shall consult with interested committee members and direct the work of appropriate staff to determine the scope and outcome of this review prior to the 1995 Regular Session of the Legislature.

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

MESSAGE FROM THE HOUSE

March 9, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2741 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Oke, Senator Deccio was excused.

MOTION

At 3:37 p.m., on motion of Senator Spanel, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:23 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2510 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

MESSAGES FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5449,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,
SUBSTITUTE SENATE BILL NO. 6089,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6547, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 10, 1994

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1009,
ENGROSSED HOUSE BILL NO. 1756,
ENGROSSED HOUSE BILL NO. 2347,
HOUSE BILL NO. 2478,
SUBSTITUTE HOUSE BILL NO. 2488,
SUBSTITUTE HOUSE BILL NO. 2529,
SUBSTITUTE HOUSE BILL NO. 2754, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2798 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1009,
ENGROSSED HOUSE BILL NO. 1756,
ENGROSSED HOUSE BILL NO. 2347,
HOUSE BILL NO. 2478,
SUBSTITUTE HOUSE BILL NO. 2488,
SUBSTITUTE HOUSE BILL NO. 2529,
SUBSTITUTE HOUSE BILL NO. 2754.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468,
ENGROSSED SENATE BILL NO. 6025,
SUBSTITUTE SENATE BILL NO. 6278.

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

SECOND READING
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9289, John C. McGlenn as a member of the Wildlife Commission, was confirmed.

APPOINTMENT OF JOHN C. McGLENN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniid, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Erwin, Ludwig and Rasmussen, M. - 3.

Excused: Senators Cantu, Deccio, McCaslin and Rinehart - 4.

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

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6047 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 6047 March 9, 1994

Includes "NEW ITEMS": YES

Revising provisions relating to crimes involving alcohol, drugs, or mental problems

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6047, Revising provisions relating to crimes involving alcohol, drugs, or mental problems, have had the same under consideration and we recommend that:

All previous amendments not be adopted and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"PART I - DUI PENALTIES

NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) the percent by weight of alcohol in a person's blood.

Sec. 2. RCW 46.61.502 and 1993 c 328 s 1 are each amended to read as follows:

(1) ~~((A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:~~

~~(a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after driving, as shown by analysis of the person's breath made under RCW 46.61.506; or~~

~~(b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after driving, as shown by analysis of the person's blood made under RCW 46.61.506; or~~

~~(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or~~

~~(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.~~

~~(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.~~

~~(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.~~

~~(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section.)) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:~~

(a) And the person has, within two hours after driving, an alcohol concentration of 0.10 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

- (b) While the person is under the influence of or affected by intoxicating liquor or any drug; or
(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.10 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1) (b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

Sec. 3. RCW 46.61.504 and 1993 c 328 s 2 are each amended to read as follows:

(1) ~~(A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:~~

~~(a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's breath made under RCW 46.61.506; or~~

~~(b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's blood made under RCW 46.61.506; or~~

~~(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or~~

~~(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.~~

~~(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.~~

~~(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of a motor vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in actual physical control of a motor vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.~~

~~(4) Analyses of blood or breath samples obtained more than two hours after the alleged actual physical control of a motor vehicle may be used as evidence that within two hours of the alleged actual physical control of a motor vehicle, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section.) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:~~

~~(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.10 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or~~

~~(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or~~

~~(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.~~

~~(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.~~

~~(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.~~

~~(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.10 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1) (b) or (c) of this section.~~

~~(5) A violation of this section is a gross misdemeanor.~~

NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of RCW 46.61.502 or 46.61.504 that was committed within five years before the commission of the current violation, and who violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of at least 0.10 but less than 0.15, or a person who violates RCW 46.61.502(1)(b) or (c) or 46.61.504(1)(b) or (c) and for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 the person's alcohol concentration is not proved, is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The court may suspend all or part of the ninety-day period of suspension upon a plea agreement executed by the defendant and the prosecutor. The court shall notify the department of licensing of the conviction and of any period of suspension and shall notify the department of the person's completion of any period of suspension. Upon receiving notification of the conviction, or if applicable, upon receiving notification of the completion of any period of suspension, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(2) A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of RCW 46.61.502 or 46.61.504 that was committed within five years before the commission of the current violation, and who either:

(a) Violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of 0.15 or more; or

(b) Violates RCW 46.61.502(1) (b) or (c) or 46.61.504(1) (b) or (c) and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:

(i) By imprisonment for not less than two days nor more than one year. Forty-eight consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension by the department of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license and shall issue the offender a probationary license in accordance with section 8 of this act.

(3) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(4) Upon conviction under this section, the offender's driver's license is deemed to be in a probationary status for five years from the date of the issuance of a probationary license under section 8 of this act. Being on probationary status does not authorize a person to drive during any period of license suspension imposed as a penalty for the infraction.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act.

(6)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person whose driver's license is in a probationary status and who violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of at least 0.10 but less than 0.15 is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than seven days nor more than one year. Seven consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The court shall notify the department of the conviction, and upon receiving notification the department shall suspend the offender's license and shall issue the offender a probationary license in accordance with section 8 of this act.

(2) A person whose driver's license is in a probationary status and who either:

(a) Violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of 0.15 or more; or

(b) Violates RCW 46.61.502(1) (b) or (c) or 46.61.504(1) (b) or (c) and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:

(i) By imprisonment for not less than ten days nor more than one year. Ten consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive or of any nonresident privilege to drive, for a period of four hundred fifty days. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(3) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(4) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act. An offender punishable under subsection (1) or (2) of this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511. No offender punishable under this section is eligible for an occupational license under RCW 46.20.391.

(5)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 6. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person who violates RCW 46.61.502 or 46.61.504 and who either has a driver's license in a suspended or revoked status or who has been convicted under section 5 of this act or RCW 46.61.502 or 46.61.504 of an offense that was committed within five years before the commission of the current violation, is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than ninety days nor more than one year. Ninety consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's

physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By revocation by the department of licensing of the offender's license or permit to drive or of any nonresident privilege to drive, for a period of two years. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license. Following the revocation and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(2) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(3) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act. An offender punishable under this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511. No offender punishable under this section is eligible for an occupational license under RCW 46.20.391.

(4)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 7. A new section is added to chapter 46.61 RCW to read as follows:

(1)(a) In addition to penalties set forth in sections 4 through 6 of this act, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

PART II - PROBATIONARY LICENSES

NEW SECTION. Sec. 8. A new section is added to chapter 46.61 RCW to read as follows:

(1) Upon notification of a conviction under RCW 46.61.502 or 46.61.504 for which the issuance of a probationary driver's license is required, or upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, the department of licensing shall order the person to surrender his or her license. The department shall revoke the license of any person who fails to surrender it as required by this section.

(2) Upon receipt of the surrendered license, and following the expiration of any period of license suspension or revocation, or following receipt of a sworn statement under section 12 of this act that requires issuance of a probationary license, the department shall issue the person a probationary license if otherwise qualified. The probationary license shall be renewed on the same cycle as the person's regular license would have been renewed until five years after the date of its issuance.

(3) For each issue or reissue of a license under this section, the department may charge the fee authorized under RCW 46.20.311 for the reissuance of a license following a revocation for a violation of RCW 46.61.502 or 46.61.504.

(4) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status, including the period of that status, for a violation of RCW 46.61.502 or 46.61.504 or section 12 of this act. That fact that a person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

PART III - ASSESSMENT AND TREATMENT

NEW SECTION. Sec. 9. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person subject to alcohol assessment and treatment under section 4, 5, or 6 of this act shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under section 4, 5, or 6 of this act, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

PART IV - ADMINISTRATIVE REVOCATION

NEW SECTION. Sec. 10. A new section is added to chapter 46.20 RCW to read as follows:

(1) Notwithstanding any other provision of this title, a person under the age of twenty-one may not drive, operate, or be in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or above.

(2) A person under the age of twenty-one who drives or is in physical control of a motor vehicle within this state is deemed to have given consent, subject to the relevant portions of RCW 46.61.506, to be detained long enough, and be transported if necessary, to take a test or tests of that person's blood or breath for the purpose of determining the alcohol concentration in his or her system.

(3) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the driver, has reasonable grounds to believe that the driver was driving or in actual physical control of a motor vehicle while having alcohol in his or her system.

(4) The law enforcement officer requesting the test or tests under subsection (2) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person's driver's license or driving privilege being revoked.

(5) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.02 or more, the law enforcement officer shall:

(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive;

(b) Serve the person notice in writing on behalf of the department of licensing of the person's right to a hearing, specifying the steps required to obtain a hearing;

(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of the traffic stop or until the suspension or revocation of the person's license or permit is sustained at a hearing as provided by subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit it replaces;

(d) Notify the department of licensing of the traffic stop, and transmit to the department any confiscated license or permit and a sworn report stating:

(i) That the officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state with alcohol in his or her system;

(ii) That pursuant to this section a test of the person's alcohol concentration was administered or that the person refused to be tested;

(iii) If administered, that the test indicated the person's alcohol concentration was 0.02 or higher; and

(iv) Any other information that the department may require by rule.

(6) Upon receipt of the sworn report of a law enforcement officer under subsection (5) of this section, the department shall suspend or revoke the driver's license or driving privilege beginning thirty days from the date of the traffic stop or beginning when the suspension, revocation, or denial is sustained at a hearing as provided by subsection (7) of this section. Within fifteen days after notice of a suspension or revocation has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the revocation of the person's driver's license or driving privilege, and, if the test or tests of the person's breath or blood was administered, whether the results indicated an alcohol concentration of 0.02 or more. The department shall order that the suspension or revocation of the person's driver's license or driving privilege either be rescinded or sustained. Any decision by the department suspending or revoking a person's driver's license or driving privilege is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the suspension or revocation of the person's driver's license or driving privilege is sustained after the hearing, the person may file a petition in the superior court of the county of arrest to review the final order of suspension or revocation by the department in the manner provided in RCW 46.20.334.

(7) The department shall suspend or revoke the driver's license or driving privilege of a person as required by this section as follows:

(a) In the case of a person who has refused a test or tests:

(i) For a first refusal within five years, revocation for one year;

(ii) For a second or subsequent refusal within five years, revocation or denial for two years.

(b) In the case of an incident where a person has submitted to a test or tests indicating an alcohol concentration of 0.02 or more:

(i) For a first incident within five years, suspension for ninety days;

(ii) For a second or subsequent incident within five years, revocation for one year or until the person reaches age twenty-one whichever occurs later.

(8) For purposes of this section, "alcohol concentration" means (a) grams of alcohol per two hundred ten liters of a person's breath, or (b) the percent by weight of alcohol in a person's blood.

NEW SECTION. Sec. 11. A new section is added to chapter 46.61 RCW to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer pursuant to section 10 of this act has a duty to stop.

(2) Whenever any person is stopped pursuant to section 10 of this act, the officer may detain that person for a reasonable period of time necessary to: identify the person; check the status of the person's license, insurance identification card, and the vehicle's registration; and transport the person, if necessary, to and administer a test or tests to determine the alcohol concentration in the person's system.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation under section 10 of this act has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the warning required by section 10(4) of this act and receipt of the notice and temporary license issued under section 10(5) of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 46.61 RCW to read as follows:

(1) This section applies to any person arrested for a violation of RCW 46.61.502 or 46.61.504 who has an alcohol concentration of 0.10 or higher as shown by a test administered under RCW 46.20.308.

(2) The arresting officer or other law enforcement officer at whose direction the test was given shall:

(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive or to issue a probationary license;

(b) Serve the person notice in writing on behalf of the department of the person's right to a hearing, specifying the steps required to obtain a hearing;

(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of arrest or until the suspension or revocation of the person's license or permit, or the issuance of a probationary license, is sustained at a hearing pursuant to subsection (5) of this section, whichever occurs first. If the person has not within the previous five years committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, and within thirty days of the arrest the person petitions a court for a deferred prosecution on criminal charges arising out of the arrest, the court shall direct the department to extend the period of the temporary license by at least an additional thirty days but not more than an additional sixty days. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, then the court shall immediately direct the department to cancel any period of extension of the temporary license. No temporary license is valid to any greater degree than the license or permit it replaces;

(d) Notify the department of the arrest, and transmit to the department any confiscated license or permit and a sworn report stating:

(i) That the officer had reasonable grounds to believe the arrested person was driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug, or both;

(ii) That pursuant to RCW 46.20.308 a test of the person's alcohol concentration was administered;

(iii) That the test indicated that the person's alcohol concentration was 0.10 or higher; and

(iv) Any other information that the department may require by rule.

(3) Upon receipt of a sworn statement under subsection (2) of this section, the department shall suspend, revoke, or deny the person's license, permit, or driving privilege, or shall issue a probationary license, effective beginning thirty days from the date of the arrest or beginning when the suspension, revocation, denial, or issuance is sustained at a hearing pursuant to subsection (5) of this section, whichever occurs first. The suspension, revocation, or denial, or issuance of a probationary license, shall be as follows:

(a) Upon receipt of a first sworn statement, issuance of a probationary license under section 8 of this act;

(b) Upon receipt of a second or subsequent statement indicating an arrest date that is within five years of the arrest date indicated by a previous statement, revocation for two years.

(4) A person receiving notification under subsection (2) of this section may, within five days after his or her arrest, request a hearing before the department under subsection (5) of this section. The request shall be in writing. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within five days after the arrest.

(5) Upon timely receipt of a request and a one hundred dollar fee under subsection (4) of this section, the department shall afford the person an opportunity for a hearing. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within thirty days following the arrest, unless otherwise agreed to by the department and the person. The hearing shall cover the issues of:

(a) Whether the law enforcement officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor;

(b) Whether the test of the person's alcohol concentration was administered in accordance with RCW 46.20.308; and

(c) Whether the test indicated that the person's alcohol concentration was 0.10 or higher.

(6) The period of any suspension, revocation, or denial imposed under this section shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident. A suspension, revocation, or denial imposed under this section shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(7) If the suspension, revocation, denial, or issuance is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied, or who has been issued a probationary license, has the right to file a petition in the superior court of the county of arrest in the same manner as an appeal from a decision of a court of limited jurisdiction. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. A court may stay the suspension, revocation, or denial if it finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay.

(8) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

PART V - IMPLIED CONSENT

Sec. 13. RCW 46.20.308 and 1989 c 337 s 8 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of

intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. The person shall pay a fee of one hundred dollars as part of the request. Upon receipt of such request and such fee, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

PART VI - DRIVING RECORDS

Sec. 14. RCW 46.01.260 and 1984 c 241 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not, within ten years from the date of conviction, adjudication, or entry of deferred prosecution, destroy records of the following:

(i) Convictions or adjudications of the following offenses: RCW 46.61.502, 46.61.504, 46.61.520(1)(a), or 46.61.522(1)(b);

(ii) If the offense was originally charged as one of the offenses designated in (a)(i) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.525, or any other violation that was originally charged as one of the offenses designated in (a)(i) of this subsection; or

(iii) Deferred prosecutions granted under RCW 10.05.120.

(b) For purposes of RCW 46.52.100 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

Sec. 15. RCW 46.52.100 and 1991 c 363 s 123 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by ~~((said))~~ the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every ~~((said))~~ traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every ~~((said))~~ magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of ~~((said))~~ the court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

~~((Said))~~ The abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether the offense was an alcohol-related offense as defined in RCW 46.01.260(2), whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

Sec. 16. RCW 46.52.130 and 1991 c 243 s 1 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, ~~((or))~~ an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies ~~((and))~~. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual ~~((and))~~ named in the abstract or to an employer ~~((or))~~ or prospective employer ~~((or))~~ of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle

accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(a)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Any violation of this section is a gross misdemeanor.

PART VII - DEFERRED PROSECUTION

Sec. 17. RCW 10.05.060 and 1990 c 250 s 13 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue the petitioner a probationary license in accordance with section 8 of this act, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record for ~~((five))~~ ten years from date of entry of the order granting deferred prosecution.

Sec. 18. RCW 10.05.090 and 1985 c 352 s 12 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

Sec. 19. RCW 10.05.120 and 1985 c 352 s 15 are each amended to read as follows:

Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner. ~~((Five years from the date of the court's approval of a deferred prosecution program for an individual petitioner, those entries that remain in the department of licensing records relating to such petitioner shall be removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under RCW 46.61.515 for subsequent offenses within a five-year period.))~~

PART VIII - VEHICULAR HOMICIDE

Sec. 20. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
 - Homicide by abuse (RCW 9A.32.055)
- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)

- X Kidnapping 1 (RCW 9A.40.020)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
 - Child Molestation 1 (RCW 9A.44.083)
 - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
 - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))

- IX Assault of a Child 2 (RCW 9A.36.130)
 - Robbery 1 (RCW 9A.56.200)
 - Manslaughter 1 (RCW 9A.32.060)
 - Explosive devices prohibited (RCW 70.74.180)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Sexual Exploitation (RCW 9.68A.040)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

- VIII Arson 1 (RCW 9A.48.020)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - ~~Vehicular Homicide, ((by being under the influence of intoxicating liquor or any drug or) by the operation of any vehicle in a reckless manner (RCW 46.61.520)~~

- VII Burglary 1 (RCW 9A.52.020)
 - ~~Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)~~
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Involving a minor in drug dealing (RCW 69.50.401(f))

- VI Bribery (RCW 9A.68.010)
 - Manslaughter 2 (RCW 9A.32.070)
 - Rape of a Child 3 (RCW 9A.44.079)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 - Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 - Incest 1 (RCW 9A.64.020(1))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 - Intimidating a Judge (RCW 9A.72.160)
 - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

- V Criminal Mistreatment 1 (RCW 9A.42.020)
 - Rape 3 (RCW 9A.44.060)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Child Molestation 3 (RCW 9A.44.089)
 - Kidnapping 2 (RCW 9A.40.030)
 - Extortion 1 (RCW 9A.56.120)
 - Incest 2 (RCW 9A.64.020(2))
 - Perjury 1 (RCW 9A.72.020)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

- IV Residential Burglary (RCW 9A.52.025)
 - Theft of Livestock 1 (RCW 9A.56.080)
 - Robbery 2 (RCW 9A.56.210)

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

III Criminal mistreatment 2 (RCW 9A.42.030)

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

II Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Computer Trespass 1 (RCW 9A.52.110)
Reckless Endangerment 1 (RCW 9A.36.045)
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

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

PART IX - INTERLOCK

Sec. 21. RCW 46.20.710 and 1987 c 247 s 1 are each amended to read as follows:

The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

(3) The installation of an ignition interlock breath alcohol device or other biological or technical device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock and other biological and technical devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock or other biological or technical device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

Sec. 22. RCW 46.20.720 and 1987 c 247 s 2 are each amended to read as follows:

The court may order any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, and the restriction shall be for a period of not less than six months.

The court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

Sec. 23. RCW 46.20.730 and 1987 c 247 s 3 are each amended to read as follows:

For the purposes of RCW 46.20.720, 46.20.740, and 46.20.750, "ignition interlock device" means breath alcohol analyzed ignition equipment, certified by the state commission on equipment, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage, and "other biological or technical device" means any device meeting the standards of the national highway traffic safety administration or the state commission on equipment, designed to prevent the operation of a motor vehicle by a person who is impaired by alcohol or drugs. The commission shall by rule provide standards for the certification, installation, repair, and removal of the devices.

Sec. 24. RCW 46.20.740 and 1987 c 247 s 4 are each amended to read as follows:

The department shall attach or imprint a notation on the driver's license of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device.

Sec. 25. RCW 46.20.750 and 1987 c 247 s 5 are each amended to read as follows:

A person who knowingly allows another person who is restricted to the use of an ignition interlock or other biological or technical device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock or other biological or technical device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

PART X - MISCELLANEOUS

Sec. 26. RCW 46.61.506 and 1987 c 373 s 4 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the ~~((amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than 0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath))~~ person's alcohol concentration is less than 0.10, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Sec. 27. RCW 46.20.311 and 1993 c 501 s 5 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or ~~((46.61.515))~~ other provision of law. Except for a suspension under RCW 46.20.289 and 46.20.291(5), whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW ~~((46.61.515(3) (b) or (c)))~~ 46.20.308 or section 5, 6, or 12 of this act; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) ~~((after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second or subsequent refusal within five years to submit to a chemical test under RCW 46.20.308; or (f))~~) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 or is the result of administrative action under section 12 of this act, the reissue fee shall be fifty dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or

physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars.

Sec. 28. RCW 46.04.580 and 1990 c 250 s 22 are each amended to read as follows:

"Suspend," in all its forms and unless a different period is specified, means invalidation for any period less than one calendar year and thereafter until reinstatement. ~~((However, under RCW 46.61.515 the invalidation may last for more than one calendar year.))~~

Sec. 29. RCW 46.20.391 and 1985 c 407 s 5 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed ~~((under RCW 46.61.515))~~ for a violation of RCW 46.61.502 or 46.61.504. No person may petition for, and the department shall not issue, an occupational driver's license if the person is ineligible for such a license under section 5 or 6 of this act. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not ~~((been convicted))~~ committed of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not ~~((been convicted of))~~ committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor ~~((under RCW 46.61.502 or 46.61.504, or))~~; (ii) vehicular homicide under RCW 46.61.520 ~~((or of))~~; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 30. RCW 5.40.060 and 1987 c 212 s 1001 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is a complete defense to an action for damages for personal injury or wrongful death that the person injured or killed was under the influence of intoxicating liquor or any drug at the time of the occurrence causing the injury or death and that such condition was a proximate cause of the injury or death and the trier of fact finds such person to have been more than fifty percent at fault. The standard for determining whether a person was under the influence of intoxicating liquor or drugs shall be the same standard established for criminal convictions under RCW 46.61.502, and evidence that a person was under the influence of intoxicating liquor or drugs under the standard established by RCW 46.61.502 shall be conclusive proof that such person was under the influence of intoxicating liquor or drugs.

(2) In an action for damages for personal injury or wrongful death that is brought against the driver of a motor vehicle who was under the influence of intoxicating liquor or any drug at the time of the occurrence causing the injury or death and whose condition was a proximate cause of the injury or death, subsection (1) of this section does not create a defense against the action notwithstanding that the person injured or killed was also under the influence so long as such person's condition was not a proximate cause of the occurrence causing the injury or death.

NEW SECTION. Sec. 31. Section 30 of this act is remedial in nature and shall apply retroactively.

Sec. 32. RCW 46.55.113 and 1987 c 311 s 10 are each amended to read as follows:

Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer may take custody of the vehicle and provide for its prompt removal to a place of safety. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable ~~((or too intoxicated, to decide))~~ of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer ~~((and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property));~~

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

PART XI - TECHNICAL

Sec. 33. RCW 46.63.020 and 1993 c 501 s 8 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or ~~((6))~~ (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;
- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502 and 46.61.504 and sections 4, 5, and 6 of this act relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (36) RCW 46.61.522 relating to vehicular assault;
- (37) RCW 46.61.525 relating to negligent driving;
- (38) RCW 46.61.530 relating to racing of vehicles on highways;
- (39) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (40) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (41) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (42) Chapter 46.65 RCW relating to habitual traffic offenders;
- (43) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (44) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (45) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (46) Chapter 46.82 RCW relating to driver's training schools;
- (47) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (48) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 34. RCW 3.62.090 and 1986 c 98 s 4 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under ((RCW 46.64.545)) sections 4, 5, and 6 of this act, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

Sec. 35. RCW 10.05.120 and 1985 c 352 s 15 are each amended to read as follows:

Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner.

Five years from the date of the court's approval of a deferred prosecution program for an individual petitioner, those entries that remain in the department of licensing records relating to such petitioner shall be removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under ((RCW 46.64.545)) sections 4, 5, and 6 of this act for subsequent offenses within a five-year period.

Sec. 36. RCW 35.21.165 and 1983 c 165 s 40 are each amended to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ((RCW 46.64.545)) sections 4, 5, and 6 of this act.

Sec. 37. RCW 36.32.127 and 1983 c 165 s 41 are each amended to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided for in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ((RCW 46.64.545)) sections 4, 5, and 6 of this act.

Sec. 38. RCW 46.04.480 and 1988 c 148 s 8 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, ((or 46.61.545)) section 4, 5, or 6 of this act, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 39. RCW 46.61.5151 and 1983 c 165 s 33 are each amended to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in ((RCW 46.61.545 (1) or (2))) section 4, 5, or 6 of this act in nonconsecutive or intermittent time periods. However, ((the first twenty-four hours of any

~~sentence under RCW 46.61.515(1) and the first forty-eight hours of any sentence under RCW 46.61.515(2)) any mandatory minimum sentence under section 4, 5, or 6 of this act shall be served consecutively unless suspended or deferred as otherwise provided by law.~~

Sec. 40. RCW 46.61.5152 and 1992 c 64 s 1 are each amended to read as follows:

In addition to penalties that may be imposed under (~~RCW 46.61.515~~) section 4, 5, or 6 of this act, the court may require a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or who enters a deferred prosecution program under RCW 10.05.020 based on a violation of RCW 46.61.502 or 46.61.504, to attend an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

NEW SECTION. Sec. 41. The sum of one million five hundred sixty-three thousand five hundred eighty-nine dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the highway safety fund to the department of licensing for the purposes of implementing this act.

NEW SECTION. Sec. 42. The following acts or parts of acts are each repealed:

(1) RCW 46.61.515 and 1993 c 501 s 7, 1993 c 239 s 1, 1985 c 352 s 1, 1984 c 258 s 328, 1983 c 165 s 21, 1983 c 150 s 1, 1982 1st ex.s. c 47 s 27, 1979 ex.s. c 176 s 6, 1977 ex.s. c 3 s 3, 1975 1st ex.s. c 287 s 2, 1974 ex.s. c 130 s 1, 1971 ex.s. c 284 s 1, 1967 c 32 s 68, & 1965 ex.s. c 155 s 62; and

(2) 1993 c 239 s 3 (uncodified).

NEW SECTION. Sec. 43. This act shall be known as the "1994 Omnibus Drunk Driving Act."

NEW SECTION. Sec. 44. Section 7 of this act shall expire June 30, 1995.

NEW SECTION. Sec. 45. Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 46. This act shall take effect July 1, 1994."

On page 1, line 2 of the title, after "problems;" strike the remainder of the title and insert "amending RCW 46.61.502, 46.61.504, 46.20.308, 46.01.260, 46.52.100, 46.52.130, 10.05.060, 10.05.090, 10.05.120, 46.20.710, 46.20.720, 46.20.730, 46.20.740, 46.20.750, 46.61.506, 46.20.311, 46.04.580, 46.20.391, 5.40.060, 46.55.113, 46.63.020, 3.62.090, 10.05.120, 35.21.165, 36.32.127, 46.04.480, 46.61.5151, and 46.61.5152; reenacting and amending RCW 9.94A.320; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; adding a new section to chapter 46.20 RCW; creating new sections; repealing RCW 46.61.515; repealing 1993 c 239 s 3 (uncodified); prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Adam Smith and Quigley; Representatives Appelwick, Johanson and Ballasiotes

MOTION

On motion of Senator Adam Smith, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Substitute Senate Bill No. 6047.

MOTION

Senator Adam Smith moved that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 6047, under suspension of the twenty-four hour rule.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Adam Smith that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 6047, under suspension of the twenty-four hour rule.

The motion by Senator Adam Smith carried and the Report of the Conference Committee on Substitute Senate Bill No. 6047 was adopted.

MOTION

On motion of Senator Drew, Senator Rasmussen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6047, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6047, as recommended by the Conference Committee under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Deccio, McCaslin, Rasmussen, M. and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 6047, as recommended by the Conference Committee under suspension of the twenty-four rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6107 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

2SSB 6107 March 9, 1994

Includes "NEW ITEMS": YES

Allowing fees for services for the department of community, trade and economic development

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 6107, Allowing fees for services for the department of community, trade, and economic development, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.330 RCW to read as follows:

The department is authorized to charge reasonable fees to cover costs for conferences, workshops, and training purposes and to expend those fees for the purposes for which they were collected.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

In order to extend its services and programs, the department may charge reasonable fees for services and products provided in the areas of financial assistance, housing, international trade, community assistance, economic development, and other service delivery areas, except as otherwise provided. These fees are not intended to exceed the costs of providing the service or preparing and distributing the product.

NEW SECTION. Sec. 3. A new section is added to chapter 43.330 RCW to read as follows:

Before the fees authorized in sections 2, 12, and 22 of this act become effective the department shall:

(1) Submit the proposed schedule of fees to the office of financial management for approval on or before November 1, 1994; and

(2) Submit the fees approved by the office of financial management to the appropriate committees of the senate and house of representatives before December 1, 1994.

NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW to read as follows:

The community and economic development fee account is created in the state treasury. The department may create subaccounts as necessary. The account consists of all receipts from fees charged by the department under sections 1 and 2 of this act and RCW 43.210.110. Expenditures from the account may be used only for the purposes of this chapter. Only the director or the director's designee may authorize expenditures from the account. Expenditures from the account may be spent only after appropriation.

Sec. 5. RCW 70.95H.040 and 1991 c 319 s 206 are each amended to read as follows:

In order to carry out its responsibilities under this chapter, the center may:

(1) Receive such gifts, grants, funds, fees, and endowments, in trust or otherwise, for the use and benefit of the purposes of the center.

The center may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(2) Initiate, conduct, or contract for studies and searches relating to market development for recyclable materials, including but not limited to applied research, technology transfer, and pilot demonstration projects;

(3) Obtain and disseminate information relating to market development for recyclable materials from other state and local agencies;

(4) Enter into, amend, and terminate contracts with individuals, corporations, trade associations, and research institutions for the purposes of this chapter;

(5) Provide grants to local governments or other public institutions to further the development of recycling markets;

(6) Provide business and marketing assistance to public and private sector entities within the state; ~~(and)~~

(7) Evaluate, analyze, and make recommendations on state policies that may affect markets for recyclable materials; and

(8) Charge reasonable fees for services, products, conferences, workshops, or any other activity of the center upon any person not required to pay assessments imposed under chapter 82.18 or 82.19 RCW. The fees collected under this subsection shall be expended solely for the purposes of the center.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95H RCW to read as follows:

The clean Washington center fee account is created in the state treasury. Proceeds from fees collected by the center for services and products shall be deposited into this account. Expenditures from this account may be used only for the purposes under this chapter. Only the director or the director's designee may authorize expenditures from the account. Expenditures from the account may be spent only after appropriation.

Sec. 7. RCW 43.210.110 and 1993 sp.s. c 24 s 922, 1993 c 366 s 1, and 1993 c 280 s 57 are each reenacted and amended to read as follows:

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under RCW 43.210.100(3):

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to seventy-five percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in RCW 43.31.601. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating

export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of community, trade, and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in RCW 43.210.070 and 43.210.100 through 43.210.120; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations. The small business export finance assistance center and the project are authorized to charge reasonable fees for services and products provided and to expend the proceeds for the particular purposes for which they were collected.

(5) The small business export finance assistance center and its Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

~~((8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund. However, during the 1993-95 fiscal biennium, the receipts of the project shall be deposited into the small business export finance assistance center fund under RCW 43.210.070.))~~

NEW SECTION. Sec. 8. The fees authorized under sections 1 and 2 of this act and RCW 70.95H.040 and 43.210.110 shall be adopted by rule pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 46.70 RCW to read as follows:

(1) In addition to the requirements contained in RCW 46.70.135, each sale of a new manufactured home in this state is made with an implied warranty that the manufactured home conforms in all material aspects to applicable federal and state laws and regulations establishing standards of safety or quality, and with implied warranties of merchantability and fitness for a particular purpose as permanent housing in the climate of the state.

(2) The implied warranties contained in this section may not be waived, limited, or modified. Any provision that attempts to waive, limit, or modify the implied warranties contained in this section is void and unenforceable.

NEW SECTION. Sec. 10. A new section is added to chapter 46.70 RCW to read as follows:

Any dealer, manufacturer, or contractor who installs a manufactured home warrants that the manufactured home is installed in accordance with the state installation code, chapter 296-150B WAC. The warranty contained in this section may not be waived, limited, or modified. Any provision attempting to waive, limit, or modify the warranty contained in this section is void and unenforceable. This section does not apply when the manufactured home is installed by the purchaser of the home.

Sec. 11. RCW 46.70.135 and 1989 c 343 s 22 are each amended to read as follows:

Mobile home manufacturers and mobile home dealers who sell mobile homes to be assembled on site and used as residences in this state shall conform to the following requirements:

(1) No new manufactured home may be sold unless the purchaser is provided with a manufacturer's written warranty for construction of the home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183; 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

(2) No new manufactured home may be sold unless the purchaser is provided with a dealer's written warranty for all installation services performed by the dealer.

(3) The warranties required by subsections (1) and (2) of this section shall be valid for a minimum of one year measured from the date of ~~(sale)~~ delivery and shall not be invalidated by resale by the original purchaser to a subsequent purchaser or by the certificate of ownership being eliminated or not issued as described in chapter 65.20 RCW. Copies of the warranties shall be given to the purchaser upon signing a purchase agreement and shall include an explanation of remedies available to the purchaser under state and federal law for breach of warranty, the name and address of the federal department of housing and urban development and the state departments of licensing and labor and industries, and a brief description of the duties of these agencies concerning mobile homes.

(4) Warranty service shall be completed within forty-five days after the owner gives written notice of the defect unless there is a bona fide dispute between the parties. Warranty service for a defect affecting health or safety shall be completed within seventy-two hours of receipt of written notice. Warranty service shall be performed on site and a written work order describing labor performed and parts used shall be completed and signed by the service agent and the owner. If the owner's signature cannot be obtained, the reasons shall be described on the work order. Work orders shall be retained by the dealer or manufacturer for a period of three years.

(5) Before delivery of possession of the home to the purchaser, an inspection shall be performed by the dealer or his or her agent and by the purchaser or his or her agent which shall include a test of all systems of the home to insure proper operation, unless such systems test is delayed pursuant to this subsection. At the time of the inspection, the purchaser shall be given copies of all documents required by state or federal agencies to be supplied by the manufacturer with the home which have not previously been provided as required under subsection (3) of this section, and the dealer shall complete any required purchaser information card and forward the card to the manufacturer. A purchaser is deemed to have taken delivery of the manufactured home when all three of the following events have occurred: (a) The contractual obligations between the purchaser and the seller have been met; (b) the inspection of the home is completed; and (c) the systems test of the home has been completed subsequent to the installation of the home, or fifteen days has elapsed since the transport of the home to the site where it will be installed, whichever is earlier. Occupancy of the manufactured home shall only occur after the systems test has occurred and all required utility connections have been approved after inspection.

(6) Manufacturer and dealer advertising which states the dimensions of a home shall not include the length of the draw bar assembly in a listed dimension, and shall state the square footage of the actual floor area.

NEW SECTION. Sec. 12. A new section is added to chapter 43.330 RCW to read as follows:

The department may mediate disputes that arise regarding any warranty required in chapter 46.70 RCW pertaining to the purchase or installation of a manufactured home. The department may charge reasonable fees for this service and shall deposit the moneys collected in accordance with section 23 of this act.

Sec. 13. RCW 46.70.180 and 1993 c 175 s 3 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle ~~(said)~~ the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding ~~(said)~~ the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent acting directly or through a subsidiary to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) ~~(said)~~ the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection ~~((14)(b))~~ (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

NEW SECTION. Sec. 14. The purpose of this chapter is to ensure that all mobile and manufactured homes are installed by a certified manufactured home installer in accordance with the state installation code, chapter 296-150B WAC, in order to provide greater protections to consumers and make the warranty requirement of section 2 of this act easier to achieve.

NEW SECTION. Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authorized representative" means an employee of a state agency, city, or county acting on behalf of the department.

(2) "Certified manufactured home installer" means a person who is in the business of installing mobile or manufactured homes and who has been issued a certificate by the department as provided in this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of community, trade, and economic development.

(5) "Manufactured home" means a single-family dwelling built in accordance with the department of housing and urban development manufactured home construction and safety standards act, which is a national, preemptive building code.

(6) "Mobile or manufactured home installation" means all on-site work necessary for the installation of a manufactured home, including:

(a) Construction of the foundation system;

(b) Installation of the support piers;

(c) Required connection to foundation system and support piers;

(d) Skirting;

(e) Connections to the on-site water and sewer systems that are necessary for the normal operation of the home; and

(f) Extension of the pressure relief valve for the water heater.

(7) "Manufactured home standards" means the manufactured home construction and safety standards as promulgated by the United States department of housing and urban development (HUD).

(8) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD manufactured home construction and safety standards act.

(9) "Training course" means the education program administered by the department as a prerequisite to taking the examination for certification.

NEW SECTION. Sec. 16. After July 1, 1995, a mobile or manufactured home may not be installed without a certified manufactured home installer providing on-site supervision whenever installation work is being performed. The certified manufactured home installer is responsible for the reading, understanding, and following the manufacturer's installation instructions and performance of noncertified workers engaged in the installation of the home. There shall be at least one certified manufactured home installer on the installation site whenever installation work is being performed.

A manufactured home installer certification shall not be required for:

(1) Site preparation;

(2) Sewer and water connections outside of the building site;

(3) Specialty trades that are responsible for constructing accessory structures such as garages, carports, and decks;

(4) Pouring concrete into forms;

(5) Painting and dry wall finishing;

(6) Carpet installation;

(7) Specialty work performed within the scope of their license by licensed plumbers or electricians. This provision does not waive or lessen any state regulations related to licensing or permits required for electricians or plumbers;

(8) A mobile or manufactured home owner performing installation work on their own home; and

(9) A manufacturer's mobile home installation crew installing a mobile or manufactured home sold by the manufacturer except for the on-site supervisor.

Violation of this section is an infraction.

NEW SECTION. Sec. 17. A person desiring to be issued a certificate of manufactured home installation as provided in this chapter shall make application to the department, in such a form as required by the department.

Upon receipt of the application and evidence required in this chapter, the director shall review the information and make a determination as to whether the applicant is eligible to take the training course and examination for the certificate of manufactured home installation. An applicant must furnish written evidence of six months of experience under the direct supervision of a certified manufactured home installer, or other equivalent experience, in order to be eligible to take the training course and examination. The director shall establish reasonable rules for the training course and examinations to be given to applicants for certificates of manufactured home installation. Upon determining that the applicant is eligible to take the training course and examination, the director shall notify the applicant, indicating the time and place for taking the training course and examination.

The requirement that an applicant must be under the direct supervision of a certified manufactured home installer for six months only applies to applications made on or after July 1, 1996. For applications made before July 1, 1996, the department shall require evidence of experience to satisfy this requirement.

The director may allow other persons to take the training course and examination on manufactured home installation, without certification.

NEW SECTION. Sec. 18. The department shall prepare a written training course and examination to be administered to applicants for manufactured home installer certification. The examination shall be constructed to determine whether the applicant:

(1) Possesses general knowledge of the technical information and practical procedures that are necessary for manufactured home installation;

(2) Is familiar with the federal and state codes and administrative rules pertaining to manufactured homes; and

(3) Is familiar with the local government regulations as related to manufactured home installations.

The department shall certify the results of the examination and shall notify the applicant in writing whether the applicant has passed or failed the examination. An applicant who failed the examination may retake the training course and examination. The director may not limit the number of times that a person may take the training course and examination.

NEW SECTION. Sec. 19. (1) The department shall issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and in all other respects meet the qualifications. The certificate shall bear the date of issuance, a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the department. A renewal fee shall be assessed for each certificate. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee.

(2) The certificate of manufactured home installation provided for in this chapter grants the holder the right to engage in manufactured home installation throughout the state, without any other installer certification.

NEW SECTION. Sec. 20. Any local government mobile or manufactured home installation application and permit shall state the name and certification identification number of the certified manufactured home installer supervising such installation. A local government may not issue a permit to install a manufactured home unless: (1) The installer submits a copy of the certificate of manufactured home installation to the local government; or (2) work is being performed that does not require a certified installer. When work must be performed by a certified manufactured home installer, no work may commence until the installer or the installer's agent has posted or otherwise made available, with the inspection record card at the set-up site, a copy of the certified manufactured home installer's certificate of manufactured home installation.

NEW SECTION. Sec. 21. (1) The department may revoke a certificate of manufactured home installation upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder of the certificate is judged to be incompetent as a result of multiple infractions of the state installation code, WAC 296-150B-200 through 296-150B-255; or

(c) The holder has violated a provision of this chapter or a rule adopted to implement this chapter.

(2) Before a certificate of manufactured home installation is revoked, the holder must be given written notice of the department's intention to revoke the certificate, sent by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 22. The department shall charge reasonable fees to cover the costs to administer the certification program which shall include but not be limited to the issuance, renewal, and reinstatement of all certificates, training courses, and examinations required under this chapter. All fees collected under this chapter shall be deposited in the manufactured home installation training account created in section 23 of this act and used only for the purposes specified in this chapter.

The fees shall be limited to covering the direct cost of issuing the certificates, administering the examinations, and administering and enforcing this chapter. The costs shall include only essential travel, per diem, and administrative support costs.

NEW SECTION. Sec. 23. The manufactured home installation training account is created in the state treasury. All receipts collected under this chapter and any legislative appropriations for manufactured home installation training shall be deposited into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used for the purposes of this chapter. Unexpended and unencumbered moneys that remain in the account at the end of the fiscal year do not revert to the state general fund but remain in the account, separately accounted for, as a contingency reserve.

NEW SECTION. Sec. 24. An authorized representative may investigate alleged or apparent violations of this chapter. Upon presentation of credentials, an authorized representative, including a local government building official, may inspect sites at which manufactured home installation work is undertaken to determine whether such work is being done under the supervision of a certified manufactured home installer. Upon request of the authorized representative, a person performing manufactured home installation work shall identify the person holding the certificate issued by the department in accordance with this chapter.

NEW SECTION. Sec. 25. An authorized representative of the department may issue a notice of infraction if the person supervising the manufactured home installation work fails to produce evidence of having a certificate issued by the department in accordance with this chapter. A notice of infraction issued under this chapter shall be personally served on or sent by certified mail to the person named in the notice by the authorized representative.

NEW SECTION. Sec. 26. (1) The department shall prescribe the form of the notice of infraction issued under this chapter.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of a monetary penalty that has been established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at a hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the authorized representative who issued and served the notice of the infraction;

(g) A statement, that the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(h) A statement that refusal to sign the infraction as directed in (g) of this subsection is a misdemeanor; and

(i) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

NEW SECTION. Sec. 27. Each day in which a person engages in the installation of manufactured homes in violation of this chapter is a separate infraction. Each worksite at which a person engages in the trade of manufactured home installation in violation of this chapter is a separate infraction.

NEW SECTION. Sec. 28. It is a violation of this chapter for any contractor, manufactured home dealer, manufacturer, or home dealer's or manufacturer's agent to engage any person to install a manufactured home who is not certified in accordance with this chapter.

NEW SECTION. Sec. 29. All violations designated as an infraction shall be adjudicated in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 30. Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction.

NEW SECTION. Sec. 31. (1) A person found to have committed an infraction under this chapter shall be assessed a monetary penalty of one thousand dollars.

(2) The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be remitted as provided in chapter 3.62 RCW.

NEW SECTION. Sec. 32. The director may adopt rules in accordance with chapter 34.05 RCW, make specific decisions, orders, and rulings, include demands and findings within the decisions, orders, and rulings, and take other necessary action for the implementation and enforcement of duties under this chapter.

NEW SECTION. Sec. 33. Sections 14 through 32 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 34. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 35. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 70.95H.040, 46.70.135, and 46.70.180; reenacting and amending RCW 43.210.110; adding new sections to chapter 43.330 RCW; adding a new section to chapter 70.95H RCW; adding new sections to chapter 46.70 RCW; adding a new chapter to Title 43 RCW; creating a new section; prescribing penalties; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Skratek and Prentice; Representatives Rust, H. Myers and Van Luven

MOTION

On motion of Senator Skratek, the Senate adopted the Report of the Conference Committee on Second Substitute Senate Bill No. 6107.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6107, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6107, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Anderson, Cantu, McDonald, Morton, Roach, Schow, Sellar, Smith, L. and Williams - 10.

Absent: Senator Owen - 1.

Excused: Senators Deccio and McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6107, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9288, Mitchell S. Johnson as a member of the Wildlife Commission, was confirmed.

APPOINTMENT OF MITCHELL S. JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Owen - 1.
Excused: Senators Deccio and McCaslin - 2.

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

MESSAGE FROM THE HOUSE

March 10, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6243 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 6243 March 9, 1994

Includes "NEW ITEMS": YES

An Act relating to the capital budget

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6243, An Act relating to the capital budget, have had the same under consideration and we recommend that:

The House amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1
GENERAL GOVERNMENT

Sec. 1. 1993 sp.s. c 22 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

To purchase land ~~((for))~~, design, and construct a new ~~((higher education institution))~~ collocated community college and University of Washington branch campus (94-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property ~~((for))~~, design, and construct a new ~~((institution of higher education))~~ collocated community college and University of Washington branch campus to meet the higher education needs of the north King and south Snohomish county area ~~((A minimum of four sites shall be evaluated by the higher education coordinating board for purchase with this appropriation))~~;

(2) ~~The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management. The higher education coordinating board may obtain an option on a second site if it becomes reasonably apparent that contingencies on the first site will not be met;~~

(3) The appropriation in this section shall not be expended to purchase property unless the office of financial management has made a reasonable determination that potential storm water and flood water will not damage property or buildings to be constructed on the proposed site, result in mitigation actions that cost more than comparable property in the general area, or possess characteristics which require extraordinary environmental mitigation or engineering safeguards;

~~((3))~~ (4) The appropriation in this section shall not be expended to purchase property until a site development plan is proposed for the site that accommodates all proposed buildings outside of any potential flood plain;

~~((4))~~ (5) The legislature recognizes that additional appropriations may be required for development of the new institution in future biennia;

~~((and~~

~~((5))~~ (6) The office of financial management may consider any studies, whether or not still in progress, relevant to this appropriation; and

(7) The moneys provided in this section shall be allocated to the appropriate agencies by the office of financial management.

Appropriation:

St Bldg Constr Acct \$ ~~((4,500,000))~~

25,210,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ ~~((4,500,000))~~

25,210,000

Sec. 2. 1993 sp.s. c 22 s 110 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital budget system improvements (94-2-002)

The office of financial management shall develop standards for allowable staffing expenses attributable to capital projects and include those standards in the capital budget instructions for the 1995-97 ten-year capital plan. The standards shall:

(1) Identify the allowable expenses for construction management, administration, support, overhead, and other categories of staffing costs directly associated with planning and management of capital projects;

(2) Identify allowable expenses attributable to work performed by state employees or contracted through purchased services or personal service contracts other than those identified in subsection (1) of this section; and

(3) Identify the types of staffing expenses that are not appropriately paid from cash or bond capital project funding sources.

The office of financial management shall report to the appropriate committees of the legislature by February 10, 1995, on the amount of staffing expenses and the number of full-time equivalent employees estimated to be funded by capital appropriations during the 1993-1995 biennium.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,600,000 -----

NEW SECTION. Sec. 3. A new section is added to 1993 sp.s. c 22 to read as follows:

Watershed Restoration Partnership Program: For watershed and fish and wildlife habitat restoration

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that it has already appropriated more than \$40,000,000 in the 1993-1995 operating and capital budgets for watershed restoration and protection programs and that the federal government has also begun to invest funds in a long-term program to restore and preserve watersheds on nonstate lands in the state. The appropriations in this section shall be deposited in the watershed restoration account, which is hereby created in the state treasury. The intent of the legislature in making this appropriation, and the purposes of the watershed restoration account, are to:

(a) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the department of fish and wildlife;

(b) Avoid, to the greatest extent feasible, additional federal regulation of potentially endangered species;

(c) Provide a mechanism to accept federal funds dedicated to the state of Washington for watershed restoration;

(d) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts;

(e) Demonstrate the state's commitment to watershed restoration and protection while seeking additional federal funding; and

(f) Expedite the expenditure of funds on a scientific basis for fish stock recovery and, to that end, contracted services and other techniques for providing accelerated local construction services should be utilized.

(2) Except as provided in subsection (4) of this section, this appropriation is solely for capital projects jointly selected by the department of natural resources and fish and wildlife. Funds may be expended for directly associated planning, design and engineering for capital projects, which restore and protect priority watersheds which have been jointly identified, and selected by the department of fish and wildlife and the department of natural resources. Funds from the watershed recovery account shall be expended for projects which conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife's salmon and steelhead stock inventory. Funds expended from the watershed recovery account shall be used for specific projects and not for ongoing operational costs. Examples of the types of eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(3) Subject to the requirements of subsection (2) of this section, at least \$2,000,000 shall be allocated for local initiative grants for environmental and forest restoration projects.

(4) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature by January 1, 1995, on any expenditures made from this appropriation and a plan for future use of the moneys provided in this section. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, the integration and coordination of existing watershed and protection programs, and the possibility of submitting a referendum to the voters of the state to provide future state funding.

(5) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

Appropriation:

General Fund \$ 5,000,000
Wildlife Fund \$ 500,000
Aquatic Lands Enhancement Acct \$ 2,500,000
Water Quality Acct \$ 2,000,000

Subtotal Appropriation \$ 10,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

Sec. 4. 1993 sp.s. c 22 s 113 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highways-Licenses Building: To complete the construction to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The appropriation shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ ((18,000,000))

16,950,000

Prior Biennia (Expenditures) \$ 4,938,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((22,938,000))

21,888,000

Sec. 5. 1993 sp.s. c 22 s 122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Satellite Campus Land Acquisition: To purchase in fee simple real property for future state development in the city of Tumwater (92-5-000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for land acquisition, and shall not be expended until the office of financial management has approved a specific plan for development of the Tumwater satellite campus.

(2) Before expending any moneys from the appropriations, the department shall obtain a written agreement from the city of Tumwater, the port of Olympia, and the Tumwater school district requiring the consent of the office of financial management for any state responsibility or liability associated with general infrastructure development or facility relocation within the Tumwater campus planning area.

Reappropriation:

St Bldg Constr Acct \$ 890,000

Appropriation:

St Bldg Constr Acct \$ ((3,600,000))

3,265,046

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((4,490,000))

4,155,046

Sec. 6. 1993 sp.s. c 22 s 126 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Collocation and consolidation of state facilities: To identify the current locations of major concentrations of state facilities within the state and determine where state facilities can be collocated and consolidated **(92-5-004)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall prepare policy recommendations and cost estimates for opportunities to collocate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts.

(2) The appropriations shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

(3) The reappropriation is provided solely to complete phase one of the project, begun in the 1991-93 biennium.

(4) \$40,000 of this appropriation is provided solely for planning, negotiation, and development of collocated state facilities in Spokane, Tacoma, and Port Angeles.

(5) \$75,000 of this appropriation is provided to identify areas of the state with potential for efficiencies from collocation and consolidation of state facilities and to prepare implementation plans.

Reappropriation:

St Bldg Constr Acct \$ 105,000

Appropriation:

St Bldg Constr Acct \$ ((300,000))

415,000

Prior Biennia (Expenditures) \$ 120,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((525,000))

640,000

Sec. 7. 1993 sp.s. c 22 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus preservation (94-1-010)

Appropriation:

St Bldg Constr Acct \$ ((3,037,000))

219,000

Cap Bldg Constr Acct \$ ((388,000))

3,206,000

Subtotal Appropriation \$ 3,425,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 27,259,550

TOTAL \$ 30,684,550

Sec. 8. 1993 sp.s. c 22 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building preservation (94-1-011)

Appropriation:

((St)) Cap Bldg Constr Acct \$ 304,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 304,000

Sec. 9. 1993 sp.s. c 22 s 139 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Temple of Justice preservation (94-1-012)

Appropriation:

~~((St Bldg Constr Acct \$ 147,000))~~
Cap Bldg Constr Acct \$ ((277,000

Subtotal Appropriation \$ 424,000))

424,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 424,000

Sec. 10. 1993 sp.s. c 22 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life/safety and preservation projects **(94-1-014)**

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~The department ((shall report to the legislature by November 1, 1994, with options for the disposition of the nonstate-occupied portions of the campus after the reduction or closure of state programs)), in consultation with the local community and the office of financial management, shall develop a plan for the disposal of the property at the Northern State multi-service center and report on the plan to the fiscal committees of the legislature by December 1, 1994. In developing the plan, the department shall solicit proposals to exchange use or ownership of the facility or portions of the facility for environmental cleanup or demolition services or other consideration. The department shall also consider, in consultation with the correctional industries board of directors, the feasibility of using correctional industries for environmental cleanup and demolition.~~

(2) The appropriation shall not be spent until the office of financial management has approved a facility repair and preservation plan for the campus.

Appropriation:

CEP & RI Acct \$ 872,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 872,000

Sec. 11. 1993 sp.s. c 22 s 141 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2 preservation (94-1-015)

Appropriation:

~~((St))~~ **Cap Bldg Constr Acct \$ 250,000**
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,339,000

TOTAL \$ 2,589,000

Sec. 12. 1993 sp.s. c 22 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Employment Security Building preservation (94-1-017)

Appropriation:

~~((St))~~ **Cap Bldg Constr Acct \$ 74,000**
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 575,000

TOTAL \$ 649,000

Sec. 13. 1993 sp.s. c 22 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Lacey light industrial park acquisition (94-2-003)

Appropriation:

St Bldg Constr Acct \$ ((1,100,000))

66,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ ((18,200,000))

0

TOTAL \$ ((19,300,000))

66,000

Sec. 14. 1993 sp.s. c 22 s 157 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

State-wide preservation (93-1-008)

Appropriation:

St Bldg Constr Acct \$ ((2,518,400))

2,466,400

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 1,766,000

TOTAL \$ ((5,084,400))

5,032,400

NEW SECTION. Sec. 15. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE MILITARY DEPARTMENT

Yakima Armory predesign (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 52,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,691,000

TOTAL \$ 7,743,000

Sec. 16. 1993 sp.s. c 22 s 162 (uncodified) is amended to read as follows:

FOR THE WASHINGTON HORSE RACING COMMISSION

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;
- (2) ~~((Ne))~~ Expenditures from this appropriation ~~((may))~~ shall only be made to construct horse race or related facilities ~~((un#))~~ after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;
- (3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Appropriation:

Washington Thoroughbred

Racing Fund \$ 8,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,200,000

**PART 2
HUMAN SERVICES**

Sec. 17. 1993 sp.s. c 22 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct \$ ((5,688,000))

5,969,739

Prior Biennia (Expenditures) \$ ((4,342,000))

4,030,261

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

Sec. 18. 1993 sp.s. c 22 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Housing assistance program (88-5-015)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((The \$2,000,000))~~ \$3,000,000 of the appropriation from the state building construction account and \$3,000,000 of the appropriation from the charitable, educational, penal, and reformatory institutions account is provided to promote development of at least ((429)) 395 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall ((convene an advisory group of developmental disabilities service agencies and family members to plan implementation of)) implement this initiative in coordination with the plan for increased efficiency in community residential services developed by the division of developmental disabilities in accordance with the 1994 supplemental operating budget.

(2) \$1,000,000 of the appropriation from the charitable, educational, penal, and reformatory institutions account and \$1,000,000 of the appropriation from the state building construction account is provided solely to promote the development of safe and affordable shelters for youth. The housing assistance program shall convene an advisory group to plan and develop guidelines for the implementation of this one time initiative. The housing assistance program may require a match, which may include cash, land value, or donated labor and supplies as a condition of receipt of a grant from this appropriation. The program may establish criteria on the administrative and financial capability of an organization, including the ability to provide for the ongoing operating costs of the shelter, when selecting proposals for a grant from this appropriation. It is the intent of the legislature that this appropriation represents a one-time appropriation for youth shelters.

(3) The department of community development shall conduct a study on the feasibility of providing financial guarantees to housing authorities. The department shall submit its findings to the appropriate legislative committees by December 15, 1993.

~~((3))~~ (4) It is the intent of the legislature that, in addition to the moneys provided under subsection (1) of this section, a portion of the state building construction account appropriation be used to develop safe and affordable housing for the developmentally disabled.

Reappropriation:

St Bldg Constr Acct \$ 22,000,000

Appropriation:

St Bldg Constr Acct \$ ((34,000,000))

38,000,000

CEP & RI Acct \$ ((2,000,000))

4,000,000

Subtotal Appropriation \$ ((36,000,000))

42,000,000

Prior Biennia (Expenditures) \$ 35,449,197

Future Biennia (Projected Costs) \$ 136,000,000

TOTAL \$ ((229,449,197))

235,449,197

Sec. 19. 1993 sp.s. c 22 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency Management Building: Minor works (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 120,000

~~**((General Fund--Federal-- \$ 69,000**~~

~~Subtotal Reappropriation \$ 189,000))~~

Prior Biennia (Expenditures) \$ 97,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((286,000))

217,000

Sec. 20. 1993 sp.s. c 22 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Resource center for the handicapped: To acquire and improve the facilities in which the center currently operates **(92-5-000)**

The reappropriation in this section is subject to the following conditions and limitations: ~~((No expenditure may be made until an equal amount of nonstate moneys dedicated to the purchase of the facility have been raised))~~ Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purpose. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Reappropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

Sec. 21. 1993 sp.s. c 22 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Building for the arts-Phases 1 and 2 (92-5-100) (94-2-021)

For grants to local performing arts and art museum organizations for facility improvements or additions.

The appropriations in this section are subject to the following conditions and limitations:

(1) Grants are limited to the following projects:

Phase 1 (92-5-100)

Estimated Total State State

Capital Cost Grant Share

@ 15%

Seattle Children's Theatre \$ 8,000,000 \$ 1,200,000 15%
 Admiral Theatre (Bremerton) \$ 4,261,000 \$ 639,000 15%
 Pacific Northwest Ballet \$ 7,500,000 \$ 1,125,000 15%
 Seattle Symphony \$ 54,000,000 \$ 8,100,000 15%
 Seattle Repertory Theatre
 (Phase 1) \$ 4,000,000 \$ 600,000 15%
 Intiman Theatre \$ 800,000 \$ 120,000 15%
 Broadway Theatre District
 (Tacoma) \$ 11,800,000 \$ 1,770,000 15%
 Allied Arts of Yakima \$ 500,000 \$ 75,000 15%
 Spokane Art School \$ 454,000 \$ 68,000 15%
 Seattle Art Museum \$ 4,862,500 \$ 729,000 15%

Total \$ 96,177,500 \$ 14,426,000

Phase 2 (94-2-021)

Estimated Total State State
 Capital Cost Grant Share
 @ 15%

Bainbridge Performing
 Arts Center \$ 1,200,000 \$ 180,000 15%
 The Children's Museum \$ 2,850,000 \$ 427,500 15%
 Everett Community Theatre \$ 12,119,063 \$ 1,817,859 15%
 Kirkland Center for
 the Performing Arts \$ 2,500,000 \$ 375,000 15%
 Makah Cultural and
 Research Center \$ 1,600,000 \$ 240,000 15%
 Mount Baker Theatre Center \$ 1,581,000 \$ 237,150 15%
 Seattle Group Theatre \$ 334,751 \$ 50,213 15%
 Seattle Opera Association \$ 985,000 \$ 147,750 15%
 Seattle Repertory Theatre
 (Phase 2) \$ 4,000,000 \$ 600,000 15%
 Tacoma Little Theatre \$ 1,250,000 \$ 187,500 15%
 Valley Museum of Northwest
 Art \$ 1,100,000 \$ 165,000 15%
 Village Theatre \$ 6,000,000 \$ 900,000 15%
 The Washington Center
 for the Performing Arts \$ 400,000 \$ 60,000 15%
 Whidbey Island Center
 for the Arts \$ 1,200,000 \$ 180,000 15%

Total \$ ~~((38,119,814))~~ \$ 5,567,972
37,119,814

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1995-97 capital budget. The list shall result from a competitive grants program developed by the department providing for:

(a) A maximum state funding amount of \$4 million in the 1995-97 biennium for new projects not previously authorized by the legislature.

Maximum state grant awards shall be limited to fifteen percent of the total cost of each qualified project;

(b) Uniform criteria for the selection of projects and awarding of grants. The criteria shall address, at a minimum: The administrative and financial capability of the organization to complete and operate the project; local community support for the project; the contribution the project makes to the diversity of performing arts, museum, and cultural organizations operating in the state; and the geographic distribution of projects; and

(c) A process to provide information describing application procedures to performing arts, museum, and cultural organizations state-wide.

The department may consult with and utilize existing arts organizations to assist with developing the grant criteria and administering the grant program.

Reappropriation:

St Bldg Constr Acct \$ 9,475,000

Appropriation:

St Bldg Constr Acct \$ 5,961,086

Prior Biennia (Expenditures) \$ 1,773,900

Future Biennia (Projected Costs) \$ 2,783,986

TOTAL \$ 19,993,972

NEW SECTION. Sec. 22. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern Washington Psychiatric Triage Unit

The appropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-1997 biennium; and (2) the state's investment shall be promptly repaid if the facility is ever converted to a use other than psychiatric care for publicly assisted individuals.

Appropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 23. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: To improve the security of the mentally ill offender unit

Appropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

Sec. 24. 1993 sp.s. c 22 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Construct a 64-bed, level one security facility (92-2-225)

The appropriations in this section shall not be expended until the capital project review requirements of section 1015, chapter 22, Laws of 1993 sp.s. have been met.

Reappropriation:

St Bldg Constr Acct \$ 6,215,800

Appropriation:

St Bldg Constr Acct \$ 785,600

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((6,745,800))

7,501,400

Sec. 25. 1993 sp.s. c 22 s 279 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Eagle Lodge Replacement (94-1-204)

Appropriation:

St Bldg Constr Acct \$ 2,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000

NEW SECTION. **Sec. 26.** A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Eagle Lodge Rehabilitation (94-1-210)

Appropriation:

St Bldg Constr Acct \$ 282,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000

Sec. 27. 1993 sp.s. c 22 s 280 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School Repairs (94-1-501)

The appropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Appropriation:

St Bldg Constr Acct \$ 240,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000

NEW SECTION. **Sec. 28.** A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Fire Safety and Sewer Improvements (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 470,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000

Sec. 29. 1993 sp.s. c 22 s 282 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Laboratory expansion, phase 2 (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 780,000

Appropriation:

St Bldg Constr Acct \$ ((12,583,468))

112,517

Prior Biennia (Expenditures) \$ 420,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((13,783,468))

1,312,517

NEW SECTION. Sec. 30. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF HEALTH

Ground water monitoring pilot project: To test public drinking water systems for organic and inorganic chemicals

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to implement Substitute House Bill No. 2616. If Substitute House Bill No. 2616 is not enacted by June 30, 1994, the appropriation in this section shall lapse.

(2) The local toxics control account shall be reimbursed by June 30, 1995, by fees sufficient to cover the cost of the program in accordance with the provisions of Substitute House Bill No. 2616 and RCW 43.20B.020.

Appropriation:

Local Toxics Control Acct \$ 2,060,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,060,000

NEW SECTION. Sec. 31. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Heating System Upgrade (94-1-300)

Appropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 32. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Roosevelt Hall Sprinkler Installation (94-1-301)

Appropriation:

CEP & RI Acct \$ 70,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

NEW SECTION. Sec. 33. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Laundry Room Improvements (94-1-302)

Appropriation:

CEP & RI Acct \$ 90,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,000

Sec. 34. 1993 sp.s. c 22 s 285 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Complete facility improvements on building nine at ((Soldiers')) Veterans' Home (90-1-009)

Reappropriation:

CEP & RI Acct \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

Sec. 35. 1993 sp.s. c 22 s 286 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor works at ((veterans' homes)) Soldiers' Home (92-2-008)

Reappropriation:

CEP & RI Acct \$ 30,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

Sec. 36. 1993 sp.s. c 22 s 290 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair mechanical, electrical, and heating, ventilation, and air conditioning systems at Soldiers' Home (94-1-100)

Appropriation:

~~((CEP & RI Acct))~~
St Bldg Constr Acct \$ 837,057
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,821,835

TOTAL \$ 2,658,892

Sec. 37. 1993 sp.s. c 22 s 294 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair mechanical, electrical and heating, ventilation, and air conditioning systems at Veterans' Home (94-1-200)

Appropriation:

~~((CEP & RI Acct))~~
St Bldg Constr Acct \$ 1,246,611
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 726,722

TOTAL \$ 1,973,333

Sec. 38. 1993 sp.s. c 22 s 299 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

To make regulatory and code compliance improvements for the preservation of correctional facilities (94-1-001)

Up to \$230,000 may be used for improvements to Indian Ridge correctional camp in preparation for transfer of the facility to the division of juvenile rehabilitation. After the transfer of the facility, the department of natural resources shall continue to ensure that substantially the same fire protection services are provided to the region at least through the 1994 fire season.

Reappropriation:

St Bldg Constr Acct \$ 4,390,000
CEP & RI Acct \$ 300,000

Subtotal Reappropriation \$ 4,690,000

Appropriation:

St Bldg Constr Acct \$ 10,736,573
CEP & RI Acct \$ 1,225,953

Subtotal Appropriation \$ 11,962,526
Prior Biennia (Expenditures) \$ 25,863,968
Future Biennia (Projected Costs) \$ 61,726,068

TOTAL \$ 104,242,562

Sec. 39. 1993 sp.s. c 22 s 300 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

To make small repairs and improvements to correctional facilities (94-1-002)

((The reappropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by December 1, 1994, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct \$ 10,650,000

Appropriation:

St Bldg Constr Acct \$ 9,697,577
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 44,652,002

TOTAL \$ 64,999,579

Sec. 40. 1993 sp.s. c 22 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

To repair internal building systems for the preservation of correctional facilities (94-1-004)

At least \$63,000 from the state building construction account appropriation shall be used for improvements to the Indian Ridge correctional camp in preparation for transfer of the facility to the division of juvenile rehabilitation. To ensure the efficient and timely completion of these improvements, the department shall use correctional industries and inmate labor to the greatest extent possible.

Appropriation:

St Bldg Constr Acct \$ 8,779,445
CEP & RI Acct \$ 431,568

Subtotal Appropriation \$ 9,211,013

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 65,561,403

TOTAL \$ 74,772,416

Sec. 41. 1993 sp.s. c 22 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

~~((Underground storage tanks)) Asbestos allocation (90-1-001)~~

~~((That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by December 1, 1994, the reappropriation shall lapse.~~

Reappropriation:

St Bldg Constr Acct \$ 256,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,500

Sec. 42. 1993 sp.s. c 22 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

For state-wide repairs and improvements (94-2-002)

((The reappropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.)) If the projects funded from the reappropriation in this section are not substantially complete by March 1, 1995, the reappropriation shall lapse.

Of the appropriation in this section:

(1) \$753,000 is provided for correctional industry storage and yard projects at the Washington State Reformatory; and

(2) \$727,000 is provided for conversion of program space at Cedar Creek Corrections Center, completion of an intake-discharge unit and motor pool at the Clallam Bay Corrections Center, and conversion of the Eleanor Chase House into a work-release facility.

Reappropriation:

St Bldg Constr Acct \$ 9,742,000

Appropriation:

St Bldg Constr Acct \$ ((17,767,557))

16,505,489

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 110,387,730

TOTAL \$ 137,897,287))

136,635,219

NEW SECTION. Sec. 43. A new section is added to 1993 sp.s. c 22 to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Pre-design Yakima Prerelease Facility and Implement Sewer Improvements (94-2-017)

Appropriation:

St Bldg Constr Acct \$ 240,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000

PART 3

NATURAL RESOURCES

Sec. 44. 1993 sp.s. c 22 s 401 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ENERGY OFFICE

Energy partnerships: Planning, development, and contract review of cogeneration projects, and development and financing of conservation capital projects, for schools and state agencies **(92-1-003) (92-1-004) (94-1-002)**

((The reappropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the energy efficiency construction account reappropriation is provided solely for financing conservation capital projects for schools under chapter 39.35C RCW.))

Reappropriation:

St Bldg Constr Acct \$ 358,000

Energy Eff Constr Acct \$ ((3,000,000))

1,000,000

Subtotal ((Appropriation))

Reappropriation \$ ((3,358,000))

1,358,000

Prior Biennia (Expenditures) \$ ((620,424))

Future Biennia (Projected Costs) \$ 0

0

TOTAL \$ ((3,978,424))

1,358,000

Sec. 45. 1993 sp.s. c 22 s 403 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

\$2,500,000 of the state and local improvements revolving account is provided solely for funding the state's cost share in the water conservation demonstration project - Yakima river reregulating reservoir.

Reappropriation:

LIRA, Water Sup Fac \$ 11,300,000

Prior Biennia (Expenditures) \$ 57,081,346

Future Biennia (Projected Costs) \$ 13,824,661

TOTAL \$ 82,206,007

NEW SECTION. **Sec. 46.** 1993 sp.s. c 22 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund: Water Quality Account (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both subsections (1) and (2) of this section.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities that control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department. However, for fiscal year 1995, the department shall give priority consideration under this subsection (2)(e) to those eligible projects which assist local governments in establishing on-site septic system technical assistance programs to inform owners of the benefits of proper operation and maintenance of such systems. No part of such sums provided for septic system technical assistance may be used by a local government to support inspection of systems or for the enforcement of regulatory requirements regarding on-site septic systems.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(4) The department shall develop and implement a strategy for increasing the percentage of loans from the centennial clean water program.

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

**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1994 FIRST SPECIAL SESSION
FIFTY-THIRD LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 11, 1994

The Senate was called to order at 10:00 a.m. by Senator Sid Snyder. The Secretary called the roll and announced to Senator Snyder that all Senators were present except Senators Armondson, Cantu, Deccio, Drew, Ludwig, McCaslin, Skratek, Adam Smith, Sutherland, Winsley and Wojahn. On motion of Senator Fraser, Senator Wojahn was excused. On motion of Senator Oke, Senators Armondson, Cantu, Deccio, McCaslin and Winsley were excused. On motion of Senator Loveland, Senator Skratek was excused.

The Color Guard, consisting of Pages Alissa Niemi and Jennifer McKibben, presented the Colors. Jim Cammack of the Baha'i Assembly of Thurston County, offered the prayer.

MOTION

At 10:07 a.m., on motion of Senator Spanel, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:44 p.m. by President Pritchard.

**MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

March 8, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phyllis Kenney, appointed March 8, 1994, for a term ending December 30, 1998, as a member of the Board of Trustees, for South and North Seattle Community Colleges, District No. 6.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 8, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Girard Clark, appointed March 8, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees, for Spokane and Spokane Falls Community Colleges, District No. 17.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT**

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9419, Sally J. van Niel, as a member of the Fish and Wildlife Commission, was confirmed.

APPOINTMENT OF SALLY J. van NIEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 4; Excused, 7.

Voting yea: Senators Anderson, Bauer, Bluechel, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, L., Snyder, Spanel, Talmadge, Vognild, West and Williams - 38.

Absent: Senators Drew, Ludwig, Smith, A. and Sutherland - 4.

Excused: Senators Amondson, Cantu, Deccio, McCaslin, Skratek, Winsley and Wojahn - 7.

MOTIONS

At 1:52 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 3:53 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 1994

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4438, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4438 by Representative Peery

Reintroducing bills for 1994 first special session.

WHEREAS, Bills, joint resolutions, joint memorials, and concurrent resolutions introduced at the 1994 regular session of the Fifty-third Legislature may require that they be considered at the 1994 first special session of the Fifty-third Legislature; and

WHEREAS, The public interest requires that the business of the 1994 first special session of the Fifty-third Legislature be considered and acted upon as efficiently and expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, the Senate concurring, That all bills not in conference on adjournment SINE DIE of the 1994 regular session, joint resolutions, joint memorials, and concurrent resolutions introduced in the 1994 regular session of the Fifty-third Legislature are reintroduced in the house in which they originated and shall retain the same number and be given the highest legislative status that they attained in the original house as shown by the official House of Representatives and Senate dockets upon the adjournment SINE DIE of the regular session; and

BE IT FURTHER RESOLVED, That House of Representatives bills in conference on adjournment SINE DIE of the 1994 regular session for which a conference report has been distributed to the desks of both House of Representatives and Senate members for at least twenty-four hours prior to convening of the special session shall be reintroduced in conference status in the Senate and be eligible for adoption of the conference report, and, if the Senate adopts the conference report and passes the bill on final passage, shall be reintroduced in the House of Representatives eligible for adoption of the conference report and final passage; and

BE IT FURTHER RESOLVED, That Senate bills in conference on adjournment SINE DIE of the 1994 regular session for which a conference report has been distributed to the desks of both House of Representatives and Senate members for at least twenty-four hours prior to convening of the special session shall be reintroduced in that status in the House of Representatives and be eligible for adoption of the conference report, and, if the House of Representatives adopts the conference report and passes the bill on final passage, shall be reintroduced in the Senate in conference status and be eligible for adoption of the conference report and final passage; and

BE IT FURTHER RESOLVED, That House of Representatives bills in conference on adjournment SINE DIE of the 1994 regular session for which a conference report has not been distributed to the desks of both House of Representatives and Senate members for at least twenty-four hours prior to convening of the special session shall be reintroduced in conference status in the Senate, and, if the Senate adopts a conference report and passes the bill on final passage, shall be reintroduced in conference status in the House of Representatives; and

BE IT FURTHER RESOLVED, That Senate bills in conference on adjournment SINE DIE of the 1994 regular session for which a conference report has not been distributed to the desks of both House of Representatives and Senate members for at least twenty-four hours prior to convening of the special session shall be reintroduced in conference status in the House of Representatives, and, if the House of Representatives adopts a conference report and passes the bill on final passage, shall be reintroduced in conference status in the Senate; and

BE IT FURTHER RESOLVED, That no bill shall be transmitted to the governor unless during this first special session the bill has passed both houses on final passage.

MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4438 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4438 by Representative Peery

Reintroducing bills for 1994 first special session.

The concurrent resolution was read the second time.

MOTION

Senator Gaspard moved that the rules be suspended and House Concurrent Resolution No. 4438 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

POINT OF INQUIRY

Senator Nelson: "Senator Gaspard, we have before us House Concurrent Resolution No. 4438 that now has the bills in dispute, those that were in Conference Committees, being retained by the opposite house. So, in the case of all House Bills that were in Conference Committees, we now are retaining them in the Senate and the reverse being true, all Senate Bills that were in conference, are being retained by the House and not moving back to their houses of origination. To your knowledge, is this the first time in the history of the state of Washington that we have adopted such a resolution to essentially hold bills in the opposite house?"

Senator Gaspard: "Senator Nelson, I can't answer if this is precedent setting or not, but certainly under the Constitution where we can establish our own rules of order, we certainly have the ability to do this. This allows us to expedite this session and bring the Conference Committee Reports to the action where they were as we adjourned Sine Die last night."

Senator Nelson: "Well, Senator Gaspard, just to continue that for just a moment, would it not be possible then with the precedent such as this that in the case of the long session of the Washington State Legislature, the one hundred-five day session, that we could pass such a House Concurrent Resolution and maintain all bills in the opposite house throughout the entire interim and at the time we came back for the sixty day session, they would still be alive in the opposite house, is that not correct?"

Senator Gaspard: "No, I don't believe that to be correct, Senator Nelson. As a matter of fact, I would not support that effort if that were to be the case."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Maybe to help clarify a little bit, I couldn't say positively, but I do think in the past that we have used this procedure. It would meet the criteria that was established by an Attorney General's opinion in 1965, when he was asked whether we could hold bills over from the 1965 session--that was when we had the redistricting and the Legislature was under a court order and couldn't do anything else and they passed redistricting on the forty-seventh day. Of course, they couldn't get them through. In those days, they used to reintroduce all the bills when the special session started and the Attorney General's opinion said, 'Yes, they could hold them over from one session to the next, as long as they passed both houses during the same session.' I think by holding them over in Conference Committees, they will--if they do--they will pass both houses and will meet that criteria, so I think we are on safe grounds."

MOTION

On motion of Senator Talmadge, the remarks by Senator Snyder on House Concurrent Resolution No. 4438 were to be spread upon the Journal.

The President declared the question before the Senate to be the motion by Senator Gaspard to suspend the rules and advance House Concurrent Resolution No. 4438 to third reading and final passage.

The motion by Senator Gaspard carried and House Concurrent Resolution No. 4438 was advanced to third reading and final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4438.

HOUSE CONCURRENT RESOLUTION NO. 4438 was adopted by voice vote.

MOTION

On motion of Senator Spanel, the Rules Committee was relieved of further consideration of Engrossed Second Substitute Senate Bill No. 6291 and the bill was placed on the third reading calendar.

On motion of Senator Spanel, the Rules Committee was relieved of further consideration of Engrossed Substitute Senate Bill No. 6608 and the bill was placed on the third reading calendar.

PARLIAMENTARY INQUIRY

Senator Nelson: "A point of parliamentary inquiry, on House Concurrent Resolution No. 4438, I note that it has been adopted for the 1994 Regular Session. Does this mean that's effective only during the first sixty days of the 1994 session?"

REPLY BY THE PRESIDENT

President Pritchard: "They didn't have time in the Code Reviser's to change that. They took the heading and put that on and I think you can understand what can happen there."

There being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 4:16 p.m. by President Pritchard.

CONFERENCE COMMITTEE REPORT

E2SHB 2319 March 9, 1994

Includes "NEW ITEMS": YES

Enacting programs to reduce violence

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319, Enacting programs to reduce violence, have had the same under consideration and we recommend that:

EDITOR'S NOTE: See Report of Conference Committee on Engrossed Second Substitute House Bill No. 2319 and the Conference Committee recommendations on the sixtieth day of the 1994 Regular Session.

MOTION

Senator Talmadge moved that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 2319 be adopted.

POINT OF INQUIRY

Senator Hargrove: "Senator Smith, can the current law, which provides for the forfeiture of a firearm, be used to enforce the open carry provision contained in Section 405 of the Conference Report?"

Senator Adam Smith: "No, the forfeiture of firearms statute, RCW 9.41.098, allows the forfeiture when two elements are present: One, there has been no crime, and two, a firearm was used or displayed in the commission of the crime.

"The forfeiture provisions would not apply to the crime of illegally displaying a firearm because the statute contemplates the independent use of a firearm to facilitate the offense. The new open carry provision contained in Section 405 contains no underlying offense and, therefore, the two necessary elements required by the forfeiture law are merged into one element."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 2319 be adopted.

The motion by Senator Talmadge carried and the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 2319 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2319, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2319, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, Hochstatter, Loveland, Ludwig, McDonald, Morton, Nelson, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, L., West, Williams and Winsley - 20.

Excused: Senators Deccio, McCaslin and Skratek - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Engrossed Second Substitute House Bill No. 2319, as recommended by the Conference Committee, was immediately transmitted to the House of Representatives.

At 4:22 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 4:54 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6291, by Senate Committee on Ways and Means (originally sponsored by Senators M. Rasmussen, Prince, McCaslin, Bauer, Winsley and Newhouse)

Affecting the processing of water rights.

MOTIONS

On motion of Senator Rasmussen, the rules were suspended and Engrossed Second Substitute Senate Bill No. 6291 was returned to second reading and read the second time.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Newhouse was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of chapter . . . , Laws of 1994 (this act) is to make changes to the water right permitting process and to provide sufficient funds to catch up on the backlog of water right applications in as short a period as possible.

In furtherance of this purpose, the department shall expedite to the maximum extent possible the processing of water right applications, consistent with RCW 90.03.290, in areas where there are no known shortages of water. In areas where there is a known shortage of water, the department may act promptly to deny the water right applications.

NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

In furtherance of the purpose of chapter . . . , Laws of 1994 (this act) to more expeditiously make decisions regarding water right applications as stated in section 1, chapter . . . , Laws of 1994 (section 1 of this act), the legislature finds that the administering agency will be better enabled to make decisions and be better able to assure conditions placed on permits and certificates are complied with if procedures for the regulation of waters and water rights are clearly established. The purpose of this section is to set forth the powers of the department to regulate the withdrawal or diversion of public waters and water or water rights related thereto including regulation based on dates of priority or other pertinent factors. Regulatory actions taken under this section shall be based on examination and determination by the department or the court, as applicable, of the various water rights involved according to the department's records and other records and pertinent facts. The powers set forth in this section may be exercised whether or not a general adjudication relating to the water rights involved has been conducted.

(1) In a regulatory situation (a) where each water right proposed for regulation by the department, as well as each right of a senior priority that the proposed regulation is designed to protect, is or are embodied in a certificate or certificates issued under RCW 90.03.240, 90.03.330, 90.38.040, 90.42.040, or 90.44.060 or a permit or permits issued pursuant to RCW 90.03.290 or 90.44.060; or (b) where a flow or level has been established by rule pursuant to chapter 90.22 or 90.54 RCW; or (c) where it appears to the department that public waters are being withdrawn without any right or other appropriate authority whatsoever, the department in its discretion may regulate the right or rights under either RCW 43.27A.190 or subsection (2) of this section.

(2) The department may bring action in superior court for such remedies as it may deem necessary, including injunctive or other equitable relief, under the following situations: (a) When authorized in a regulatory situation under subsection (1) of this section; or (b) in a regulatory situation where one or more of the water rights proposed for regulation by the department, or one or more of the water rights of a senior priority that the proposed regulation is designed to protect, is not or are not embodied in a certificate or permit as described in subsection (1)(a) of this section. For purposes of regulatory situations covered under (b) of this subsection, court action under this subsection constitutes the department's sole and exclusive method of regulation. Action brought under this subsection shall be initiated in the superior court of the county where the point or points of diversion of the water right or rights proposed for regulation are located. If the points of diversion are located in more than one county, the department may bring the action in a county where a point of diversion is located.

(3) Nothing in this section authorizes the department to accomplish a general adjudication of water rights proceeding or the substantial equivalent of a general adjudication of water rights. The exclusive procedure for accomplishing a general adjudication of water rights is under RCW 90.03.110 through 90.03.245 or 90.44.220.

(4) Nothing in this section shall have an impact on RCW 90.14.130 or 90.14.200.

(5) This section does not in any way modify regulatory powers previously placed with the department except as provided in subsections (1) and (2) of this section.

Sec. 3. RCW 90.03.340 and 1987 c 109 s 90 are each amended to read as follows:

After January 1, 1995, the priority date of the right acquired by appropriation ((shall relate back to)) is the date ((of filing of)) the ((original)) completed application form for the right is filed with the department. For the purposes of this section and RCW 90.03.270, a completed application form is one that contains all of the information requested on the form and is accompanied by the application fee.

Sec. 4. RCW 90.03.270 and 1987 c 109 s 85 are each amended to read as follows:

Upon receipt of ((~~an~~)) a completed water right application form, it shall be the duty of the department to ((make an endorsement thereon of the)) date ((of its receipt,)) stamp and ((to)) keep a record of ((same)) ~~it~~. If ((upon examination,)) an application form is filed with the department but the information requested on the application form is ((found to be defective,)) not complete or the form is not accompanied by the proper application fee, the form and any application fee filed with it shall be returned to the applicant ((for correction or completion,)) and the date and the reasons for the return thereof shall be ((endorsed thereon and made a record in his office. No application shall lose its priority of filing on account of such defects, provided acceptable maps, drawings and such data as is required by the department shall be filed with the department within such reasonable time as it shall require)) noted in the department's records and in a letter returning the form. The department may not require an applicant to provide information in support of an application for a water right permit that is not necessary for the department's investigations, determinations, or findings regarding that particular application.

Sec. 5. RCW 90.03.280 and 1988 c 36 s 65 are each amended to read as follows:

Upon receipt of a ((proper)) completed application, the department shall instruct the applicant to publish notice ((thereof)) in a form and within a time prescribed by ((him)) the department in a newspaper of general circulation published in the county or counties in which the storage, diversion or withdrawal, and use is to be made, and in such other newspapers as ((he)) the department may direct, once a week for two consecutive weeks. The notice shall include information pertinent to the proposed appropriation, including the location, the source, the purpose or purposes of use, and the quantity proposed to be diverted or withdrawn. The notice shall state that persons wishing to protest the proposed application must do so in writing to the department within thirty days of the last date of publication of the notice. In order to be considered by the department, a protest must be received by the department within thirty days of the last date of publication of the notice. Upon receipt by the department of an application it shall send notice thereof containing pertinent information to ((the director of fisheries and)) the director of fish and wildlife.

NEW SECTION. Sec. 6. A new section is added to chapter 43.21B RCW to read as follows:

In a proceeding before the pollution control hearings board challenging a decision of the department related to the issuance, conditioning, transfer, amendment, or denial of a water right permit under Title 90 RCW, the burden of proof is on the person filing the appeal.

NEW SECTION. Sec. 7. A new section is added to chapter 43.21B RCW to read as follows:

Only a person with standing as defined in RCW 34.05.530 may appeal to the pollution control hearings board a decision of the department to issue, condition, transfer, amend, or deny a water right under Title 90 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 43.21B RCW to read as follows:

One member of the pollution control hearings board may hear and render a decision on an appeal from a water right applicant regarding the nature and extent of the information needed to make determinations regarding the application for or the processing of a water right permit.

NEW SECTION. Sec. 9. A new section is added to chapter 90.03 RCW to read as follows:

A water right applicant may appeal to the pollution control hearings board a determination by the department regarding the nature and extent of the information needed to make determinations regarding the application for or the processing of a water right permit.

NEW SECTION. Sec. 10. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall develop a general permit system for appropriating water for nonconsumptive, nonbypass uses and a general permit system for appropriating marine waters for use on upland sites. These systems shall be designed and used to streamline the consideration of applications for nonconsumptive, nonbypass water uses and marine water uses that by their nature do not raise issues regarding water availability or the impairment of other water rights. The evaluation and report required for an application under RCW 90.03.290 are not required for applications processed under the general permit system. For the purposes of this section:

(a) "Nonconsumptive, nonbypass use" means a use of water in which water is diverted from a stream or withdrawn from an aquifer and following its use is discharged, as determined by the department, back to or very near the point of diversion or withdrawal without diminishment in quantity or quality and with little or no damage to fish habitat;

(b) "Without diminishment of quality" means that, before being discharged back to its source, the water being discharged meets state water quality standards adopted under chapter 90.48 RCW; and

(c) "Marine waters" means the coastal saline waters under the jurisdiction of the state.

(2) The department shall establish the general permit systems by adopting rules in accordance with chapter 34.05 RCW. Before the adoption of rules for a system, at least four public hearings must be held at various locations around the state. The hearings on the general permit system for marine water use must be held in appropriate coastal communities. The rules shall identify criteria for proposed uses of water for which applications might be processed under each system and shall establish procedures for filing and processing applications under the general permit systems.

NEW SECTION. Sec. 11. A new section is added to chapter 90.03 RCW to read as follows:

An application for appropriating water under a general permit system established under section 10 of this act shall be made on a form adopted and provided by the department. Within sixty days of the publication of a notice for the application in accordance with RCW 90.03.280, the department shall determine whether the proposed use is eligible to be processed under the general permit system. If the department determines that the proposed use is eligible to be processed under the system, the application shall be processed under it. If the department determines that the proposed use is not eligible for the processing, the department shall explain to the applicant in writing the reasons for its determination. For a proposed use determined ineligible for the processing, if the department finds that the information contained on the application form substantially satisfies the information requirements for an application for a use that would normally be filed for processing the application outside of the general permit system, the department shall notify the applicant of its finding and shall process the application as if it were filed for processing outside of the system. If the department finds that the information does not substantially satisfy the requirements, the application shall be considered to be incomplete for the processing and the applicant shall be notified of this consideration.

Sec. 12. RCW 90.03.290 and 1988 c 36 s 66 are each amended to read as follows:

(1) When ((~~an~~)) a completed application complying with the provisions of this chapter and with the rules ((and regulations)) of the department has been filed, the ((same)) application shall be placed on record with the department, and it shall be ((its)) the department's duty to ((investigate the application, and)) determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied.

The department shall investigate the application. It is the duty of the applicant to provide a completed application form. In addition to providing the information requested on the form, however, the applicant shall also provide such information as may be required for the department's investigation, determinations, and findings regarding the application and may provide additional information. The information provided by the applicant must satisfy the protocols, that is, study plans and criteria, established by the department for obtaining and providing the information. If an applicant provides the information and the protocols set by the department for obtaining and providing it have been satisfied, the department shall review the information and may take actions to verify that the information is accurate, but it may not, except to replace inaccurate information, take actions that would constitute obtaining major portions of the information anew.

(2) With regard to an application:

(a) If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation.

(b) If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public.

(3) If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit.

(4) The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify ~~((both the director of fisheries and))~~ the director of fish and wildlife and affected federally recognized Indian tribes of such issuance.

Sec. 13. RCW 90.03.320 and 1987 c 109 s 67 are each amended to read as follows:

(1) Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the department, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the department. The department, in fixing the time for the commencement of the work, or for the completion thereof and the application of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public interests affected: and, for good cause shown, it shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected.

(2) For the purposes of this section, "good cause" includes but is not limited to the following circumstances that prevent work completion within the prescribed period:

- (a) Active service in the armed forces of the United States during a military crisis;
- (b) Nonvoluntary service in the armed forces of the United States;
- (c) The operation of legal proceedings;
- (d) Delays in securing other permits necessary to proceed with the development;
- (e) A single transfer in ownership of the property;
- (f) Implementation of water efficiency measures, including conservation and reclaimed water use;
- (g) Encountering unanticipated physical impediments to construction; and
- (h) Encountering generally depressed economic conditions.

(3) If the terms of the permit or extension thereof ~~(,) are not complied with,~~ the department shall give notice by ~~((registered))~~ certified mail that ~~((such))~~ the permit will be canceled unless the ~~((holders thereof shall))~~ permittee shows cause within sixty days why the ~~((same))~~ permit should not be ~~((so))~~ canceled. If cause ~~((be))~~ is not shown, ~~((said))~~ the permit shall be canceled.

Sec. 14. RCW 90.03.260 and 1987 c 109 s 84 are each amended to read as follows:

~~((Each application for permit to appropriate water shall set forth the name and post office address of the applicant, the source of water supply, the nature and amount of the proposed use, the time during which water will be required each year, the location and description of the proposed ditch, canal, or other work, the time within which the completion of the construction and the time for the complete application of the water to the proposed use. If for agricultural purposes, it shall give the legal subdivision of the land and the acreage to be irrigated, as near as may be, and the amount of water expressed in acre feet to be supplied per season. If for power purposes, it shall give the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the uses to which the power is to be applied. If for construction of a reservoir, it shall give the height of the dam, the capacity of the reservoir, and the uses to be made of the impounded waters. If for municipal water supply, it shall give the present population to be served, and, as near as may be, the future requirement of the municipality. If for mining purposes, it shall give the nature of the mines to be served and the method of supplying and utilizing the water; also their location by legal subdivisions. All applications shall be accompanied by such maps and drawings, in duplicate, and such other data, as may be required by the department, and such accompanying data shall be considered as a part of the application.))~~ The department shall adopt rules in accordance with chapter 34.05 RCW by January 1, 1995, that specify the contents of completed water right application forms. The rules shall include specific timelines for the department to follow in making a determination as to whether an application is complete and notifying the applicant of its determination. The rules shall also identify the kinds of inaccuracies that render an application incomplete.

Sec. 15. RCW 90.44.060 and 1987 c 109 s 109 are each amended to read as follows:

Applications for permits for appropriation of underground water shall be made in the same form and manner provided in RCW 90.03.250 through 90.03.340, as amended, the provisions of which sections are hereby extended to govern and to apply to ground water, or ground water right certificates and to all permits that shall be issued pursuant to such applications, and the rights to the withdrawal of ground water acquired thereby shall be governed by RCW 90.03.250 through 90.03.340, inclusive ~~(:- PROVIDED, That each application to withdraw public ground water by means of a well or wells shall set forth the following additional information: (1) the name and post office address of the applicant; (2) the name and post office address of the owner of the land on which such well or wells or works will be located; (3) the location of the proposed well or wells or other works for the proposed withdrawal; (4) the ground water area, sub-area, or zone from which withdrawal is proposed, provided the department has designated such area, sub-area, or zone in accord with RCW 90.44.130; (5) the amount of water proposed to be withdrawn, in gallons a minute and in acre feet a year, or millions of gallons a year; (6) the depth and type of construction proposed for the well or wells or other works: AND PROVIDED FURTHER, That))~~. The department shall adopt rules in accordance with chapter 34.05 RCW by January 1, 1995, that specify the contents of completed water right application forms. The rules shall include specific timelines for the department to follow in making a determination as to whether an application is complete and notifying the applicant of its determination. The rules shall also identify the kinds of inaccuracies that render an application incomplete. Any permit issued pursuant to an application for constructing a well or wells to withdraw public ground water may specify an approved type and manner of construction for the purposes of preventing waste of said public waters and of conserving their head.

Sec. 16. RCW 90.03.250 and 1987 c 109 s 83 are each amended to read as follows:

Any person, municipal corporation, firm, irrigation district, association, corporation or water users' association hereafter desiring to appropriate water for a beneficial use shall make an application to the department for a permit to make such appropriation, and shall not use or divert such waters until he has received a permit from the department as in this chapter provided. The construction of any ditch, canal or works, or performing any work in connection with said construction or appropriation, or the use of any waters, shall not be an appropriation of such water nor an act for the purpose of appropriating water unless a permit to make said appropriation has first been granted by the department: PROVIDED, That a

temporary permit may be granted upon a proper showing made to the department to be valid only during the pendency of such application for a permit unless sooner revoked by the department: PROVIDED, FURTHER, That nothing in this chapter contained shall be deemed to affect RCW 90.40.010 through 90.40.080 except that the notice and certificate therein provided for in RCW 90.40.030 shall be addressed to the department, and the department shall exercise the powers and perform the duties prescribed by RCW 90.40.030.

The department shall encourage the filing of a consolidated application for a complex project under a single ownership that proposes to divert or withdraw water from more than one source, including a combination of surface and ground water sources. The filing of a consolidated application for transfer or change of one or more water rights involving multiple sources shall also be encouraged if all of the affected diversions or withdrawals are intended to serve a single project with a single ownership. The department shall adopt and provide forms for consolidated applications.

NEW SECTION. Sec. 17. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall establish streamlined procedures for its processing of applications for de minimis appropriations of surface water, but only if the department has reserved and set aside the water for future beneficial use under RCW 90.54.050.

(2) Applications for appropriating water under this section shall be made on a form provided by the department. Within sixty days of the publication of a notice in accordance with RCW 90.03.280, the department shall issue or deny a permit for the requested appropriation. If the department denies the application, it shall explain its determination in writing.

(3) The department shall waive the evaluation and report requirements of RCW 90.03.290 if during the establishment of the reservation it was conclusively determined that water is available and that no impairment of existing water rights or the public interest will occur.

(4) This section may not be used in areas that are within urban growth areas as designated under RCW 36.70A.110 or within the service areas of a public water system as defined in chapter 70.119A RCW that has an available water supply.

(5) Unless the context clearly requires otherwise, as used in this chapter, "de minimis appropriation" means diversion and use of surface water in an amount not exceeding four hundred fifty gallons per day and not exceeding an instantaneous diversion rate of two one-hundredths cubic feet per second.

(6) The department shall develop, in cooperation with the department of health, informational materials regarding the risks of drinking untreated surface water. This informational material may be provided to prospective applicants. The department shall attach the informational materials to any permit that is approved under this section.

NEW SECTION. Sec. 18. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may authorize short-term uses of water without publication of the notice required under RCW 90.03.280 and without the report required under RCW 90.03.290. However, before approving a short-term use, the department shall determine to its satisfaction that the substantive criteria in RCW 90.03.290 are met and that a stream affected by a short-term use will be retained with sufficient flows to maintain instream uses and to protect existing water rights. The department shall adopt and provide application forms for persons applying for a short-term use and shall expedite its consideration of short-term use requests to the extent practicable.

(2) For the purposes of this chapter, "short-term use" means a use of water that will not exceed one year in duration. Short-term uses include but are not limited to use in construction, dust control, dewatering, and short-term planned fire suppression activities.

NEW SECTION. Sec. 19. A new section is added to chapter 90.03 RCW to read as follows:

The department shall establish a register that identifies, by water resource inventory area, applications for new water rights and applications for water right transfers and changes. The applications appearing in the register shall be limited to those requesting a new appropriation or change or transfer of more than three cubic feet per second of water. The register shall identify: The location of the proposed use, change, or transfer; whether the application is for surface or ground water; and, for surface water applications, the water source. The department shall produce the register once every two weeks and shall make the register available to interested parties for a fee that is based on the cost of producing and mailing the register. One year after the effective date of this section, the department may cease production of the register if the number of requests for the register are not adequate to cover the costs of producing and mailing it.

NEW SECTION. Sec. 20. (1) The department of ecology shall in conjunction with the task force created in section 3, chapter 495, Laws of 1993 develop a budget process for its water rights administration program that accomplishes the following:

- (a) Identifies targets for permitting activities for the biennium;
- (b) Identifies workload standards;
- (c) Prepares a draft budget;
- (d) Provides for timely public review of the draft budget; and
- (e) Circulates a final budget.

(2) The department of ecology shall, in conjunction with the water rights programs review task force, establish and periodically review the following:

- (a) Workload standards and proposed incentives to improve such standards;
- (b) Program expenditure categories to account for and track costs related to the water rights administration program; and
- (c) Success measures based upon programmatic results designed to evaluate program effectiveness and standards for defining the measures.

In establishing the initial workload standards, the legislature has an expectation that the department of ecology will process a simple, basic application in six months and an application of intermediate difficulty in one year.

(3) The task force shall report annually to the legislature on the success measures established, the number of water right permit decisions made, and the associated costs of administering the water rights program.

(4) The legislature may provide for another state entity or an independent contractor to conduct periodic performance audits or evaluations of the effectiveness and efficiency of the department of ecology in meeting its workload standards and achieving programmatic success.

(5) This section shall expire June 30, 1998.

Sec. 21. 1993 c 495 s 3 (uncodified) is amended to read as follows:

(1) There is created a water rights ~~(fees)~~ programs review task force. The task force shall be comprised of ~~(fourteen)~~ sixteen members, who are appointed as follows:

(a) Two members of the Washington state house of representatives, one from each major caucus, to be appointed by the speaker of the house of representatives;

(b) Two members of the Washington state senate, one from each major caucus, to be appointed by the president of the senate;

(c) ~~(Ten)~~ Twelve members, to be appointed jointly by the speaker of the house of representatives and the president of the senate, to represent the following interests: Agriculture, aquaculture, business, cities, counties, the state department of ecology, environmentalists, water recreation interests, water utilities, federally recognized Indian tribes, rural residential interests and hydropower interests. ~~((The task force may establish technical advisory committees as necessary to complete its tasks.))~~

(2) In addition to the functions established in section 20 of this act, the task force shall conduct a ((comprehensive)) review ((of water rights fees. The task force's tasks shall include)), including but not ((be)) limited to the following matters:

(a) ~~((Identification of the costs associated with the various activities and services provided by the water rights program and examination of how these costs compare with the fees charged for these activities and services;~~

(b) Identification of appropriate accountability measures for the department of ecology to employ in administration of the water rights program. Recommendations of accountability requirements and measurements shall take into account the distinctive characteristics of the water rights program, that is, that the department receives a large number of applications on a one-time basis and that the department of ecology must meet its legal obligations under the doctrine of prior appropriation;

(c) Identification of which program activities should be eligible for cost recovery from fees, as well as which direct and indirect costs of program administration;

(d) Review of the application, examination, and water rights permit requirements for marine water users to determine if these users should receive special fee consideration;

(e) Review of the definition and treatment of nonconsumptive water uses to determine if special fee consideration should be given to these users;

(f) Review of the fees and accounting methods for the dam safety program;

(g) Identification of the appropriate distribution of responsibility between the applicant and the department of ecology for provision of technical information and analysis; and

(h) Establishment of a reasonable time framework for completion of new and pending water rights applications, and an analysis of the staff and funding levels required to meet the established time framework)) Implementation of the development and maintenance of the water resource data management system, monitored on an annual basis;

(b) The use and amount of funds available for the water right permit processing and data management programs and the transition between fiscal year 1998 and fiscal year 1999;

(c) The water rights programs review task force will conduct a study to determine potential savings and efficiencies attainable by integrating all water resource data management functions among natural resource management agencies into a single data management system compared with the savings and efficiencies currently realized by each natural resource management agency maintaining independent water resource information. In reviewing this matter, the task force will work with the natural resource management agencies to determine the nature and extent of each natural resource management agency's:

(i) Existing water resource data;

(ii) Existing water resource data management system or systems;

(iii) Dependence on water resource data to fulfill agency responsibilities;

(iv) Types of water resource data unique to that agency;

(v) Types of water resource data common to all natural resource agencies;

(vi) Method of managing water resources information, including an assessment of the compatibility of information management systems between natural resource management agencies, and the obstacles inhibiting integration and subsequent free exchange of water resource data between natural resource management agencies; and

(vii) Biennial cost of acquiring and maintaining each type of water resource data used by the agency.

For the purposes of this section, a "natural resource management agency" includes any of the following state agencies: Department of ecology, department of natural resources, department of fish and wildlife, and department of health.

The report shall be presented to the legislature on or before December 1, 1994; and

(d) In conjunction with the review required in (a) and (b) of this subsection, the task force shall recommend, by December 1, 1994, appropriate future funding sources for data management development.

(3) Before December 1, ((1993)) 1997, the task force shall provide recommendations to the legislature regarding:

(a) (Provide recommendations to the department of ecology on ways to improve the efficiency and accountability of the water rights program;

and
(b) Provide recommendations to the legislature on statutory changes necessary to make these efficiency and accountability improvements;

(c) Propose a new fee schedule for the water rights program which incorporates the results of the task force's work and which funds through fees fifty percent of the cost of the activities and services provided by the program)) The efficiency and accountability of the water right permit processing program and the need for change to the level of funding in fiscal year 1999;

(b) The future direction of the water resource data management program and the need for changes to the level of funding in fiscal year 1999; and

(c) Modification to the fee schedule to fund water right permit processing and data management programs that is to go into effect on July 1, 1998, including a reexamination of the fee on exempt wells established in RCW 90.03.470.

(4) The department of ecology and the legislature shall jointly provide for the staff support of the task force.

(5) The task force shall convene as soon as possible upon the appointment of its members. Task force members shall elect a chair and adopt rules for conducting the business of the task force. The task force shall expire on June 30, ((1994)) 1998.

Sec. 22. RCW 90.03.470 and 1993 c 495 s 2 are each amended to read as follows:

((Except as otherwise provided in subsection (15) of this section, the following fees shall be collected by the department in advance:

(1) For the examination of an application for permit to appropriate water or on application to change point of diversion, withdrawal, purpose or place of use, a minimum of ten dollars, to be paid with the application. For each second foot between one and five hundred second feet, two dollars per second foot; for each second foot between five hundred and two thousand second feet, fifty cents per second foot; and for each second foot in excess thereof, twenty cents per second foot. For each acre foot of storage up to and including one hundred thousand acre foot, one cent per acre foot, and for each acre foot in excess thereof, one-fifth cent per acre foot. The ten dollar fee payable with the application shall be a credit to that amount whenever the fee for direct diversion or storage totals more than ten dollars under the above schedule and in such case the further fee due shall be the total computed amount less ten dollars.

Within five days from receipt of an application the department shall notify the applicant by registered mail of any additional fees due under the above schedule and any additional fees shall be paid to and received by the department within thirty days from the date of filing the application, or the application shall be rejected.

(2) For filing and recording a permit to appropriate water for irrigation purposes, forty cents per acre for each acre to be irrigated up to and including one hundred acres, and twenty cents per acre for each acre in excess of one hundred acres up to and including one thousand acres, and ten cents for each acre in excess of one thousand acres; and also twenty cents for each theoretical horsepower up to and including one thousand horsepower, and four cents for each theoretical horsepower in excess of one thousand horsepower, but in no instance shall the minimum fee for filing and recording a permit to appropriate water be less than five dollars. For all other beneficial purposes the fee shall be twice the amount of the examination fee except that for individual household and domestic use, which may include water for irrigation of a family garden, the fee shall be five dollars.

(3) For filing and recording any other water right instrument, four dollars for the first hundred words and forty cents for each additional hundred words or fraction thereof.

(4) For making a copy of any document recorded or filed in his office, forty cents for each hundred words or fraction thereof, but when the amount exceeds twenty dollars, only the actual cost in excess of that amount shall be charged.

(5) For certifying to copies, documents, records or maps, two dollars for each certification.

(6) For blueprint copies of a map or drawing, or, for such other work of a similar nature as may be required of the department, at actual cost of the work.

(7) For granting each extension of time for beginning construction work under a permit to appropriate water, an amount equal to one-half of the filing and recording fee, except that the minimum fee shall be not less than five dollars for each year that an extension is granted, and for granting an extension of time for completion of construction work or for completing application of water to a beneficial use, five dollars for each year that an extension is granted.

(8) For the inspection of any hydraulic works to insure safety to life and property, the actual cost of the inspection, including the expense incident thereto.

(9) For the examination of plans and specifications as to safety of controlling works for storage of ten-acre feet or more of water, a minimum fee of ten dollars, or the actual cost.

(10) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of five dollars.

(11) For preparing and issuing all water right certificates, five dollars.

(12) For filing and recording a protest against granting any application, two dollars.

(13)) The legislature finds it necessary to assess additional fees for a four-year period in order to address the water right application backlog and data management development. For the period July 1, 1994, through June 30, 1998, the department shall collect the following fees in advance:

(1) Application filing fees for the following:

(a) Surface water and ground water applications:

(i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second \$90

(ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second \$290

(iii) Greater than 0.5 and less than or equal to 3 cubic feet per second \$490

(iv) Greater than 3 and less than or equal to 5 cubic feet per second \$660

(v) Greater than 5 and less than or equal to 20 cubic feet per second \$820

(vi) Greater than 20 and less than or equal to 100 cubic feet per second \$990

(vii) Greater than 100 cubic feet per second \$1,150

(b) Reservoir applications:

(i) Greater than 0.0 and less than or equal to 10 acre-feet \$90

(ii) Greater than 10 and less than or equal to 100 acre-feet \$490

(iii) Greater than 100 and less than or equal to 1,000 acre-feet \$820

(iv) Greater than 1,000 acre-feet \$1,150

(c) Change applications:

(i) Changing a single element \$90

(ii) Changing multiple elements \$290

(2) Examination fees for the following:

(a) Surface water applications:

(i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second \$100

(ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second \$450

(iii) Greater than 0.5 and less than or equal to 3 cubic feet per second \$820

(iv) Greater than 3 and less than or equal to 5 cubic feet per second \$1,150

(v) Greater than 5 and less than or equal to 20 cubic feet per second \$1,480

(vi) Greater than 20 and less than or equal to 100 cubic feet per second \$1,810

(vii) Greater than 100 cubic feet per second \$2,130

(b) Ground water applications:

(i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second \$120

(ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second \$540

(iii) Greater than 0.5 and less than or equal to 3 cubic feet per second \$980

(iv) Greater than 3 and less than or equal to 5 cubic feet per second \$1,380

(v) Greater than 5 and less than or equal to 20 cubic feet per second \$1,780

(vi) Greater than 20 and less than or equal to 100 cubic feet per second \$2,170

(vii) Greater than 100 cubic feet per second \$2,560

(c) Reservoir applications:

(i) Greater than 0.0 and less than or equal to 10 acre-feet \$100

(ii) Greater than 10 and less than or equal to 100 acre-feet \$820

(iii) Greater than 100 and less than or equal to 1,000 acre-feet \$1,480

(iv) Greater than 1,000 acre-feet \$2,130

(d) Changes to permits and certificates:

(i) Changing a single element \$100

(ii) Changing multiple elements \$450

(3) Certificate fees:

(a) Water appropriation applications:

(i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second \$90

(ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second \$290

(iii) Greater than 0.5 and less than or equal to 3 cubic feet per second \$490

(iv) Greater than 3 and less than or equal to 5 cubic feet per second \$660

(v) Greater than 5 and less than or equal to 20 cubic feet per second \$820

(vi) Greater than 20 and less than or equal to 100 cubic feet per second \$990

(vii) Greater than 100 cubic feet per second \$1,150

(b) Reservoir applications:

(i) Greater than 0.0 and less than or equal to 10 acre-feet \$90

(ii) Greater than 10 and less than or equal to 100 acre-feet \$490

(iii) Greater than 100 and less than or equal to 1,000 acre-feet \$820

(iv) Greater than 1,000 acre-feet \$1,150

(c) Changes to permits and certificates:

(i) Changing a single element \$90

(ii) Changing multiple elements \$290

(4) Water right permit extensions \$100

(5) Protests to applications \$50

(6) Appealing a water right decision \$200

(7) Registration fee for exempt wells \$45

(8) Assignment of an application or permit \$100

(9) General permits:

(a) Application fee \$100

(b) Examination fee \$0

(c) Certificate fee \$100

(10) Seasonal change or rotation \$100

(11) Temporary or short-term water use \$100

(12) De minimis appropriations developed under a reservation of water adopted by rule:

(a) Application fee \$100

(b) Examination fee \$0

(c) Certificate fee \$100

(13) Issuance of a preliminary permit \$100

(14) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, and for the inspection of any hydraulic works to insure safety to life and property, the actual cost of the examination and inspection.

(15) For a consolidated application covering multiple sources or changes:

(a) The application fee must be based upon either the total amount of water or the total number of changes requested, or both:

(b) The examination fee is the total of the examination fees calculated for the individual applications and changes; and

(c) The certificate fee is as is appropriate for the individual certificates, since separate permits would issue and, therefore, separate certificates would result.

The combined application, examination, and certificate fee for transfers and changes of water into the trust water right program under chapter 90.42 RCW shall be one hundred dollars.

There shall be a forty-five dollar priority date registration fee on rights to ground water established after July 1, 1994, under RCW 90.44.050 that are exempt from the water right permitting process. The department shall adopt by rule the means whereby these water rights are registered with the department and the method of collection of this fee in accordance with chapter 34.05 RCW. This fee shall be due from only those well owners who place the water to beneficial use. The department shall register the well in the water resource data management system and provide to the owner a certificate that the well has been registered.

The water right processing and data management account is created in the state treasury. All receipts collected under this section shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for functions of the department of ecology related to: Filing, examination, and certification of water right permits, changes to water rights, and transfers of water rights; development and maintenance of the data management program related to water rights; and a proportionate share of indirect costs allocated to these functions necessary to fund the general administrative functions of the department. Except for the biennium ending June 30, 1995, the department may expend funds from the account in an amount that is substantially equal to the amount expended of funds appropriated from the general fund for each biennium. For the biennium ending June 30, 1995, data management development costs are not required to be funded in a substantially equal manner.

The department shall provide timely notification by certified mail with return receipt requested to applicants that fees are due. No action may be taken until the fee is paid in full. Failure to remit fees within sixty days of the department's notification shall be grounds for rejecting the application or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

((14)) For purposes of calculating fees for ground water filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

((15)) For the period beginning July 1, 1993, and ending June 30, 1994, there is imposed and the department shall collect a one hundred dollar surcharge on all water rights applications or changes filed under this section, and upon all water rights applications or changes pending as of July 1, 1993. This charge shall be in addition to any other fees imposed under this section.

Sec. 23. RCW 90.03.470 and 1994 c. . . s 22 (section 22 of this act) are each amended to read as follows:

((The legislature finds it necessary to assess additional fees for a four-year period in order to address the water right application backlog and data management development. For the period July 1, 1994, through June 30, 1998,)) The department shall collect the following fees in advance:

(1) Application filing fees for the following:

(a) Surface water and ground water applications:

(i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second ~~((90))~~ \$100

(ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second ~~((290))~~ \$210

(iii) Greater than 0.5 and less than or equal to 3 cubic feet per second ~~((490))~~ \$320

(iv) Greater than 3 and less than or equal to 5 cubic feet per second ~~((660))~~ \$420

(v) Greater than 5 and less than or equal to 20 cubic feet per second ~~((820))~~ \$530

(vi) Greater than 20 and less than or equal to 100 cubic feet per second ~~((990))~~ \$640

(vii) Greater than 100 cubic feet per second ~~((1,150))~~ \$740

(b) Reservoir applications:

(i) Greater than 0.0 and less than or equal to 10 acre-feet ~~((90))~~ \$100

(ii) Greater than 10 and less than or equal to 100 acre-feet ~~((490))~~ \$320

(iii) Greater than 100 and less than or equal to 1,000 acre-feet ~~((820))~~ \$530

(iv) Greater than 1,000 acre-feet ~~((1,150))~~ \$740

(c) Change applications:

(i) Changing a single element ~~((90))~~ \$100

(ii) Changing multiple elements ~~((290))~~ \$210

(2) Examination fees for the following:

(a) Surface water applications:

(i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second \$100

(ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second ~~((450))~~ \$320

(iii) Greater than 0.5 and less than or equal to 3 cubic feet per second ~~((820))~~ \$530

(iv) Greater than 3 and less than or equal to 5 cubic feet per second ~~((1,150))~~ \$740

(v) Greater than 5 and less than or equal to 20 cubic feet per second ~~((1,480))~~ \$960

(vi) Greater than 20 and less than or equal to 100 cubic feet per second ~~((1,810))~~ \$1,170

(vii) Greater than 100 cubic feet per second ~~((2,130))~~ \$1,380

(b) Ground water applications:

(i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second \$120

(ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second ~~((540))~~ \$380

(iii) Greater than 0.5 and less than or equal to 3 cubic feet per second ~~((980))~~ \$640

(iv) Greater than 3 and less than or equal to 5 cubic feet per second ~~((1,380))~~ \$890

(v) Greater than 5 and less than or equal to 20 cubic feet per second ~~((1,780))~~ \$1,150

(vi) Greater than 20 and less than or equal to 100 cubic feet per second ~~((2,170))~~ \$1,400

(vii) Greater than 100 cubic feet per second ~~((2,560))~~ \$1,660

(c) Reservoir applications:

(i) Greater than 0.0 and less than or equal to 10 acre-feet \$100

(ii) Greater than 10 and less than or equal to 100 acre-feet ~~((820))~~ \$530

(iii) Greater than 100 and less than or equal to 1,000 acre-feet ~~((1,480))~~ \$960

(iv) Greater than 1,000 acre-feet ~~((2,130))~~ \$1,380

(d) Changes to permits and certificates:

(i) Changing a single element \$100

(ii) Changing multiple elements ~~((450))~~ \$320

(3) Certificate fees:

(a) Water appropriation applications:

- (i) Greater than 0.0 and less than or equal to 0.2 cubic feet per second ~~(((\$90))~~ \$100
- (ii) Greater than 0.2 and less than or equal to 0.5 cubic feet per second ~~(((\$290))~~ \$210
- (iii) Greater than 0.5 and less than or equal to 3 cubic feet per second ~~(((\$490))~~ \$320
- (iv) Greater than 3 and less than or equal to 5 cubic feet per second ~~(((\$660))~~ \$420
- (v) Greater than 5 and less than or equal to 20 cubic feet per second ~~(((\$820))~~ \$530
- (vi) Greater than 20 and less than or equal to 100 cubic feet per second ~~(((\$990))~~ \$640
- (vii) Greater than 100 cubic feet per second ~~(((\$1,450))~~ \$740

(b) Reservoir applications:

- (i) Greater than 0.0 and less than or equal to 10 acre-feet ~~(((\$90))~~ \$100
- (ii) Greater than 10 and less than or equal to 100 acre-feet ~~(((\$490))~~ \$320
- (iii) Greater than 100 and less than or equal to 1,000 acre-feet ~~(((\$820))~~ \$530
- (iv) Greater than 1,000 acre-feet ~~(((\$1,450))~~ \$740

(c) Changes to permits and certificates:

- (i) Changing a single element ~~(((\$90))~~ \$100
- (ii) Changing multiple elements ~~(((\$290))~~ \$210
- (4) Water right permit extensions \$100
- (5) Protests to applications \$50
- (6) Appealing a water right decision \$200
- (7) Registration fee for exempt wells \$45
- (8) Assignment of an application or permit \$100

(9) General permits:

- (a) Application fee \$100
- (b) Examination fee \$0
- (c) Certificate fee \$100
- (10) Seasonal change or rotation \$100
- (11) Temporary or short-term water use \$100

(12) De minimis appropriations developed under a reservation of water adopted by rule:

- (a) Application fee \$100
- (b) Examination fee \$0
- (c) Certificate fee \$100
- (13) Issuance of a preliminary permit \$100

(14) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, and for the inspection of any hydraulic works to insure safety to life and property, the actual cost of the examination and inspection.

(15) For a consolidated application covering multiple sources or changes:

- (a) The application fee must be based upon either the total amount of water or the total number of changes requested, or both;
- (b) The examination fee is the total of the examination fees calculated for the individual applications and changes; and
- (c) The certificate fee is as is appropriate for the individual certificates, since separate permits would issue and, therefore, separate certificates would result.

The combined application, examination, and certificate fee for transfers and changes of water into the trust water right program under chapter 90.42 RCW will be one hundred dollars.

There shall be a forty-five dollar priority date registration fee on rights to ground water established after July 1, 1994, under RCW 90.44.050 that are exempt from the water right permitting process. The department shall adopt by rule the means whereby these water rights are registered with the department and the method of collection of this fee in accordance with chapter 34.05 RCW. This fee shall be due from only those well owners who place the water to beneficial use. The department shall register the well in the water resource data management system and provide to the owner a certificate that the well has been registered.

The water right processing and data management account is created in the state treasury. All receipts collected under this section shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for functions of the department of ecology related to: Filing, examination, and certification of water right permits, changes to water rights, and transfers of water rights; development and maintenance of the data management program related to water rights; and a proportionate share of indirect costs allocated to these functions necessary to fund the general administrative functions of the department. ~~((Except for the biennium ending June 30, 1995,))~~ The department may expend funds from the account in an amount that is substantially equal to the amount expended of funds appropriated from the general fund for each biennium. ~~((For the biennium ending June 30, 1995, data management development costs are not required to be funded in a substantially equal manner.))~~

The department shall provide timely notification by certified mail with return receipt requested to applicants that fees are due. No action may be taken until the fee is paid in full. Failure to remit fees within sixty days of the department's notification shall be grounds for rejecting the application or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

For purposes of calculating fees for ground water filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

~~((For the period beginning July 1, 1993, and ending June 30, 1994, there is imposed and the department shall collect a one hundred dollar surcharge on all water rights applications or changes filed under this section, and upon all water rights applications or changes pending as of July 1, 1993. This charge shall be in addition to any other fees imposed under this section.))~~

Sec. 24. RCW 89.30.001 and 1933 c 149 s 1 are each amended to read as follows:

Reclamation districts including an area of not less than one million acres of land may be created and maintained in this state, as herein provided, for the reclamation and improvement of arid and semiarid lands situated in such districts, and for the generation and/or sale of hydroelectric energy ~~((: PROVIDED, That no appropriation, license, filing, recording, examination or other fee or fees, as provided in RCW 90.16.050 through 90.16.090 or in RCW 90.03.470 shall be applicable to a district or districts created under this chapter.))~~.

Sec. 25. RCW 90.40.090 and 1988 c 127 s 83 are each amended to read as follows:

An application filed by the department of ecology or its assignee, the United States Bureau of Reclamation, for a permit to appropriate waters of the Columbia River under chapter 90.03 RCW, for the development of the Grand Coulee project shall be perfected in the same manner and to the same extent as though such appropriation had been made by a private person, corporation or association ~~((, but no fees, as provided for in RCW 90.03.470, shall be required.))~~.

Sec. 26. RCW 90.46.020 and 1992 c 204 s 3 are each amended to read as follows:

(1) The department of ecology shall, in coordination with the department of health, develop ~~((interim))~~ standards for ~~((pilot projects under subsection (3) of this section on or before July 1, 1992, for))~~ the use of reclaimed water in land applications.

(2) The department of health shall, in coordination with the department of ecology, develop ~~((interim))~~ standards for ~~((pilot projects under subsection (3) of this section on or before November 15, 1992, for))~~ the use of reclaimed water in commercial and industrial activities.

(3) The department of ecology and the department of health shall assist interested parties in the development of ~~((pilot))~~ projects to aid in achieving the purposes of this chapter.

NEW SECTION. Sec. 27. The legislature shall examine and recommend state policies relating to water rights, water use, and water doctrine and report the recommendations to the appropriate standing committees of the 1995 legislature.

NEW SECTION. Sec. 28. RCW 90.03.471 and 1987 c 109 s 99 & 1925 ex.s. c 161 s 3 are each repealed.

NEW SECTION. Sec. 29. Section 3 of this act shall take effect January 2, 1995.

NEW SECTION. Sec. 30. Sections 22 and 28 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 31. Section 23 of this act shall take effect July 1, 1998."

MOTIONS

On motion of Senator Rasmussen, the following title amendments were considered simultaneously and were adopted:

On page 1, beginning on line 2 of the title strike "90.03.380, 90.03.390, 90.44.100"

On page 1, line 4 of the title, strike "90.03....., (section 29, of this act)" and insert "90.03.470"

On motion of Senator Rasmussen, the rules were suspended, Reengrossed Second Substitute Senate Bill No. 6291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Second Substitute Senate Bill No. 6291.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 6291 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Morton, Moyer, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, Hochstatter, McDonald, Nelson, Pelz, Roach, Schow, Smith, L., Talmadge, Vognild, West and Williams - 15.

Excused: Senators Deccio, McCaslin and Skratek - 3.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6608, by Senate Committee on Ways and Means (originally sponsored by Senators Rinehart and Gaspard)

Relating to the business and occupation taxation of moneys received by health or social welfare organizations from governmental entities for health or social welfare services.

The bill was read the third time.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6608.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6608 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, Hochstatter, McDonald, Morton, Nelson, Newhouse, Oke, Roach, Schow, Sellar and West - 14.

Absent: Senator Smith, L. - 1.

Excused: Senators Deccio, McCaslin and Skratek - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:08 p.m., on motion of Senator Spanel, the Senate recessed until 6:00 p.m.

The Senate was called to order at 8:30 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

March 11, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2676 by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Reams, Anderson, Patterson, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, G. Cole, Moak, Valle, H. Myers, Kremen, Silver, Kessler, Conway, Cothorn, Morris, Rayburn and J. Kohl) (by request of Governor Lowry)

Restructuring boards, committees, commissions, and councils.

MOTION

On motion of Senator Spanel, the rules were suspended and Engrossed Substitute House Bill No. 2676 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Reams, Anderson, Patterson, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, G. Cole, Moak, Valle, H. Myers, Kremen, Silver, Kessler, Conway, Cothorn, Morris, Rayburn and J. Kohl) (by request of Governor Lowry)

Restructuring boards, committees, commissions, and councils.

The bill was read the second time.

MOTION

On motion of Senator Oke, Senators Roach and Linda Smith were excused.

MOTIONS

On motion of Senator Haugen, the following amendment by Senators Deccio and Haugen was adopted:

On page 83, after line 20, insert the following:

"NEW SECTION. Sec. 604. A new section is added to chapter 18.130 RCW to read as follows:

(1) The settlement process must be substantially uniform for licensees governed by regulatory entities having authority under this chapter.
(2) Disclosure of the identity of reviewing disciplining authority members who participate in the settlement process is available to the respondents or their legal representative upon request.

(3) The settlement conference will occur only if a settlement is not achieved through written documents. Respondents will have the opportunity to conference either by phone or in person with the reviewing disciplining authority member if the respondent chooses. Respondents may also have their attorney conference either by phone or in person with the reviewing disciplining authority member without the respondent being present personally.

(4) If the respondent wants to meet in person with the reviewing disciplining authority member, he or she will travel to the reviewing disciplinary authority member and have such a conference with the attorney general in attendance either by phone or in person."

Renumber the section following consecutively and correct any internal references accordingly.

On motion of Senator Haugen, the following amendment was adopted:

On page 107, line 31, after "the" strike "committee" and insert "~~(committee)~~ board"

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge served notice that he would move to reconsider the vote by which the amendment by Senators Deccio and Haugen on page 83, after line 20, to Engrossed Substitute House Bill No. 2676, was adopted earlier today.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen, Winsley, Oke and Vognil be adopted:

On page 134, after line 13, insert the following:

Sec. 754. RCW 43.63A.300 and 1993 c 280 s 68 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. The legislature further finds that the paramount duty of the state in fire protection services is to enhance the capacity of all local jurisdictions to assure that their personnel with fire suppression, prevention, inspection, origin and cause, and arson investigation responsibilities are adequately trained to discharge their responsibilities. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the (~~director of community, trade, and economic development~~) governor and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. It is the further intent of the legislature that the fire protection services program be implemented incrementally to assure a smooth transition, to build local, regional, and state capacity, and to avoid undue burdens on jurisdictions with limited resources.

Sec. 755. RCW 43.63A.310 and 1986 c 266 s 55 are each amended to read as follows:

There is created the state fire protection policy board consisting of (~~ten~~) eight members appointed by the governor:

(1) (~~Three~~) One representative(s) of fire chiefs(~~—At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains.—One shall be from a fire protection district~~);

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

(5) (~~Five~~) One full-time, paid, career fire fighter(s);

(6) One volunteer fire fighter; (~~and~~)

(7) One representative of fire commissioners; and

(8) One representative of fire control programs of the department of natural resources.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: Three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy of a member appointed under subsections (1) through (7) of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent. The members of the board appointed pursuant to subsections (1) and (5) of this section and holding office on the effective date of this act shall serve the remainder of their terms, and the reduction of the board required by section 855, chapter ---, Laws of 1994 (this section), shall occur upon the expiration of their terms.

The appointed members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The board shall select its own chairperson and shall meet at the request of the governor or the chairperson and at least four times per year.

Sec. 756. RCW 43.63A.320 and 1993 c 280 s 69 are each amended to read as follows:

Except for matters relating to the statutory duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

(1) (a) Adopt a state fire training and education master plan which allows to the maximum feasible extent for negotiated agreements: (i) With the state board for community and technical colleges to provide academic, vocational, and field training programs for the fire service and (ii) with the higher education coordinating board and the state colleges and universities to provide instructional programs requiring advanced training, especially in command and management skills;

(b) Adopt minimum standards for each level of responsibility among personnel with fire suppression, prevention, inspection, and investigation responsibilities which assure continuing assessment of skills and are flexible enough to meet emerging technologies. With particular respect to training for fire investigations, the master plan shall encourage cross training in appropriate law enforcement skills. To meet special local needs, fire agencies may adopt more stringent requirements than those adopted by the state;

(c) Cooperate with the common schools, technical and community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule;

(d) Develop and adopt a master plan for constructing, equipping, maintaining, and operating necessary fire service training and education facilities subject to the provisions of chapter 43.19 RCW; and

(e) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary for fire service training and education facilities in a manner provided by law.

(2) In addition to its responsibilities for fire service training, the board shall:

(a) Adopt a state fire protection master plan;

((2)) (b) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens including:

(i) The comprehensiveness of state and local inspections required by law for fire and life safety; (ii) the level of skills and training of inspectors, as well as needs for additional training; and (iii) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication among inspection efforts;

((3)) (c) Establish and promote state arson control programs and ensure development of local arson control programs;

((4)) (d) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials control;

((5)) (e) Seek and solicit grants, gifts, bequests, (~~devices~~) devises, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

((6)) (f) Promote mutual aid and disaster planning for fire services in this state;

((7)) (g) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;

~~((8))~~ (h) Submit (annually a) an annual report to the governor (containing a statement of) describing its (official acts) activities undertaken pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested; and

~~((9) Adopt a state fire training and education master plan;~~

~~(10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;~~

~~(11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;~~

~~(12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;~~

~~(13) Assure the administration of) (i) Implement any legislation enacted by the legislature ((in pursuance of the aims and purposes)) to meet the requirements of any acts of congress ((insofar as the provisions thereof may)) that apply(;~~

~~(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.~~

~~This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule) to this section.~~

(3) In carrying out its statutory duties, the board shall give particular consideration to the appropriate roles to be played by the state and by local jurisdictions with fire protection responsibilities. Any determinations on the division of responsibility shall be made in consultation with local fire officials and their representatives.

To the extent possible, the board shall encourage development of regional units along compatible geographic, population, economic, and fire risk dimensions. Such regional units may serve to: (a) Reinforce coordination among state and local activities in fire service training, reporting, inspections, and investigations; (b) identify areas of special need, particularly in smaller jurisdictions with inadequate resources; (c) assist the state in its oversight responsibilities; (d) identify funding needs and options at both the state and local levels; and (e) provide models for building local capacity in fire protection programs.

Sec. 757. RCW 43.63A.340 and 1993 c 280 s 71 are each amended to read as follows:

~~(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.~~

~~(2) The ((director of community, trade, and economic development)) governor shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the ((director) governor, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the ((director) governor a list containing the names of three persons whom the board believes meet its qualifications. If requested by the ((director) governor, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.~~

~~(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.~~

~~(4) The ((director of community, trade, and economic development, through the)) director of fire protection(,) shall(, after consultation with the board,) prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.~~

~~(5) The ((director of community, trade, and economic development, through the)) director of fire protection(,) shall implement and administer, within the constraints established by budgeted resources, the policies of the board ((and all duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection)). Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW 43.63A.320. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and utilizing existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.~~

~~(6) The ((director of community, trade, and economic development, through the)) director of fire protection(,) shall seek the advice of the board in carrying out his or her duties under law.~~

Sec. 758. RCW 43.63A.377 and 1991 c 135 s 3 are each amended to read as follows:

Money from the fire services trust fund may be expended for the following purposes:

~~(1) Training of fire service personnel, including both classroom and hands-on training at the state fire training center or other locations approved by the director through the director of fire protection services;~~

~~(2) Maintenance and operation at the state's fire training center near North Bend. If in the future the state builds or leases other facilities as other fire training centers, a portion of these moneys may be used for the maintenance and operation at these centers;~~

~~(3) Lease or purchase of equipment for use in the provisions of training to fire service personnel;~~

~~(4) Grants or other subsidies to local ((entities)) jurisdictions to allow them to perform their functions under this section;~~

~~(5) Costs of administering these programs under this section;~~

~~(6) Licensing and enforcement of state laws governing the sales of fireworks; and~~

~~(7) Development with the legal fireworks industry and funding of a state-wide public education program for fireworks safety.~~

Sec. 759. RCW 48.48.060 and 1986 c 266 s 71 are each amended to read as follows:

~~(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause(,) and origin, and document extent of ((loss)) damage of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the ((director of community development, through the)) director of fire protection(,) of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause(,) and origin, and document extent of ((loss)) damage of all fires occurring within his or her respective jurisdiction.~~

~~(2) The ((director of community development, through the)) director of fire protection or his or her deputy(,) may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The ((director of community development, through the)) director of fire protection or his or her deputy(,) shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the ((director of community development and the)) director of fire protection or his or her deputy(,) are vested with police powers to enforce the laws of this state. To exercise these powers, authorized deputies must receive prior written authorization from the ((director of community development, through the)) director of fire protection(,) and shall have completed a course of training prescribed by the Washington state criminal justice training commission.~~

Sec. 760. RCW 48.48.065 and 1986 c 266 s 72 are each amended to read as follows:

~~(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the ((director of community development, through the)) director of fire protection(,) on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system~~

developed by the United States fire administration and rules established by the (~~director of community development, through the director of~~) fire protection policy board. The (~~director of community development, through the~~) director of fire protection(,) and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The (~~director of community development, through the~~) director of fire protection(,) shall analyze the information and data reported, compile a report, and distribute a copy annually by (~~January 31~~) June 30 to each chief fire official in the state. Upon request, the (~~director of community development, through the~~) director of fire protection(,) shall also furnish a copy of the report to any other interested person at cost.

(3) In carrying out the duties relating to collecting, analyzing, and reporting statistical fire data, the fire protection policy board may contract with a qualified individual or organization to gather and report such information under the following conditions:

(a) The contractor may be selected under the sole source provisions of chapter 39.29 RCW, so long as the contractor meets the qualifications of that chapter; and

(b) The information provided meets the diverse needs of state and local fire reporting agencies and is (i) defined in understandable terms of common usage in the fire community; (ii) adaptable to the varying levels of resources available, including whether a given client's system is operated electronically or not; (iii) maintained in a manner which will foster both technical support and resource sharing; and (iv) designed to meet both short and long-term needs.

NEW SECTION. Sec. 761. A new section is added to chapter 43.10 RCW to read as follows:

(1) The legislature finds that provisions for information systems relating to statistics and reporting for fire prevention, suppression, and damage control do not adequately address the needs of ongoing investigations of fire incidents where the cause is suspected or determined to be the result of negligence or otherwise suggestive of some criminal activity, particularly that of arson. It is the intent of the legislature to establish an information and reporting system designed specifically to assist state and local officers in conducting such investigations and, where substantiated, to undertake prosecution of individuals suspected of such activities.

(2)(a) In addition to the information provided by local officials about the cause, origin, and extent of loss in fires under chapter 48.48 RCW, there is hereby created the state arson investigation information system in the office of the attorney general.

(b) The attorney general shall develop the arson investigation information system in consultation with representatives of the various state and local officials charged with investigating fires resulting from suspicious or criminal activities under chapter 48.48 RCW and of the insurance industry.

(c) The arson investigation information system shall be designed to include at least the following attributes: (i) The information gathered and reported shall meet the diverse needs of state and local investigating agencies; (ii) the forms and reports are drafted in understandable terms of common usage; and (iii) the results shall be adaptable to the varying levels of available resources, maintained in a manner to foster data sharing and mutual aid activities, and made available to other law enforcement agencies responsible for criminal investigations.

(d) All insurers required to report claim information under the provisions of chapter 48.50 RCW shall cooperate fully with any requests from the attorney general in developing and maintaining the arson investigation information system. The confidentiality provisions of that chapter shall be fully enforced.

Sec. 762. RCW 48.48.080 and 1986 c 266 s 74 are each amended to read as follows:

If as the result of any such investigation, or because of any information received, the (~~director of community development, through the~~) director of fire protection(,) is of the opinion that there is evidence sufficient to charge any person with any crime, he or she may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within his or her possession relative to the offense.

Sec. 763. RCW 52.12.031 and 1986 c 311 s 1 are each amended to read as follows:

Any fire protection district organized under this title may:

(1) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) Contract with any governmental entity under chapter 39.34 RCW or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, investigation, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, investigation, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;

(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;

(8) Perform acts consistent with this title and not otherwise prohibited by law.

NEW SECTION. Sec. 764. The association of fire commissioners that is authorized to be formed under RCW 52.12.031(4), the association of Washington cities, and the Washington state association of counties shall submit a report on achieving greater efficiency in the delivery of fire protection services to the government operations committee of the senate and the local government committee of the house of representatives on or before December 31, 1994.

NEW SECTION. Sec. 765. The state fire protection policy board shall conduct a study on the overlapping and confusing jurisdiction and responsibilities of local governments concerning fire investigation. The board shall make recommendations to the government operations committee of the senate and the local government committee of the house of representatives on or before December 31, 1994.

NEW SECTION. Sec. 766. The department of natural resources and the association of fire commissioners shall submit a report on the feasibility of providing fire protection for lands that are not federally protected, not protected by the department of natural resources, and not within the boundaries of a fire protection district to the government operations committee of the senate and the local government committee of the house of representatives on or before December 31, 1994.

NEW SECTION. Sec. 767. This act does not apply to forest fire service personnel and programs.

NEW SECTION. Sec. 768. RCW 48.48.120 and 1947 c 79 s .33.12 are each repealed.

Sec. 769. RCW 84.52.043 and 1993 c 337 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state under RCW 84.52.065 shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by the state under section 770 of this act shall not exceed two cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for state fire protection services; (c) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; ~~((e))~~ (d) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and ~~((e))~~ (e) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars

and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

NEW SECTION. Sec. 770. A new section is added to chapter 84.52 RCW to read as follows:

(1) Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year a tax of two cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state, except classified or designated forest land under chapter 84.33 RCW, adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2) The state fire protection services account is hereby created in the state treasury. All receipts from the tax levied under this section shall be deposited in the account. Except for unanticipated receipts under chapter 43.79 RCW, moneys in the account may be spent only after appropriation by statute. Expenditures from the account may be used only for state fire protection responsibilities.

NEW SECTION. Sec. 771. A new section is added to chapter 84.52 RCW to read as follows:

When a county assessor finds that the aggregate of all regular tax levies upon real and personal property by the state and all taxing districts other than a port or public utility district exceeds the limitation set forth in RCW 84.52.050, the assessor shall recompute and establish a consolidated levy as follows:

(1) If the limitation is exceeded only as a result of the levy authorized in section 770 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department, the certified property tax levy rates authorized under RCW 84.52.043(1)(e) and 52.16.140 shall be reduced on a pro rata basis until the limitation is not exceeded;

(2) If the limitation is exceeded as a result of both the levy authorized in section 770 of this act adjusted to the local levy rate in accordance with the indicated ratio fixed by the department and other tax levies, the pro rationing process provided in RCW 84.52.010 shall be followed until the limitation is exceeded only as a result of the levy authorized in section 770 of this act, and the consolidated levy shall then be further reduced in accordance with subsection (1) of this section.

NEW SECTION. Sec. 772. Sections 754 through 771 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

PARLIAMENTARY INQUIRY

Senator Nelson: "Mr. President, I have a point of parliamentary inquiry. Having been through this drill once before on this bill, I wanted to get an interpretation here as to how far we go down these amendments in order that as we sneak up on the amendment by Senator Vogt on page 178, before line 1, if I challenge it, it is held to be within scope. As the President remembers, when I raised a point of order here on that amendment once before, I got shot down with gusto--I might add--in that the President explained to me that because there had been so many amendments before that one that were accepted, that I was told to sit down because it was within scope. Now, I am anxious to know when there is an opportunity to make sure that my challenge is upheld."

REPLY BY THE PRESIDENT

President Pritchard: "Well, you can never be sure. However, Senator, you know that as we adopt these amendments, it broadens the bill and so I am sure that you, with a keen mind, will attack any amendments that you don't like."

Senator Nelson: "Well, thank you, Mr. President. That was what I thought I was leading up to, is that I am going to take the lead of my good friend and colleague from the thirty-fourth legislative district and simply challenge each amendment on scope and object, so that I can sneak in to those that before were held to be within scope on the first time that we went through this Christmas Tree."

President Pritchard: "Well, Senator, are you raising a scope and object on this amendment?"

Senator Nelson: "Yes, I am Mr. President."

POINT OF ORDER

Senator Nelson: "A point of order, Mr. President. I would like to raise scope and object on this amendment."
Debate ensued.

At 8:38 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 8:47 p.m. by President Pritchard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Engrossed Substitute House Bill No. 2676 is a measure which makes changes in the duties and organization of various government entities and abolishes certain entities.

"The amendment proposed by Senators Haugen, Winsley, Oke and Vognild on page 134, after line 13, would change the duties and responsibilities of various entities involved in fire protection and prevention, authorizes a property tax and creates a special fund in the state treasury.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Haugen, Winsley, Oke and Vognild on page 134, after line 13, to Engrossed Substitute House Bill No. 2676 was ruled out of order.

MOTION

Senator Quigley moved that the following amendment be adopted:

On page 177, after line 36, insert the following:

NEW SECTION. Sec. 872. The legislature declares there has been an excessive proliferation of boards and commissions within state government. These boards and commissions are often created without legislative review or input and without an assessment of whether there is a resulting duplication of purpose or process. Once created, they frequently duplicate the duties of existing governmental entities, create additional expense, and obscure responsibility. It has been difficult to control the growth of boards and commissions because of the many special interests involved. Accordingly, the legislature establishes the process in this chapter to eliminate redundant and obsolete boards and commissions and to restrict the establishment of new boards and commissions.

NEW SECTION. Sec. 873. A new section is added to chapter 43.41 RCW to read as follows:

(1) The governor shall conduct a review of all of the boards and commissions identified under section 874 of this act and, by January 8th of every odd-numbered year, submit to the legislature a report recommending which boards and commissions should be terminated or consolidated based upon the criteria set forth in subsection (3) of this section. The report must state which of the criteria were relied upon with respect to each recommendation. The governor shall submit an executive request bill by January 8th of every odd-numbered year to implement the recommendations by expressly terminating the appropriate boards and commissions and by providing for the transfer of duties and obligations under this section. The governor shall accept and review with special attention recommendations made, not later than June 1st of each even-numbered year, by the standing committees of the legislature in determining whether to include any board or commission in the report and bill required by this section.

(2) In addition to terminations and consolidations under subsection (1) of this section, the governor may recommend the transfer of duties and obligations from a board or commission to another existing state entity.

(3) In preparing his or her report and legislation, the governor shall make an evaluation based upon answers to the questions set forth in this subsection. The governor shall give these criteria priority in the order listed.

(a) Has the mission of the board or commission been completed or ceased to be critical to effective state government?

(b) Does the work of the board or commission directly affect public safety, welfare, or health?

(c) Can the work of the board or commission be effectively done by another state agency without adverse impact on public safety, welfare, or health?

(d) Will termination of the board or commission have a significant adverse impact on state revenue because of loss of federal funds?

(e) Will termination of the board or commission save revenues, be cost neutral, or result in greater expenditures?

(f) Is the work of the board or commission being done by another board, commission, or state agency?

(g) Could the work of the board or commission be effectively done by a nonpublic entity?

(h) Will termination of the board or commission result in a significant loss of expertise to state government?

(i) Will termination of the board or commission result in operational efficiencies that are other than fiscal in nature?

(j) Could the work of the board or commission be done by an ad hoc committee?

NEW SECTION. Sec. 874. The boards and commissions to be reviewed by the governor must be all entities that are required to be included in the list prepared by the office of financial management under RCW 43.88.505, other than entities established under: (1) Constitutional mandate; (2) court order or rule; (3) requirement of federal law; or (4) requirement as a condition of the state or a local government receiving federal financial assistance if, in the judgment of the governor, no other state agency, board, or commission would satisfy the requirement.

NEW SECTION. Sec. 875. A new section is added to chapter 43.41 RCW to read as follows:

A new board or commission not established or required in statute that must be included in the report required by RCW 43.88.505 may not be established without the express approval of the director of financial management. The director shall, by January 8th of each year, submit to the legislature a list of those boards and commissions that were requested for approval and those that were approved during the preceding calendar year.

NEW SECTION. Sec. 876. A new section is added to chapter 43.41 RCW to read as follows:

When acting on a request to establish a new board or commission under section 875 of this act, the director of the office of financial management shall consider the following criteria giving priority in the order listed:

(1) If approval is critical to public safety, health, or welfare or to the effectiveness of state government;

(2) If approval will not result in duplication of the work or responsibilities of another governmental agency;

(3) If approval will not have a significant impact on state revenues;

(4) If approval is for a limited duration or on an ad hoc basis;

(5) If the work of the board or commission could be effectively done by a nonpublic entity;

(6) If approval will result in significant enhancement of expertise in state government; and

(7) If approval will result in operational efficiencies other than fiscal savings.

NEW SECTION. Sec. 877. (1) Sections 872 through 876 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Nelson: "A point of order, Mr. President. I would like to have a ruling on the scope and object of this amendment. It instills a new procedure for examining the proliferation of board and commissions and establishing some responsibilities within the Office of Financial Management."

Debate ensued.

At 8:50 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 9:07 p.m. by President Pritchard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Engrossed Substitute House Bill No. 2676 is a measure which makes changes in the duties and organization of various government entities and abolishes certain entities.

"The amendment proposed by Senator Quigley on page 177, after line 36, would direct the Governor to submit a bill biennially to recommend termination of boards and commissions based upon specified criteria.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Quigley on page 177, after line 36, to Engrossed Substitute House Bill No. 2676 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Quigley on page 177, after line 36, to Engrossed Substitute House Bill No. 2676.

The motion by Senator Quigley carried and the amendment was adopted.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Talmadge moved to now reconsider the vote by which the amendment by Senators Deccio and Haugen on page 83, after line 20, to Engrossed Substitute House Bill No. 2676, was adopted.

Debate ensued.

Senator West demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge to reconsider the vote by which the amendment by Senators Deccio and Haugen on page 83, after line 20, to Engrossed Substitute House Bill No. 2676, was adopted.

ROLL CALL

The Secretary called the roll and the motion for reconsideration of the amendment failed by the following vote: Yeas, 16; Nays, 28; Absent, 0; Excused, 5.

Voting yea: Senators Franklin, Fraser, Gaspard, Hargrove, Moore, Nelson, Newhouse, Niemi, Prentice, Quigley, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 16.

Voting nay: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prince, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Smith, A., Snyder, West and Winsley - 28.

Excused: Senators Deccio, McCaslin, Roach, Skratek and Smith, L. - 5.

MOTION

Senator Vognild moved that the following amendment be adopted:

On page 178, before line 1, insert the following:

NEW SECTION. Sec. 872. The Washington traffic safety commission is hereby abolished and its powers, duties, and functions are hereby transferred to the Washington state patrol.

NEW SECTION. Sec. 873. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington traffic safety commission shall be delivered to the custody of the Washington state patrol. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Washington traffic safety commission shall be made available to the Washington state patrol. All funds, credits, or other assets held by the Washington traffic safety commission shall be assigned to the Washington state patrol.

Any appropriations made to the Washington traffic safety commission shall, on the effective date of this section, be transferred and credited to the Washington state patrol.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 874. All employees of the Washington traffic safety commission are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 875. All rules and all pending business before the Washington traffic safety commission shall be continued and acted upon by the Washington state patrol. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state patrol.

NEW SECTION. Sec. 876. The transfer of the powers, duties, functions, and personnel of the Washington traffic safety commission shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 877. If apportionments of budgeted funds are required because of the transfers directed by sections 873 through 876 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 878. Nothing contained in sections 872 through 877 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 879. A new section is added to chapter 43.06 RCW to read as follows:

The governor shall be responsible for the administration of the traffic safety program of the state and shall be the official of the state having ultimate responsibility for dealing with the federal government with respect to all programs and activities of the state and local governments pursuant to the Highway Safety Act of 1966 (P.L. 89-564; 80 Stat. 731). The governor is authorized and empowered to accept and disburse federal grants or other funds or donations from any source for the purpose of improving traffic safety programs in the state of Washington, and is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall be assisted in these duties and responsibilities by the Washington state patrol.

NEW SECTION. Sec. 880. A new section is added to chapter 43.06 RCW to read as follows:

The governor shall be assisted in the duties and responsibilities under section 879 of this act by the advisory committee on traffic safety. The advisory committee on traffic safety shall be composed of the governor as chair, the superintendent of public instruction, the director of licensing, the secretary of transportation, the chief of the state patrol, the secretary of health, the secretary of social and health services, a representative of the association of Washington cities to be appointed by the governor, a member of the Washington state association of counties to be appointed by the governor, a representative of the judiciary to be appointed by the governor, and four public citizens representing traffic safety interests to be appointed by the governor. In addition, appointments to any vacancies among appointee members shall be as in the case of original appointment.

The governor or any advisory committee member except those appointed by the governor under this section may designate an employee of his or her office or agency to act on his or her behalf during the absence of the governor or member at one or more of the meetings of the committee. The vote of the designee shall have the same effect as if cast by the member if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence.

The chief of the state patrol shall be responsible for convening the committee and shall serve as secretary.

NEW SECTION. Sec. 881. A new section is added to chapter 43.06 RCW to read as follows:

The advisory committee on traffic safety shall provide assistance and guidance in the development of the highway safety plan required pursuant to the Highway Safety Act of 1966; develop recommendations for the creation, revision, or enforcement of traffic safety laws; promote programs to improve traffic safety; and advise and assist the governor and the state patrol, as requested, in carrying out their duties and responsibilities pertaining to the state's traffic safety program. Staff support for the committee shall be provided by the state patrol. The committee shall meet at least one time per year.

NEW SECTION. Sec. 882. A new section is added to chapter 43.43 RCW to read as follows:

In addition to other responsibilities set forth in this chapter the state patrol shall:

- (1) Assist the governor to carry out duties and responsibilities pertaining to the traffic safety program of the state and the Highway Safety Act of 1966 (P.L. 89-564; 80 Stat. 731) as provided in section 879 of this act;
- (2) Advise and confer with the governing authority of any political subdivision of the state deemed eligible under the federal Highway Safety Act of 1966 for participation in the aims and programs and purposes of that act;
- (3) Advise and confer with all agencies of state government whose programs and activities are within the scope of the Highway Safety Act including those agencies that are not subject to direct supervision, administration, and control by the governor under existing laws;
- (4) Provide staff support to the advisory committee on traffic safety as provided under section 881 of this act;
- (5) Succeed to and be vested with all powers, duties, and jurisdictions previously vested in the Washington traffic safety commission;
- (6) Carry out such other responsibilities as may be consistent with section 883 of this act.

NEW SECTION. Sec. 883. A new section is added to chapter 43.43 RCW to read as follows:

The governor's traffic safety program as provided in section 879 of this act shall be located in the office of the chief. As the agency carrying out the governor's traffic safety program, the Washington state patrol shall have the following responsibilities: To find solutions to the problems that have been created as a result of the tremendous increase of motor vehicles on our highways and the attendant traffic death and accident tolls; to plan and supervise programs for the prevention of accidents on streets and highways including but not limited to educational campaigns designed to reduce traffic accidents in cooperation with all official and unofficial organizations interested in traffic safety; to coordinate the activities at the state and local levels in the development of state-wide and local traffic safety programs; to promote a uniform enforcement of traffic safety laws and establish standards for investigation and reporting of traffic accidents; to promote and improve driver education; and to authorize the governor to perform all functions required to be performed under the federal Highway Safety Act of 1966.

NEW SECTION. Sec. 884. A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall submit a report each biennium outlining programs planned and steps taken toward improving traffic safety to the chair of the legislative transportation committee.

NEW SECTION. Sec. 885. A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall produce and disseminate through all possible media, informational and educational materials explaining the extent of the problems caused by drinking drivers, the need for public involvement in their solution, and the penalties of existing and new laws against driving while under the influence of intoxicating liquor or any drug.

Sec. 886. RCW 28A.170.050 and 1987 c 518 s 209 are each amended to read as follows:

The superintendent of public instruction shall appoint a substance abuse advisory committee comprised of: Representatives of certificated and noncertificated staff; administrators; parents; students; school directors; the bureau of alcohol and substance abuse within the department of social and health services; the ~~((traffic safety commission))~~ Washington state patrol; and county coordinators of alcohol and drug treatment. The committee shall advise the superintendent on matters of local program development, coordination, and evaluation.

Sec. 887. RCW 43.03.028 and 1993 c 281 s 45 and 1993 c 101 s 14 are each reenacted and amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; ~~(the traffic safety commission);~~ the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian-American affairs; the state board for volunteer fire fighters; the transportation improvement board; the public employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 888. RCW 43.43.390 and 1991 c 214 s 1 are each amended to read as follows:

Bicycling is increasing in popularity as a form of recreation and as an alternative mode of transportation. To make bicycling safer, the various law enforcement agencies should enforce traffic regulations for bicyclists. By enforcing bicycle regulations, law enforcement officers are reinforcing educational programs. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

A bicycle awareness program is created within the Washington state patrol. In developing the curriculum for the bicycle awareness program the patrol shall consult with ~~(the traffic safety commission and with)~~ bicycling groups providing bicycle safety education. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six. The patrol shall ensure that each safety educator presenting the bicycle awareness program has received specialized training in bicycle safety education and has been trained in effective defensive bicycle riding skills.

Sec. 889. RCW 43.70.410 and 1990 c 270 s 3 are each amended to read as follows:

As used in RCW 43.70.400 through 43.70.440, the term "head injury" means traumatic brain injury.

A head injury prevention program is created in the department of health. The program's functions may be integrated with those of similar programs to promote comprehensive, integrated, and effective health promotion and disease prevention.

In consultation with the ~~(traffic safety commission)~~ Washington state patrol, the department shall, directly or by contract, identify and coordinate public education efforts currently underway within state government and among private groups to prevent traumatic brain injury, including, but not limited to, bicycle safety, pedestrian safety, bicycle passenger seat safety, motorcycle safety, motor vehicle safety, and sports safety. If the department finds that programs are not available or not in use, it may, within funds appropriated for the purpose, provide grants to promote public education efforts. Grants may be awarded only after recipients have demonstrated coordination with relevant and knowledgeable groups within their communities, including at least schools, brain injury support organizations, hospitals, physicians, traffic safety specialists, police, and the public. The department may accept grants, gifts, and donations from public or private sources to use to carry out the head injury prevention program.

The department may assess or contract for the assessment of the effectiveness of public education efforts coordinated or initiated by any agency of state government. Agencies are directed to cooperate with assessment efforts by providing access to data and program records as reasonably required. The department may seek and receive additional funds from the federal government or private sources for assessments. Assessments shall contain findings and recommendations that will improve the effectiveness of public education efforts. These findings shall be distributed among public and private groups concerned with traumatic brain injury prevention.

Sec. 890. RCW 43.70.420 and 1990 c 270 s 4 are each amended to read as follows:

The department of health, the department of licensing, and the ~~(traffic safety commission)~~ Washington state patrol shall jointly prepare information for driver license manuals, driver education programs, and driving tests to increase driver awareness of pedestrian safety, to increase driver skills in avoiding pedestrian and motor vehicle accidents, and to determine drivers' abilities to avoid pedestrian motor vehicle accidents.

Sec. 891. RCW 44.40.070 and 1988 c 167 s 10 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the utilities and transportation commission, the transportation improvement board, the Washington state patrol, the department of licensing, ~~(the traffic safety commission);~~ the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

Sec. 892. RCW 46.01.030 and 1990 c 250 s 14 are each amended to read as follows:

The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol ~~(and traffic safety commission);~~
- (11) such other activities as the legislature may provide.

Sec. 893. RCW 46.52.120 and 1993 c 501 s 12 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, ~~(the director of the Washington traffic safety commission)~~, and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, canceling, or refusing a vehicle driver's license.

(3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

Sec. 894. RCW 46.82.300 and 1984 c 287 s 93 are each amended to read as follows:

(1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state ~~((traffic safety commission))~~ patrol. Members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; and

(d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

Sec. 895. RCW 46.90.010 and 1993 c 400 s 2 are each amended to read as follows:

In consultation with the chief of the Washington state patrol ~~((and the traffic safety commission))~~, the director shall adopt in accordance with chapter 34.05 RCW a model traffic ordinance for use by any city, town, or county. The addition of any new section to, or amendment or repeal of any section in, the model traffic ordinance is deemed to amend any city, town, or county, ordinance which has adopted by reference the model traffic ordinance or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).

Sec. 896. RCW 47.01.250 and 1990 c 266 s 5 are each amended to read as follows:

The chief of the Washington state patrol, ~~((the director of the traffic safety commission,))~~ the executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, ~~((the director of the traffic safety commission,))~~ the executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, ~~((the director of the traffic safety commission,))~~ the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, ~~((the traffic safety commission's,))~~ the county road administration board's, and the department of licensing's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

NEW SECTION. Sec. 897. The following acts or parts of acts are each repealed:

(1) RCW 43.59.010 and 1967 ex.s. c 147 s 1;

(2) RCW 43.59.020 and 1967 ex.s. c 147 s 2;

(3) RCW 43.59.030 and 1991 c 3 s 298, 1982 c 30 s 1, 1979 c 158 s 105, 1971 ex.s. c 85 s 7, 1969 ex.s. c 105 s 1, & 1967 ex.s. c 147 s 3;

(4) RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 & 1967 ex.s. c 147 s 4;

(5) RCW 43.59.050 and 1975-'76 2nd ex.s. c 34 s 120 & 1967 ex.s. c 147 s 6;

(6) RCW 43.59.060 and 1967 ex.s. c 147 s 7;

(7) RCW 43.59.070 and 1967 ex.s. c 147 s 8;

(8) RCW 43.59.080 and 1967 ex.s. c 147 s 9;

(9) RCW 43.59.130 and 1987 c 505 s 31, 1971 ex.s. c 195 s 5, & 1967 ex.s. c 147 s 14; and

(10) RCW 43.59.140 and 1991 c 290 s 4 & 1983 c 165 s 42.

NEW SECTION. Sec. 898. This act shall take effect July 1, 1994."

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I rise to challenge the scope and object of the amendment by Senator Vognild on page 178, before line 1. It does not expand the scope of practice of any medical field; it does not involve itself in reorganizing any boards and commissions. The last time the President ruled that it was within the scope was when all those other amendments got hung on. There are no other amendments that have been hung on this time to expand the scope and object to permit the Traffic Safety Commission to be moved from its existing independent status over to the Washington State Patrol. This includes all reports, documents, and all that other good stuff that is in there along with an expansion of the Washington State Patrol's involvement with those responsibilities that have been disseminated throughout the Traffic Safety Commission, as well as the Department of Transportation. In this particular amendment, we establish another commission outside of that in the Governor's Office. That was not the intent of this particular bill. It was to eliminate boards and commissions."

Debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Engrossed Substitute House Bill No. 2676 is a measure which makes changes in the duties and organization of various government entities and abolishes certain entities.

"The amendment proposed by Senator Vognild on page 178, before line 1, would abolish the Washington Traffic Safety Commission and transfers its duties to the Washington State Patrol and establishes an advisory committee.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Vognild on page 178, before line 1, to Engrossed Substitute House Bill No. 2676 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 178, before line 1, to Engrossed Substitute House Bill No. 2676.

The motion by Senator Vognild carried and the amendment was adopted.

MOTION

Senator McAuliffe moved that the following amendments by Senators McAuliffe, Haugen, West and Moyer be considered simultaneously and be adopted:

On page 66, after line 33, insert the following:

"NEW SECTION. Sec. 432. A new section is added to chapter 18.88A RCW to read as follows:

For the purposes of maintaining a registry of qualified persons and becoming subject to the provisions of chapter 18.130 RCW, an unlicensed person authorized to administer medications or treatments under section 433 of this act shall register with the state nursing care quality assurance commission as a nursing assistant-registered, providing services to persons with developmental disabilities.

NEW SECTION. Sec. 433. A new section is added to chapter 71A.10 RCW to read as follows:

(1) Community residential programs certified by the department of social and health services under chapter 71A.12 RCW and adult family homes licensed under chapter 70.128 RCW and also certified by the department of social and health services under chapter 71A.12 RCW may permit certain staff who are employed as direct care staff who have been trained and have registered as a nursing assistant-registered, providing services to persons with developmental disabilities as defined in RCW 18.88A.020(5) to administer the following medications or treatments to persons with developmental disabilities:

- (a) Oral medication;
- (b) Topical medication;
- (c) Nose, ear, and eye drops;
- (d) Suppositories;
- (e) Home glucose testing and monitoring procedures if the glucometer is recalibrated daily;
- (f) Enemas packaged in unit doses only;
- (g) Prescribed emergency procedures, which shall be limited to activating emergency services, specifically, calling 911 and notifying the attending physician and/or the supervising nurse; and
- (h) Gastrostomy tube feedings, under conditions provided in subsection (4) of this section.

(2) Treatment authorized by this section must be prescribed by a health care practitioner licensed under Title 18 RCW and who has prescriptive authority, acting within the scope of his or her license, and may be administered only after proper training as specified in subsection (3) of this section.

(3) The nursing assistant defined in RCW 18.88A.020(5) shall receive the training specified in this subsection. The person conducting the training must be a registered nurse licensed under chapter 18.88 RCW. A registered nurse shall not be subject to any reprisal or disciplinary action for refusing to provide the training required under this section. Training shall include the following:

- (a) Teaching of the nursing assistant defined in RCW 18.88A.020(5) the task, including the nature of the condition requiring treatment, risks of the treatment, side effects, and interaction of prescribed medications;
- (b) Observation of the nursing assistant defined in RCW 18.88A.020(5) performing the task to assure that the nursing assistant defined in RCW 18.88A.020(5) does the task safely and accurately;
- (c) Written instructions for performance of the task for the nursing assistant defined in RCW 18.88A.020(5) to use as a reference;
- (d) Instructions to the nursing assistant defined in RCW 18.88A.020(5) that the task being taught is specific to this client only and is not transferable to other clients or taught to other care providers;
- (e) Documentation of how the task was taught, the teaching outcome, the content and type of instructions left for the nursing assistant defined in RCW 18.88A.020(5), evidence that the nursing assistant defined in RCW 18.88A.020(5) understands risks involved in performing the task and has a plan for how to respond to the consequences, and evidence that the nursing assistant defined in RCW 18.88A.020(5) was instructed that the task is client-specific and not transferable to other clients or providers;
- (f) Performance of the administration of medications or treatments by nursing assistants defined in RCW 18.88A.020(5) authorized in this section shall be reviewed at least annually by a registered nurse.

(4) A registered nurse may delegate administration of gastrostomy, but not nasogastric, tube feedings to a nursing assistant defined in RCW 18.88A.020(5) specific to one client under the following conditions:

- (a) The registered nurse shall consider the nature of the task to be provided, its complexity, risk involved, and the necessary skill needed;
- (b) The registered nurse shall assess the client's condition and determine that there is not a significant risk to the client if the nursing assistant defined in RCW 18.88A.020(5) performs the task in the absence of direct supervision;
- (c) The registered nurse shall determine how frequently the client's condition shall be reassessed to determine the appropriateness of the continued delegation of the task to a nursing assistant defined in RCW 18.88A.020(5);
- (d) If there is some risk involved to the client, the registered nurse shall determine that the nursing assistant defined in RCW 18.88A.020(5) is prepared to respond effectively to the consequences;
- (e) The registered nurse shall assess the ability of the nursing assistant defined in RCW 18.88A.020(5) to perform the task;
- (f) The registered nurse shall determine the frequency of supervision of the nursing assistant defined in RCW 18.88A.020(5);
- (g) The registered nurse shall document the process for deciding that the task can be safely delegated for the specific client to the specific nursing assistant defined in RCW 18.88A.020(5);
- (h) The registered nurse shall document how frequently the client should be reassessed by a registered nurse regarding continued delegation of the task to the nursing assistant defined in RCW 18.88A.020(5);
- (i) The responsibility, accountability, and authority of the registered nurse shall be limited to teaching and delegation of administration of gastrostomy tube feeding to the nursing assistant defined in RCW 18.88A.020(5), and the determination of which nursing assistants defined in RCW 18.88A.020(5) and the number of nursing assistants defined in RCW 18.88A.020(5) that must be taught and delegated the task of administration of gastrostomy tube feedings shall remain with the registered nurse;
- (j) The number of persons to whom the tasks are taught and delegated shall be limited to the number that can be safely supervised by the registered nurse; and
- (k) The registered nurse shall assure that the nursing assistant defined in RCW 18.88A.020(5) maintains proficiency in performing the tasks through periodic supervision, and reviews conducted at least annually, by the registered nurse.

(5) The delegating registered nurse has a responsibility to determine that the nursing assistant defined in RCW 18.88A.020(5) is indeed competent to perform the delegated act. Nonnursing and managerial persons shall not coerce the registered nurse into compromising client safety by requiring the registered nurse to delegate. Both the delegating registered nurse and the nursing assistant defined in RCW 18.88A.020(5) are accountable for their own actions in the delegation process.

(6) Verification of the current registration of a person holding himself or herself out to be a nursing assistant defined in RCW 18.88A.020(5) and any restrictions relating to the registration shall be the responsibility of the employer of the nursing assistant defined in RCW 18.88A.020(5).

(7) Development of rules implementing subsections (2), (3), (4), and (5) of this section shall be jointly adopted by the department of social and health services and the state nursing care quality assurance commission.

(8) A basic core training curriculum on providing care in residential settings for people with developmental disabilities shall be in addition to the specific nursing assistant training specified in this section. Such additional training shall be developed and adopted by rule by the secretary of the department of social and health services.

(9) This section may not be construed to apply to persons who are not developmentally disabled or to persons who are living in residential habilitation centers, nor to any setting or facility other than community residential programs certified by the department of social and health services under chapter 71A.12 RCW and adult family homes licensed under chapter 70.128 RCW and also certified by the department of social and health services under chapter 71A.12 RCW.

Sec. 434. RCW 71A.10.020 and 1988 c 176 s 102 are each amended to read as follows:

As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Department" means the department of social and health services.

(2) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual. By January 1, 1989, the department shall promulgate rules which define neurological or other conditions in a way that is not limited to intelligence quotient scores as the sole ((determinate-determinant)) determinant of these conditions, and notify the legislature of this action.

(3) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

(4) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(5) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

(6) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

(7) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Service" or "services" means services provided by state or local government to carry out this title.

(10) "Delegation" means direct authorization granted by a registered nurse to an unlicensed nursing assistant defined in RCW 18.88A.020(5) to perform the functions authorized in this chapter that fall within the scope of practice of the delegator and that are not within the scope of practice of the delegatee.

(11) "Supervision of nursing assistant defined in RCW 18.88A.020" means the provision of guidance and evaluation by a qualified registered nurse for the accomplishment of the specific tasks enumerated in section 433 of this act with the initial direction of the task or activity, periodic inspection of the actual act of accomplishing the task or activity, and the authority to require corrective action. The licensed registered nurse is not required to be on the premises but has given oral and written instructions relating to the specific task or activity and the client has been assessed by the licensed registered nurse prior to authority or delegation being granted to perform the task or activity.

NEW SECTION. Sec. 435. The secretary of health in consultation with the state nursing care quality assurance commission and the department of social and health services shall monitor the implementation of sections 432 through 434 this act and shall make an interim report by December 31, 1995, and a final report by December 31, 1996, to the legislature on the effectiveness of sections 432 through 434 of this act, including whether registration provides sufficient safeguards for protecting the health and safety of persons with developmental disabilities, and with any recommendations for improvements. The report shall be based on direct observation, documentation, and interviews, and shall specifically include a recommendation on whether a change in the level of credentialing is appropriate relating to patient care and safety."

Remember the remaining sections consecutively and correct internal references accordingly.

On page 98, line 30, strike "(6))" and insert ")") "Nursing assistant-registered, providing services to persons with developmental disabilities" means an individual employed as direct care staff in a community residential program certified by the department of social and health services under chapter 71A.12 RCW or an adult family home licensed under chapter 70.128 RCW and who has been trained by a registered nurse licensed under chapter 18.88 RCW to administer the specific medications or treatments authorized in section 433 of this act. (6)"

POINT OF ORDER

Senator Talmadge: "Mr. President, rising to a point of order. I believe the amendments on page 66, after line 33, and page 98, line 30, expand the scope and object of Engrossed Substitute House Bill No. 2676. Contrary to the previous speaker, these amendments have not been before the body before. It was introduced as a separate bill. The present bill that is before us is one that pertains to the abolition of boards and commissions. The bill contains in it the abolition of certain health care related boards and commissions. Those boards and commissions are specified in anything pertaining to the scope of practice of the professions contained in the bill. It is only necessary to implement the abolition or consolidation of boards and commissions.

"The amendments that are before us are amendments that are very blatantly scope of practice amendments. They pertain to the licensure of a new class of health care professionals, known as, I believe, nursing assistant-registered. They would be authorized to administer certain kinds of medications, to perform certain kinds of procedures in the community for the developmentally disabled and they would be doing this, notwithstanding the fact, that this is presently within the scope of practice of nurses in the state of Washington. The amendments plainly pertain to the issue of scope and practice. The body has adopted an amendment that deals with professional discipline and settlements with respect to professional disciplinary matters, but the body has not adopted such a blatant professional scope of practice amendment as the ones that are before us.

"The President--I would remind the President--ruled the Committee Amendment to Engrossed Substitute House Bill No. 2676 outside of scope and object, because it contained profession scope of practice provisions relating to acupuncture and to athletic trainers. These particular amendments that are before us were not even within that committee amendment and are plainly ones that relate to scope of practice of certain health care related professionals. I believe for that reason, Mr President, the amendments expand the scope and object of the bill."

Further debate ensued.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. One speaker on each side is usually allowed with respect to a scope and object ruling."

REPLY BY THE PRESIDENT

President Pritchard: "That is well taken. That is the practice, Senator."

At 9:29 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 9:37 p.m. by President Pritchard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 2676 is a measure which makes changes in the duties and organization of various government entities and abolishes certain entities.

"The amendments proposed by Senators McAuliffe, Haugen, West and Moyer on page 66, after line 33, and page 98, line 30, would assign new duties for nursing assistants in the care of the developmentally disabled.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senators McAuliffe, Haugen, West and Moyer on page 66, after line 33, and page 98, line 30, to Engrossed Substitute House Bill No. 2676 were ruled out of order.

MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 2, line 11 of the title, strike "and 90.54.190" and insert "90.54.190, 28A.170.050, 43.43.390, 43.70.410, 43.70.420, 44.40.070, 46.01.030, 46.52.120, 46.82.300, 46.90.010, and 47.01.250"

On page 2, line 12 of the title, strike "and"

On page 2, line 13 of the title, after "75.30.050" insert ", and 43.03.028"

On page 2, at the beginning of line 15 of the title, after "RCW;" insert "adding a new section to chapter 18.130 RCW;"

On page 2, line 16 of the title, after "88.46 RCW;" insert "adding new sections to chapter 43.41 RCW;"

On page 2, line 16 of the title, before "creating" insert "adding new sections to chapter 43.06 RCW; adding new sections to chapter 43.43 RCW;"

On page 3, line 6 of the title, after "88.44.901," strike "and 88.46.110" and insert ", 88.46.110, 43.59.010, 43.59.020, 43.59.030, 43.59.040, 43.59.050, 43.59.060, 43.59.070, 43.59.080, 43.59.130, and 43.59.140"

On page 3, beginning on line 7 of the title, after "penalties;" strike the remainder of the title and insert "providing an effective date; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2676, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute House Bill No. 2676, as amended by the Senate, was deferred.

At 9:40 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 12:47 a.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

March 11, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING

SCR 8431 by Senators Fraser, Bluechel, Gaspard, Prince, Franklin, Moyer, M. Rasmussen, Sellar and Sheldon

Forming the Washington-Hyogo Legislative Friendship Association.

MOTIONS

On motion of Senator Spanel, the rules were suspended and Senate Concurrent Resolution No. 8431 was advanced to second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Senate Concurrent Resolution No. 8431 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTION

On motion of Senator Spanel, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 6480 and the bill was placed on the third reading calendar.

MOTION

On motion of Senator Spanel, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 6480, by Senators Moore, Vognild, Prentice, Sheldon, Pelz, Nelson, Sutherland and McAuliffe

Regulating unemployment insurance compensation.

MOTIONS

On motion of Senator Vognild, the rules were suspended and Engrossed Senate Bill No. 6480 was returned to second reading and read the second time.

Senator Vognild moved that the following amendment by Senators Vognild and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 50.20 RCW to read as follows:

The employment security department shall report to the appropriate standing committees of the legislature no later than July 1, 1995, regarding any updating of the department's computer technology that is necessary to or could address eliminating or reducing the need to make conditional payments.

Sec. 2. RCW 50.16.094 and 1993 c 226 s 6 are each amended to read as follows:

An individual may be eligible for applicable employment security benefits while participating in work force training. Eligibility is at the discretion of the commissioner of employment security after submitting a commissioner-approved training waiver and developing a detailed individualized training plan.

~~((Benefits paid under this section may not be charged to the experience rating accounts of individual employers.))~~

The commissioner shall adopt rules as necessary to implement this section.

Sec. 3. RCW 50.22.090 and 1993 c 316 s 10 are each amended to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after July 1, 1991, and for the forest products industry beginning with the third week after the first Sunday after July 1, 1991. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 1, 1995, but for claims established on or before July 1, 1995, weeks of unemployment occurring after July 1, 1995, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be one hundred four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than two years beyond the end of the benefit year of the regular claim for an individual whose benefit year ends on or after July 27, 1991, and shall not be payable for weeks ending on or after two years after March 26, 1992, for individuals who become eligible as a result of chapter 47, Laws of 1992.

(c) Notwithstanding the provisions of (b) of this subsection, individuals will be entitled to up to five additional weeks of benefits following the completion or termination of training.

(d) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(e) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits (~~and shall not be charged to the experience rating account of individual employers~~). The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(f) The amendments in chapter 316, Laws of 1993 affecting subsection (3) (b) and (c) of this section shall apply in the case of all individuals determined to be monetarily eligible under this section without regard to the date eligibility was determined.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b)(i) Has received notice of termination or layoff; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i)(A) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after July 1, 1991, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(B) Is unemployed as the result of a plant closure that occurs after November 1, 1992, in a county identified under subsection (2) of this section, did not comply with the requirements of (c)(i)(A) of this subsection due to good cause as demonstrated to the department, such as ambiguity over possible sale of the plant, develops a training program that is submitted to the commissioner for approval not later than sixty days from a date determined by the department to accommodate the good cause, and enters the approved training program not later than ninety days after the revised date established by the department, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

(7) For the purpose of this section, an individual who has a benefit year beginning after January 1, 1989, and ending before July 27, 1991, shall be treated as if his or her benefit year ended on July 27, 1991.

Sec. 4. RCW 50.29.020 and 1993 c 483 s 19 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

~~(b) ((Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.~~

~~(c))~~ Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

~~(i)~~ The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

~~(ii)~~ The individual files under RCW 50.06.020(2).

~~((f))~~ (c) Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

~~((e))~~ (d) In the case of individuals who qualify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

~~((f))~~ (e) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

~~((g))~~ Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 may not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.)

(3)(a) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

- (i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;
- (ii) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;
- (iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, work site, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or
- (iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 5. RCW 50.29.025 and 1993 c 483 s 21 and 1993 c 226 s 13 are each reenacted and amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

((3.90) 2.90 and above AA
((3.40 to 3.89) 2.50 to 2.89 A
((2.90 to 3.39) 2.10 to 2.49 B
((2.40 to 2.89) 1.60 to 2.09 C
((1.90 to 2.39) 1.10 to 1.59 D
((1.40 to 1.89) 0.60 to 1.09 E
Less than ((1.40) 0.60 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

| Percent of Cumulative Schedule of Contribution Rates Taxable Payrolls for Effective Tax Schedule (Rate | | | | | | | | | | |
|---|--------|-------|------|------|------|------|------|------|------|--|
| From | To | Class | AA | A | B | C | D | E | F | |
| 0.00 | 5.00 | 1 | 0.48 | 0.36 | 0.46 | 0.86 | 1.36 | 1.76 | 2.36 | |
| 5.01 | 10.00 | 2 | 0.48 | 0.36 | 0.66 | 1.06 | 1.56 | 1.96 | 2.56 | |
| 10.01 | 15.00 | 3 | 0.58 | 0.46 | 0.86 | 1.26 | 1.66 | 2.16 | 2.76 | |
| 15.01 | 20.00 | 4 | 0.58 | 0.66 | 1.06 | 1.46 | 1.86 | 2.36 | 2.96 | |
| 20.01 | 25.00 | 5 | 0.78 | 0.86 | 1.26 | 1.66 | 2.06 | 2.56 | 3.06 | |
| 25.01 | 30.00 | 6 | 0.98 | 1.06 | 1.46 | 1.86 | 2.26 | 2.66 | 3.16 | |
| 30.01 | 35.00 | 7 | 1.08 | 1.26 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 | |
| 35.01 | 40.00 | 8 | 1.28 | 1.46 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 | |
| 40.01 | 45.00 | 9 | 1.48 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 | 3.66 | |
| 45.01 | 50.00 | 10 | 1.68 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 | 3.86 | |
| 50.01 | 55.00 | 11 | 1.98 | 2.16 | 2.46 | 2.86 | 3.26 | 3.66 | 3.96 | |
| 55.01 | 60.00 | 12 | 2.18 | 2.36 | 2.66 | 3.06 | 3.46 | 3.86 | 4.16 | |
| 60.01 | 65.00 | 13 | 2.38 | 2.56 | 2.86 | 3.26 | 3.66 | 4.06 | 4.36 | |
| 65.01 | 70.00 | 14 | 2.58 | 2.76 | 3.06 | 3.46 | 3.86 | 4.26 | 4.56 | |
| 70.01 | 75.00 | 15 | 2.88 | 2.96 | 3.26 | 3.66 | 4.06 | 4.46 | 4.66 | |
| 75.01 | 80.00 | 16 | 3.08 | 3.16 | 3.46 | 3.86 | 4.26 | 4.56 | 4.76 | |
| 80.01 | 85.00 | 17 | 3.28 | 3.36 | 3.66 | 4.06 | 4.46 | 4.76 | 4.86 | |
| 85.01 | 90.00 | 18 | 3.68 | 3.76 | 4.06 | 4.46 | 4.76 | 4.86 | 5.06 | |
| 90.01 | 95.00 | 19 | 4.08 | 4.16 | 4.46 | 4.86 | 4.96 | 5.06 | 5.26 | |
| 95.01 | 100.00 | 20 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | |

| Rate | | | | | | | | | | |
|-------|-------|-------|------|------|------|------|------|------|------|--|
| From | To | Class | AA | A | B | C | D | E | F | |
| 0.00 | 5.00 | 1 | 0.36 | 0.36 | 0.46 | 0.86 | 1.36 | 1.76 | 2.36 | |
| 5.01 | 10.00 | 2 | 0.36 | 0.36 | 0.66 | 1.06 | 1.56 | 1.96 | 2.56 | |
| 10.01 | 15.00 | 3 | 0.46 | 0.46 | 0.86 | 1.26 | 1.66 | 2.16 | 2.76 | |

| | | | | | | | | | |
|-------|--------|----|------|------|------|------|------|------|------|
| 15.01 | 20.00 | 4 | 0.46 | 0.66 | 1.06 | 1.46 | 1.86 | 2.36 | 2.96 |
| 20.01 | 25.00 | 5 | 0.66 | 0.86 | 1.26 | 1.66 | 2.06 | 2.56 | 3.06 |
| 25.01 | 30.00 | 6 | 0.86 | 1.06 | 1.46 | 1.86 | 2.26 | 2.66 | 3.16 |
| 30.01 | 35.00 | 7 | 0.96 | 1.26 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 |
| 35.01 | 40.00 | 8 | 1.16 | 1.46 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 |
| 40.01 | 45.00 | 9 | 1.36 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 | 3.66 |
| 45.01 | 50.00 | 10 | 1.56 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 | 3.86 |
| 50.01 | 55.00 | 11 | 1.86 | 2.16 | 2.46 | 2.86 | 3.26 | 3.66 | 3.96 |
| 55.01 | 60.00 | 12 | 2.06 | 2.36 | 2.66 | 3.06 | 3.46 | 3.86 | 4.16 |
| 60.01 | 65.00 | 13 | 2.26 | 2.56 | 2.86 | 3.26 | 3.66 | 4.06 | 4.36 |
| 65.01 | 70.00 | 14 | 2.46 | 2.76 | 3.06 | 3.46 | 3.86 | 4.26 | 4.56 |
| 70.01 | 75.00 | 15 | 2.76 | 2.96 | 3.26 | 3.66 | 4.06 | 4.46 | 4.66 |
| 75.01 | 80.00 | 16 | 2.96 | 3.16 | 3.46 | 3.86 | 4.26 | 4.56 | 4.76 |
| 80.01 | 85.00 | 17 | 3.16 | 3.36 | 3.66 | 4.06 | 4.46 | 4.76 | 4.86 |
| 85.01 | 90.00 | 18 | 3.56 | 3.76 | 4.06 | 4.46 | 4.76 | 4.86 | 5.06 |
| 90.01 | 95.00 | 19 | 3.96 | 4.16 | 4.46 | 4.86 | 4.96 | 5.06 | 5.26 |
| 95.01 | 100.00 | 20 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 | 5.40 |

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 6. RCW 50.29.025 and 1994 c ... s 5 (section 5 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

| Interval of the Fund Balance Ratio Expressed as a Percentage | Effective Tax Schedule |
|--|------------------------|
| 2.90 and above | AA |
| 2.50 to 2.89 | A |
| 2.10 to 2.49 | B |
| 1.60 to 2.09 | C |
| 1.10 to 1.59 | D |
| 0.60 to 1.09 | E |
| Less than 0.60 | F |

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

| From | To | Class | AA | A | B | C | D | E | F |
|-------|-------|-------|------|------|------|------|------|------|------|
| 0.00 | 5.00 | 1 | 0.36 | 0.36 | 0.46 | 0.86 | 1.36 | 1.76 | 2.36 |
| 5.01 | 10.00 | 2 | 0.36 | 0.36 | 0.66 | 1.06 | 1.56 | 1.96 | 2.56 |
| 10.01 | 15.00 | 3 | 0.46 | 0.46 | 0.86 | 1.26 | 1.66 | 2.16 | 2.76 |
| 15.01 | 20.00 | 4 | 0.46 | 0.66 | 1.06 | 1.46 | 1.86 | 2.36 | 2.96 |
| 20.01 | 25.00 | 5 | 0.66 | 0.86 | 1.26 | 1.66 | 2.06 | 2.56 | 3.06 |
| 25.01 | 30.00 | 6 | 0.86 | 1.06 | 1.46 | 1.86 | 2.26 | 2.66 | 3.16 |
| 30.01 | 35.00 | 7 | 0.96 | 1.26 | 1.66 | 2.06 | 2.46 | 2.86 | 3.26 |
| 35.01 | 40.00 | 8 | 1.16 | 1.46 | 1.86 | 2.26 | 2.66 | 3.06 | 3.46 |

40.01 45.00 9 1.36 1.66 2.06 2.46 2.86 3.26 3.66
 45.01 50.00 10 1.56 1.86 2.26 2.66 3.06 3.46 3.86
 50.01 55.00 11 1.86 2.16 2.46 2.86 3.26 3.66 3.96
 55.01 60.00 12 2.06 2.36 2.66 3.06 3.46 3.86 4.16
 60.01 65.00 13 2.26 2.56 2.86 3.26 3.66 4.06 4.36
 65.01 70.00 14 2.46 2.76 3.06 3.46 3.86 4.26 4.56
 70.01 75.00 15 2.76 2.96 3.26 3.66 4.06 4.46 4.66
 75.01 80.00 16 2.96 3.16 3.46 3.86 4.26 4.56 4.76
 80.01 85.00 17 3.16 3.36 3.66 4.06 4.46 4.76 4.86
 85.01 90.00 18 3.56 3.76 4.06 4.46 4.76 4.86 5.06
 90.01 95.00 19 3.96 4.16 4.46 4.86 4.96 5.06 5.26
 95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40))

Rate

From To Class AA A B C D E F

0.00 5.00 1 0.48 0.48 0.58 0.98 1.48 1.88 2.48
5.01 10.00 2 0.48 0.48 0.78 1.18 1.68 2.08 2.68
10.01 15.00 3 0.58 0.58 0.98 1.38 1.78 2.28 2.88
15.01 20.00 4 0.58 0.78 1.18 1.58 1.98 2.48 3.08
20.01 25.00 5 0.78 0.98 1.38 1.78 2.18 2.68 3.18
25.01 30.00 6 0.98 1.18 1.58 1.98 2.38 2.78 3.28
30.01 35.00 7 1.08 1.38 1.78 2.18 2.58 2.98 3.38
35.01 40.00 8 1.28 1.58 1.98 2.38 2.78 3.18 3.58
40.01 45.00 9 1.48 1.78 2.18 2.58 2.98 3.38 3.78
45.01 50.00 10 1.68 1.98 2.38 2.78 3.18 3.58 3.98
50.01 55.00 11 1.98 2.28 2.58 2.98 3.38 3.78 4.08
55.01 60.00 12 2.18 2.48 2.78 3.18 3.58 3.98 4.28
60.01 65.00 13 2.38 2.68 2.98 3.38 3.78 4.18 4.48
65.01 70.00 14 2.58 2.88 3.18 3.58 3.98 4.38 4.68
70.01 75.00 15 2.88 3.08 3.38 3.78 4.18 4.58 4.78
75.01 80.00 16 3.08 3.28 3.58 3.98 4.38 4.68 4.88
80.01 85.00 17 3.28 3.48 3.78 4.18 4.58 4.88 4.98
85.01 90.00 18 3.68 3.88 4.18 4.58 4.88 4.98 5.18
90.01 95.00 19 4.08 4.28 4.58 4.98 5.08 5.18 5.38
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 7. RCW 50.29.062 and 1989 c 380 s 81 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer, ((his or her)) its contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall

be based on ((his or her)) its experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) If the successor is not an employer at the time of the transfer, ((he or she)) it shall pay contributions at the ((rate class assigned to the predecessor employer at the time of the transfer for the remainder for that rate year and continuing until such time as he or she qualifies for a different rate in his or her own right)) lowest rate as determined by either of the following manners:

(a) At the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year and continuing until the successor qualifies for a different rate in its own right. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. or

(b) At the contribution rate equal to the average industry rate as determined by the commissioner, but not less than one percent, and continuing until the successor qualifies for a different rate in its own right. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code.

(3) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, ((his or her)) its rate from the date the transfer occurred until the end of that rate year and until ((he or she)) it qualifies in ((his or her)) its own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition.

(4) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(5) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on ((his or her)) its experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until ((he or she)) it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

NEW SECTION. Sec. 8. The joint task force on unemployment insurance created by section 22, chapter 483, Laws of 1993 (uncodified) shall evaluate, in addition to the issues required for study in chapter ... (Substitute Senate Bill No. 6217), Laws of 1994, the adequacy of the unemployment insurance trust fund balance, including the effectiveness of the mechanisms that determine the tax schedule each rate year, and report recommendations as required by chapter ... (Substitute Senate Bill No. 6217), Laws of 1994.

NEW SECTION. Sec. 9. Section 2 of this act is remedial in nature and applies retroactively to January 1, 1994.

NEW SECTION. Sec. 10. Sections 3 and 4 of this act apply only to benefit charges attributable to new claims effective after July 2, 1994.

NEW SECTION. Sec. 11. (1) Sections 2 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 6 of this act shall take effect January 1, 1998."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Vognild and Newhouse to Engrossed Senate Bill No. 6480.

The motion by Senator Vognild carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "amending RCW 50.16.094, 50.22.090, 50.29.020, 50.29.025, and 50.29.062; reenacting and amending RCW 50.29.025; adding a new section to chapter 50.20 RCW; creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Reengrossed Senate Bill No. 6480, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Drew, Senator Haugen was excused.

On motion of Senator Anderson, Senators Linda Smith and Winsley were excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 6480.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 6480 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 42.

Excused: Senators Deccio, Haugen, McCaslin, Roach, Skratek, Smith, L. and Winsley - 7.

REENGROSSED SENATE BILL NO. 6480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

At 1:01 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 1:06 a. m. by President Pritchard.

MOTION

On motion of Senator Drew, Senator Loveland was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9339, Kelly White, as a member of the Wildlife Commission, was confirmed.

Senators Owen and Morton spoke to the confirmation of Kelly White as a member of the Wildlife Commission.

APPOINTMENT OF KELLY WHITE

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 3; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Drew, Erwin, Fraser, Gaspard, Hargrove, Hochstatter, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 38.

Absent: Senators Bluechel, Franklin and Ludwig - 3.

Excused: Senators Deccio, Haugen, Loveland, McCaslin, Roach, Skratek, Smith, L. and Winsley - 8.

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

MESSAGE FROM THE HOUSE

March 11, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2699, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

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

INTRODUCTION AND FIRST READING

ESHB 2699 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wineberry, Forner, J. Kohl, Schoesler, Appelwick, Long, Thibaudeau, Ballasiotes, Lemmon, L. Johnson, Campbell, Valle, Basich, Pruitt, Rayburn, Flemming, Kremen, Sheldon, Karahalios, Conway, Springer and Quall)

Creating a youthbuild violence prevention program.

MOTIONS

On motion of Senator Spanel, the rules were suspended and Engrossed Substitute House Bill No. 2699 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2699 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wineberry, Forner, J. Kohl, Schoesler, Appelwick, Long, Thibaudeau, Ballasiotes, Lemmon, L. Johnson, Campbell, Valle, Basich, Pruitt, Rayburn, Flemming, Kremen, Sheldon, Karahalios, Conway, Springer and Quall)

Creating a youthbuild violence prevention program.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 2699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2699.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2699 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 5; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Ludwig, McAuliffe, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Schow, Sellar, Sheldon, Smith, A., Spanel, Sutherland, Vognild, West and Williams - 36.

Voting nay: Senators Cantu, McDonald, Snyder, Talmadge and Wojahn - 5.

Excused: Senators Deccio, Haugen, Loveland, McCaslin, Roach, Skratek, Smith, L. and Winsley - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

At 1:20 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 3:24 a.m. by President Pritchard.

MOTION

At 3:24 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, March 14, 1994.

JOEL PRITCHARD, President of the Senate
MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, FIRST SPECIAL SESSION, MARCH 11, 1994

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

FIRST SPECIAL SESSION

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 14, 1994

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, McCaslin and West.

The Color Guard, consisting of Sergeant at Arms Ats Kiuchi and Robert Hanson presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

MOTION

At 10:09 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:02 a.m. by President Pritchard.

MOTION

At 11:02 a.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:12 p.m. by President Pritchard.

MOTION

At 1:12 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:35 p.m. by President Pritchard.

**SECOND READING
GUBERNATORIAL APPOINTMENT**

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9418, Lisa Pelly, as a member of the Fish and Wildlife Commission, was confirmed.

APPOINTMENT OF LISA PELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 2; Absent, 3; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Haugen and Smith, L. - 2.

Absent: Senators Deccio, McCaslin and West - 3.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

The Speaker has ruled the Conference Committee amendment to SENATE BILL NO. 6055 beyond the scope and object of the bill. The House did not adopt the Conference Report. The House recessed from its amendments to SENATE BILL NO. 6055 and passed the bill without the House amendments, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to adopt the Report of the Conference Committee on Senate Bill No. 6055.

POINT OF INQUIRY

Senator Anderson: "Senator Haugen, is this the bill that Section 7 was scoped in the House and we are peeling back now to what we originally passed?"

Senator Haugen: "Yes, originally passed."

Senator Anderson: "Thank you."

Senator Haugen: "So it is nothing more than just the bill dealing with county coroners and the salaries they are paid. It is a very simple little bill that became a very, very big bill and now it back in its original form. I wish we all could reduce like that in a few days."

MOTION

On motion of Senator Oke, Senators Deccio and McCaslin were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6055.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6055 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Cantu, Erwin, McDonald, Morton, Nelson, Newhouse, Roach, Schow, Sellar and West - 11.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 6055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2676, as amended by the Senate, deferred on third reading March 11, 1994.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice,

Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Anderson, Schow and Sellar - 3.

Absent: Senator Vognild - 1.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Drew: "Thank you, Mr President. I move that Senator Vognild be excused and I would like the Journal to reflect that I should have excused him before the last vote, but we got too quickly on to the roll call."

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

CONFERENCE COMMITTEE REPORT

EHB 2664 March 11, 1994

Includes "NEW ITEMS": YES

Modifying provisions for tax deferrals for investment projects in distressed areas

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2664, Modifying provisions for tax deferrals for investment projects in distressed areas, have had the same under consideration and we recommend that:

All previous amendment(s) not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.60.020 and 1993 sp.s. c 25 s 403 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; ~~((c))~~ (c) a designated neighborhood reinvestment area approved under RCW 43.63A.700; (d) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; or (e) a county designated by the governor as an eligible area under section 9 of this act.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding, equipping, or renovating an existing ~~((building))~~ facility with costs in excess of twenty-five percent of the true and fair value of the ~~((plant-complex))~~ facility prior to improvement ~~((or~~

~~((iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure)).~~ The lessor/owner of ~~((the structure))~~ a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(b) For purposes of (a)(i) of this subsection, the number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.

(c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than cogeneration projects that are both an integral part of a manufacturing facility and owned at least fifty percent by the manufacturer, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings ~~((and))~~ or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means ~~((new))~~ structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers;

software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 2. RCW 82.60.030 and 1985 c 232 s 3 are each amended to read as follows:

Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

Sec. 3. RCW 82.60.040 and 1986 c 116 s 13 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that:

(a) Is located in an eligible area other than a designated neighborhood reinvestment area approved under RCW 43.63A.700;

(b) Is located in any county if seventy-five percent of the new qualified employment positions are to be filled by residents of a contiguous county that qualifies as an eligible area; or

(c) Is located in a designated neighborhood reinvestment area approved under RCW 43.63A.700, or in a county containing such a neighborhood reinvestment area, if seventy-five percent of the new qualified employment positions are to be filled by residents of the neighborhood reinvestment area.

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

NEW SECTION. Sec. 4. A new section is added to chapter 82.60 RCW to read as follows:

In addition to the other requirements of this chapter, a recipient of a tax deferral under RCW 82.60.040(1) (b) or (c) shall meet the following requirements:

(1) The recipient shall fill at least seventy-five percent of the new qualified employment positions with residents of the contiguous county or neighborhood reinvestment area by December 31 of the calendar year during which the department certifies that the investment project is operationally completed, and shall maintain the required percentage during each of the seven succeeding calendar years.

(2) If the deferral is for expansion or diversification of an existing facility, the recipient shall ensure that the percentage of qualified employment positions filled by residents of the contiguous county or neighborhood reinvestment area for periods prior to the application be maintained for seven calendar years after the year during which the department certifies that the investment project is operationally completed.

Sec. 5. RCW 82.60.070 and 1985 c 232 s 6 are each amended to read as follows:

(1) Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid. Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due.

(3) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.

(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of section 4 of this act for any calendar year for which reports are required under subsection (1) of this section, twelve and one-half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

Sec. 6. RCW 82.60.065 and 1986 c 116 s 14 are each amended to read as follows:

((Notwithstanding any other provision of this chapter,)) Except as provided in RCW 82.60.070:

(1) Taxes deferred under this chapter on the sale or use of labor that is directly used in the construction of an investment project for which a deferral has been granted under this chapter after June 11, 1986, and prior to July 1, 1994, need not be repaid.

(2) Taxes deferred under this chapter on an investment project for which a deferral has been granted under this chapter after June 30, 1994, need not be repaid.

Sec. 7. RCW 82.60.050 and 1993 sp.s. c 25 s 404 are each amended to read as follows:

RCW 82.60.030 and 82.60.040 shall expire July 1, ~~((1998))~~ 2004.

NEW SECTION. Sec. 8. A new section is added to chapter 82.60 RCW to read as follows:

If the department determines that an investment project for which an exemption is granted under this chapter competes with an investment project for which a deferral is granted under this chapter, the department shall study the impacts on the project for which a deferral is granted and report to the fiscal committees of the legislature concerning revenue matters.

NEW SECTION. Sec. 9. A new section is added to chapter 82.60 RCW to read as follows:

The governor is authorized to designate a county as an eligible area for purposes of this chapter if, as a result of a natural disaster or business or military base closure or mass layoff, the twelve-month average unemployment rate using the projected level of new unemployment in the county over the ensuing twelve months added to the base unemployment level in the county for the preceding twelve months will exceed the previous twelve-month average state unemployment rate by forty percent. The designation shall be effective for a period of twelve months.

NEW SECTION. Sec. 10. This act shall take effect July 1, 1994."

On page 1, line 2 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 82.60.020, 82.60.030, 82.60.040, 82.60.070, 82.60.065, and 82.60.050; adding new sections to chapter 82.60 RCW; and providing an effective date.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rinehart and Owen; Representatives G. Fisher and Peery

MOTION

Senator Rinehart moved that the Senate adopt the Report of the Conference Committee on Engrossed House Bill No. 2664.
Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Rinehart, it has been our desks for several days, but it came at 3:10 in the morning on Saturday morning and I wasn't here over the weekend. In the distressed areas, is the defense county language still in here or is that removed?"

Senator Rinehart: "No, the defense language is in, Senator Anderson."

The President declared the question before the Senate to be the motion by Senator Rinehart that the Report of the Conference Committee on Engrossed House Bill No. 2664 be adopted.

The motion by Senator Rinehart carried and the Report of the Conference Committee on Engrossed House Bill No. 2664 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2664, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2664, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Vognild, West and Winsley - 43.

Voting nay: Senators Sutherland, Talmadge, Williams and Wojahn - 4.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED HOUSE BILL NO. 2664, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 1:57 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:38 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6244 and has passed the bill as recommended by the Conference Committee and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESSB 6244 March 9, 1994

Includes "NEW ITEMS": YES

An act relating to fiscal matters

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, An act relating to fiscal matters, have had the same under consideration and we recommend that:

The House Committee on Appropriations amendment, as amended, adopted February 25, 1994, not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT

Sec. 101. 1993 sp.s. c 24 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ ((46,189,000))

45,515,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 is provided solely for the fiscal accountability project.

Sec. 102. 1993 sp.s. c 24 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ ((35,457,000))

34,998,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 is provided solely for the fiscal accountability project.

NEW SECTION. Sec. 103. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE WASHINGTON PERFORMANCE PARTNERSHIP COUNCIL

General Fund Appropriation \$ 500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of Engrossed Senate Bill No. 6601 (Washington performance partnership).

Sec. 104. 1993 sp.s. c 24 s 103 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ((2,067,000))

2,426,000

Health Services Account Appropriation \$ 565,000

TOTAL APPROPRIATION \$ ((2,632,000))

2,991,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$565,000 of the health services account--state appropriation is provided solely for studies required by Engrossed Second Substitute Senate Bill No. 5304. If that bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

(2) \$18,800 is provided for the legislative budget committee to review the department of veterans affairs, the Washington soldiers' home, and the Washington veterans' home to implement Engrossed House Bill No. 1437 to the extent permitted by the amount provided.

(3) \$250,000 of the general fund appropriation is provided solely for K-12 fiscal studies subject to the following conditions and limitations:

(a) The legislative budget committee shall execute an interagency agreement with the institute for public policy for a study of special education. Prior to conducting the study, the institute shall develop a study design in consultation with the fiscal committees of the legislature and the superintendent of public instruction. The institute shall determine the resources necessary to conduct the study based on the criteria established in the study design. To the greatest extent possible, the institute shall obtain commitments for resources from public agencies that are able to provide assistance for the study.

(b) The legislative budget committee shall execute an interagency agreement with the institute for public policy for a longitudinal study of outcomes in special education.

Prior to conducting the study, the institute shall develop a study design in consultation with the fiscal committees of the legislature. The institute shall determine the resources necessary to conduct the study based on the criteria established in the study design. To the greatest extent possible, the institute shall obtain commitments for resources from public agencies that are able to provide assistance for the study.

(c) The legislative budget committee shall conduct the following K-12 studies:

(i) Federal and state learning assistance programs; and

(ii) Inservice education.

Prior to conducting each study, the legislative budget committee shall develop a study design in consultation with the fiscal committees of the legislature. The legislative budget committee shall determine the resources necessary to conduct the studies based on the criteria established in the study design. To the greatest extent possible, the legislative budget committee shall obtain commitments for resources from public agencies that are able to provide assistance for the studies.

(d) Initial reports on each study under this subsection shall be provided to the appropriate committees of the legislature and the office of financial management on December 15, 1994.

(4) \$75,000 of the general fund--state appropriation is provided solely for a study of the state lottery. The study may include, but is not limited to: (a) The cost effectiveness of advertising, prize size, the mix of existing games and introduction of new games as the new games relate to lottery and state revenue; (b) the effect of advertising on problem gambling; and (c) an analysis of the lottery's administrative budget in relation to similar public and private concerns in other states and countries. The legislative budget committee shall submit a progress report to the appropriate policy and fiscal committees of the legislature by December 1, 1994, and shall submit a final report to those committees by March 1, 1995.

Sec. 105. 1993 sp.s. c 24 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ ((2,400,000))

2,477,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative evaluation and accountability program committee, in conjunction with the K-12 legislative fiscal study committee established under chapter 336, Laws of 1993, shall prepare a study of vocational education programs for grades 9 through 12 funded through the K-12 apportionment formula of the budget. The study shall address: The historical reasons for the staffing ratios contained in the state apportionment formula; the changes in vocational instruction in the information and technology age; and the instructional requirements of integrated vocational and academic programs, traditional vocational programs, and skill center programs. The study shall include an analysis of state funding and school district expenditures in a sample of school districts engaged in the different types of vocational education programs. The study shall be submitted to the office of financial management and the fiscal committees of the legislature by December 15, 1994.

(2) \$125,000 of the general fund--state appropriation is provided for the legislative evaluation and accountability program (LEAP) committee to establish a public and private sector work group to plan the transition of the department of social and health services' automated client eligibility system (ACES) to a more flexible architecture or open computer system. The LEAP committee shall report the results of the work group's efforts to the fiscal committees of the legislature and the office of financial management by December 1, 1994. The work group's efforts may be examined by the LEAP committee for applicability to other issues related to state-wide information services delivery.

Sec. 106. 1993 sp.s. c 24 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ ((9,480,000))

9,572,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

Sec. 107. 1993 sp.s. c 24 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ ((5,952,000))

5,833,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided for the expenses of the law revision commission under chapter 1.30 RCW.

Sec. 108. 1993 sp.s. c 24 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ((9,769,000))

9,586,000

The appropriation in this section is subject to the following conditions and limitations: The supreme court is directed to fully recover all costs, including staff costs, associated with publishing supreme court opinions by the reporter of decisions.

Sec. 109. 1993 sp.s. c 24 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ((17,117,000))

17,484,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$83,000 is provided solely for an additional judicial position for the court of appeals, division II, district 3, as authorized under chapter 420, Laws of 1993 (Engrossed Substitute House Bill No. 1734).

(2) \$52,000 is provided solely for an additional judicial position for the court of appeals, division II, district 2, as authorized under chapter 420, Laws of 1993 (Engrossed Substitute House Bill No. 1734).

(3) \$232,000 is provided solely for costs associated with the additional judicial positions funded in subsections (1) and (2) of this section.

(4) Subsection (1) of this section shall take effect November 1, 1994.

(5) Subsection (2) of this section shall take effect February 1, 1995.

Sec. 110. 1993 sp.s. c 24 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ((1,013,000))

1,067,000

The appropriation in this section is subject to the following conditions and limitations: \$68,000 is provided solely to implement Substitute Senate Bill No. 6111 (ethics for state officers and employees). If the bill is not enacted by June 30, 1994, the amount provided shall lapse.

Sec. 111. 1993 sp.s. c 24 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ((24,418,000))

24,029,000

Public Safety and Education Account

Appropriation \$ 36,102,000

Judicial Information System Account

Appropriation \$ ((655,000))

5,277,000

Health Services Account Appropriation \$ 117,000

Drug Enforcement and Education Account

Appropriation \$ 6,510,000

TOTAL APPROPRIATION \$ ((67,802,000))

72,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$24,407,000)~~ \$23,699,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$110,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5753 (judgeship for Cowlitz county). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) The administrator for the courts shall provide data processing support to the department of social and health services' division of juvenile rehabilitation in the allocation of grant moneys to local governments.

(5) \$9,820,000 of the public safety and education account is provided solely for the indigent appeals program.

(6) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(7) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(8) \$117,000 of the health services account appropriation is provided solely for the implementation of section 418 of Engrossed Second Substitute Senate Bill No. 5304 (medical malpractice review). If section 418 of the bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

Sec. 112. 1993 sp.s. c 24 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation \$ ((6,138,000))

6,015,000

The appropriation in this section is subject to the following conditions and limitations: \$186,000 is provided solely for mansion maintenance.

Sec. 113. 1993 sp.s. c 24 s 117 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation \$ ((8,049,000))

8,549,000

Archives and Records Management Account

Appropriation \$ ((3,160,000))

3,150,000

Personnel Service Account Appropriation \$ ((612,000))

600,000

TOTAL APPROPRIATION \$ ((11,821,000))

12,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(703,532)~~ 702,505 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(2,096,466)~~ 2,507,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) The productivity board shall not approve any payment to, or agreement with, state employees under the teamwork incentive program under chapter 41.60 RCW unless the board determines that all expenditures savings or revenue increases recognized under the teamwork incentive program award are attributable exclusively to participating employees. Awards under the teamwork incentive program shall not exceed two thousand five hundred dollars per participating employee.

Sec. 114. 1993 sp.s. c 24 s 118 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation ~~\$(297,000)~~

300,000

Sec. 115. 1993 sp.s. c 24 s 119 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation ~~\$(336,000)~~

338,000

Sec. 116. 1993 sp.s. c 24 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

General Fund Appropriation \$ 4,990,000

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation ~~\$(9,976,000)~~

9,776,000

TOTAL APPROPRIATION ~~\$(40,020,000)~~

14,810,000

The appropriations in this section are subject to the following conditions and limitations: ~~(1) \$(284,000)~~ 127,000 of the state treasurer's service account appropriation is provided solely for the information systems project known as "upgrade mainframe." Authority to expend this amount is conditioned on compliance with section 902 of this act.

~~(2) \$4,990,000 of the general fund--state appropriation is provided solely for the state treasurer to contract with a financial institution for the establishment and administration of an escrow account. Funds in the account shall be disbursed subject to the following conditions and limitations:~~

~~(a) The financial institution shall disburse funds to a nonprofit organization designated by the office of financial management to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance. Nonprofit organizations eligible for designation must be formed solely for the purpose of providing gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance and must have received a determination of a tax exempt status under section 501(c)(3) of the federal internal revenue code. The office of financial management may require applicants to submit a four-year financial plan, a feasibility plan, an engineering plan, and a schedule of equipment needs. By May 2, 1994, the office of financial management shall designate a qualified nonprofit organization to receive disbursements from the account. The designation shall cover the period for which funds are provided.~~

~~(b) Disbursements shall be made quarterly beginning January 1, 1995, at the request of the nonprofit organization, not to exceed \$1,750,000 in fiscal year 1995, increased by three percent per year thereafter.~~

~~(c) Beginning January 1996, the designated nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.~~

~~(d) Placement and operation of equipment within legislative facilities shall be subject to terms and conditions established by both houses of the legislature and ratified by a two-thirds vote of both houses of the legislature by concurrent resolution.~~

~~(e) Disbursement of these funds from the account to the nonprofit organization is contingent upon the nonprofit organization receiving commitments for, or the actual receipt of, \$500,000, in cash or in kind, to procure the equipment necessary to carry out the functions of the designated nonprofit organization. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the appropriation in this subsection (2).~~

~~(f) No portion of any funds disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:~~

~~(i) Attempting to influence: (A) The passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress; or (B) the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;~~

~~(ii) Making contributions reportable under chapter 42.17 RCW; or~~

~~(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.~~

Sec. 117. 1993 sp.s. c 24 s 116 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation ~~\$(1,989,000)~~

2,178,000

The appropriation in this section is subject to the following conditions and limitations: \$64,000 is provided solely for implementation of a program to provide public electronic access to records maintained by the public disclosure commission pursuant to Second Substitute Senate Bill No. 6426 (electronic access). The funds shall not be expended until the program is reviewed by the department of information services to ensure compatibility with other state information systems.

Sec. 118. 1993 sp.s. c 24 s 121 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation \$ 20,000

General Fund--Federal Appropriation ~~\$(158,000)~~

155,000

Motor Vehicle Fund Appropriation ~~\$(334,000)~~

327,000

Municipal Revolving Fund Appropriation \$ 24,454,000

Auditing Services Revolving Fund Appropriation ~~\$(12,018,000)~~

11,778,000

TOTAL APPROPRIATION ~~\$(36,984,000)~~

36,734,000

The appropriations in this section are subject to the following conditions and limitations: ~~((+))~~ Audits of school districts by the division of municipal corporations shall include a finding regarding the accuracy of student enrollment data and the experience and education of the district's certificated instructional staff reported to the superintendent of public instruction for the purposes of allocation of state funding.

Sec. 119. 1993 sp.s. c 24 s 123 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation \$ ((5,948,000))

6,005,000

General Fund--Federal Appropriation \$ 1,632,000

Health Services Account Appropriation \$ 175,000

Public Safety and Education Account

Appropriation \$ 1,249,000

Legal Services Revolving Fund Appropriation \$ ((96,950,000))

96,341,000

((Motor Vehicle Fund Appropriation — \$ 748,000))

New Motor Vehicle Arbitration Account

Appropriation \$ 1,784,000

State Investment Board Expense AccountAppropriation \$ 4,000,000

TOTAL APPROPRIATION \$ ((408,456,000))

111,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,249,000 of the public safety and education account appropriation and \$406,000 of the general fund--state appropriation are provided solely for the attorney general's criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to appropriate committees of the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

(6) \$175,000 of the health services account appropriation and \$350,000 of the legal services revolving fund appropriation are provided solely for anti-trust activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(7) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation. The attorney general shall report to the appropriate committees of the legislature regarding litigation expenses and progress and the need for a 1995 supplemental appropriation by December 1, 1994.

(8) The legislature recognizes the need for the attorney general to offer competitive salaries in order to retain experienced legal staff. The attorney general shall submit a report to the legislative fiscal committees by December 1, 1994, comparing the compensation paid by the attorney general's office to other public and private agencies and firms.

(9) The attorney general shall develop recommendations, after consultation with the various state hearings boards, for cost-efficient implementation of alternative dispute resolution and report such recommendations to the appropriate committees of the legislature by December 1, 1994.

(10) \$205,000 of the general fund--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6111 (executive ethics board). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 120. 1993 sp.s. c 24 s 124 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ ((845,000))

818,000

Sec. 121. 1993 sp.s. c 24 s 125 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ ((19,575,000))

19,437,000

General Fund--Federal Appropriation \$ 918,000

Motor Vehicle Fund Appropriation \$ 109,000

Health Services Account Appropriation \$ 250,000

TOTAL APPROPRIATION \$ ((20,852,000))

20,714,000

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) The office of financial management shall evaluate the extent to which state employees could receive more efficient and less expensive service, as well as increased flexibility and return on their investments, from a deferred compensation program contracted with a private organization, and shall report its findings and recommendations to appropriate committees of the legislature by December 1, 1993.

~~((4))~~ (2) The efficiency commission shall undertake studies to determine the most effective means of delivering services currently provided by the state printer ((and the department of general administration's central stores)).

~~((5))~~ \$50,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1372 (state program evaluations). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

~~((6))~~ (3) \$100,000 of the general fund--state appropriation is provided solely for an interim task force as provided for by Engrossed Substitute House Bill No. 2054 (civil service reform).

(4) \$100,000 of the general fund--state appropriation is provided solely to examine the feasibility of establishing a state-wide central facility authority to coordinate and manage the construction and use of state facilities, including leased facilities. The results of the study shall be reported to the appropriate committees of the legislature by January 10, 1995.

Sec. 122. 1993 sp.s. c 24 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ ((86,244,000))

89,550,000

General Fund--Federal Appropriation \$ ((185,242,000))

182,029,000

General Fund--Private/Local Appropriation \$ 624,000

Public Safety and Education Account Appropriation \$ 8,402,000

Building Code Council Account Appropriation \$ 1,068,000
Public Works Assistance Account Appropriation \$ 1,192,000
Drug Enforcement and Education Account
Appropriation \$ 3,908,000
Low Income Weatherization Account Appropriation \$ 6,582,000
Washington Housing Trust Fund Appropriation \$ 4,643,000
Enhanced 911 Account Appropriation \$ ((20,042,000))

18,539,000

Administrative Contingency Fund Appropriation \$ 1,476,000
TOTAL APPROPRIATION \$ ((319,423,000))

318,013,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$8,208,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:

- (a) \$3,630,255 to local units of government to continue existing local drug task forces;
 - (b) \$1,086,240 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;
 - (c) \$697,128 to the department of community development to continue the state-wide drug prosecution assistance program;
 - (d) \$93,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
 - (e) \$279,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department;
 - (f) \$174,840 to the department of community development to establish the youth violence prevention and intervention project;
 - (g) \$214,830 to the department of community development for the state-wide drug offense indigent defense program;
 - (h) \$782,734 to the department of corrections for the expansion of correctional industries programs. It is the intent of the legislature that this program receive an equal amount of funding from the fiscal year 1995 drug control and system improvement formula grant program appropriation;
 - (i) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
 - (j) \$46,000 to the Washington state patrol for data collection; and
 - (k) \$410,400 to the office of financial management for the criminal history records improvement program.
- (l) \$128,573 for continuation of the high impact offender prosecution project; and
- (m) \$186,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

~~((5))~~ (2) \$7,020,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1995 as follows:

- (a) \$3,122,000 to local units of government to continue multijurisdictional drug task forces;
- (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;
- (c) \$430,000 to the department of community development to continue the state-wide drug prosecution assistance program;
- (d) \$93,000 to the department of community development to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (e) \$744,000 to the department of community development to continue the youth violence prevention and intervention projects;
- (f) \$215,000 to the department of community development for the state-wide drug offense indigent defense program;
- (g) \$673,000 to the department of corrections for the correctional industries programs;
- (h) \$412,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
- (i) \$46,000 to the Washington state patrol for data collection; and
- (j) \$351,000 to the office of financial management for the criminal history records improvement program.

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside ~~\$(2,400,000)~~ 4,800,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.

~~((6))~~ (4) \$350,000 of the general fund--state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities including, but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.

~~((10))~~ ~~\$(4,800,000)~~ (5) \$4,802,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.

~~((14))~~ (6) \$3,600,000 of the public safety and education account appropriation ~~((is))~~ and \$1,059,000 of the general fund--state appropriation are provided solely for the office of crime victim's advocacy and for sexual assault treatment services.

~~((12))~~ (7) \$8,268,000 of the general fund--state appropriation and \$41,610,000 of the general fund--federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program. It is the intent of the legislature that the disaster assistance unit continue to be funded as disasters occur not on a permanent basis, and that staffing for the unit be kept to only the minimum number of positions necessary to administer the grants and meet other federal and state requirements.

(8) \$175,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(9) \$50,000 of the general fund--state appropriation is provided solely for a grant to Yakima county to study the import-export opportunities associated with expansion of the Yakima airport in conjunction with increased economic opportunities that result from central Washington's status as a foreign trade zone.

(10) \$755,000 of the general fund--state appropriation is provided solely for the long-term care ombudsman program. Of this amount, \$30,000 is provided solely for a long-term care ombudsman in Kitsap county. The department shall ensure that not less than \$10,000 is provided for each of the fourteen long-term care regions for fiscal year 1995. The department shall ensure that from the total federal and state appropriations, not more than twenty-five percent or \$245,000, whichever is less, be expended on administration costs for the program. The department shall ensure that existing contracts in excess of \$10,000 be held harmless, and that funding be reallocated from the administration and training budgets. By November 1, 1994, the department shall report to the appropriate fiscal committees of the legislature on the allocation of funding for long-term care ombudsman services and make recommendations for changes in the distribution of funding.

(11) \$650,000 of the general fund--state appropriation is provided solely to increase the state's emergency preparedness and planning for catastrophic events.

(12) \$1,350,000 of the general fund--state appropriation is provided solely for grants for the development of programmatic environmental analysis prototypes consistent with the plans required under the growth management act. Within this amount the department shall make at least three grants not less than \$300,000. Not more than \$150,000 of this amount is provided for technical assistance to local governments. By December 1, 1994, the department shall report to the legislature on the status of grants awarded.

(13) If Senate Bill No. 6023 (transferring emergency management services) is enacted by June 30, 1994, funds appropriated in this section for the division of emergency management shall be transferred to the military department pursuant to section 8 of Senate Bill No. 6023.

(14) By November 25, 1994, the department shall report to the fiscal and education committees of the legislature on strategies that maximize the number of children served and, to the greatest extent practicable, preserve or improve program quality within existing resource constraints for the early childhood education assistance program. Strategies evaluated shall include, but not be limited to: (a) increasing the student-to-staff ratio; (b) over-enrolling slots; (c) increasing the use of nonstate financial resources; (d) reducing the number of nonfour year old children served; (e) administrative program changes; and (f) partnerships with local providers. The department shall also evaluate the reliability of using federal census data to forecast the number of eligible four year old children. The department shall include estimated short-term and long-term savings and costs of each strategy.

(15) \$25,000 of the general fund--state appropriation is provided solely for a grant to the Seattle school district to conduct a community use planning study of the Sealth high school--Denny middle school field complex. The study shall include representatives from the Seattle school district, Seattle parks department, the business community, and local citizens groups.

Sec. 123. 1993 sp.s. c 24 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT--FIRE PROTECTION POLICY BOARD. ((~~\$4,865,000~~)) \$4,735,000 is appropriated to the department of community development for the purposes of the fire protection policy board. Of this amount, \$2,213,000 is from the general fund--state appropriation, \$1,750,000 is from the fire service training account appropriation, \$466,000 is from the state toxics control account appropriation, ((~~\$346,000~~)) \$216,000 is from the oil spill administration account appropriation, and \$90,000 is from the fire service trust account appropriation. All expenditures from these funds are subject to the approval of the fire protection policy board. In the event of an across-the-board reduction in general fund allotments under RCW 43.88.110, the percentage reduction in the general--state allotments to the fire protection policy board shall not exceed the percentage reduction to the department's other general fund--state allotments.

Sec. 124. 1993 sp.s. c 24 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund

Appropriation \$ ((~~47,162,000~~))

16,616,000

Higher Education Personnel Services Account

Appropriation \$ 1,898,000

TOTAL APPROPRIATION \$ 18,514,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$600,000 of the department of personnel service fund appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.

(3) \$500,000 of the department of personnel service fund appropriation is provided solely for a career and employment transition program to assist permanent state employees who are separated due to reduction-in-force, including employee retraining, career counseling, and job placement services.

(4) \$32,000 of the department of personnel service fund appropriation is provided solely for creation, printing, and distribution of the personal benefits statement for state employees.

(5) From the department's nonappropriated data processing account, the department shall prepare a feasibility study for the design and implementation of a new human resource information system. Authority to expend funds for the feasibility study is conditioned on compliance with section 902 of this act.

(6) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation for the deferred compensation program to the deferred compensation administrative account. The department and the committee shall develop an interagency agreement, to be approved by the office of financial management, before any billings to the committee commence. Department billings to the committee shall be for actual costs only.

(7) The appropriation from the higher education personnel services account shall be reduced by any amounts expended prior to the effective date of this act under section 613, chapter 24, Laws of 1993 sp. sess., which is repealed by this act.

(8) \$31,000 of the department of personnel service fund appropriation is provided for the employee exchange program with the Hyogo prefecture in Japan.

NEW SECTION. Sec. 125. HIGHER EDUCATION PERSONNEL BOARD. 1993 sp.s. c 24 s 613 is repealed.

Sec. 126. 1993 sp.s. c 24 s 128 (uncodified) is amended to read as follows:

FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account Appropriation \$ 382,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 41.04.260, the committee for deferred compensation shall charge all administrative expenses incurred by the deferred compensation program, including data processing costs, to the deferred compensation administrative account.

Sec. 127. 1993 sp.s. c 24 s 129 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ ((~~49,745,000~~))

19,350,000

Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ 19,357,000

Sec. 128. 1993 sp.s. c 24 s 131 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ ((~~274,000~~))

273,000

Sec. 129. 1993 sp.s. c 24 s 132 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund

Appropriation \$ ((~~1,268,000~~))

1,438,000

Sec. 130. 1993 sp.s. c 24 s 133 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ ((~~34,988,000~~))

31,840,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,530,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project including an assessment of the savings the department is likely to achieve as a result of this project by January 15, 1994.

(2) \$1,136,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the office of financial management on the status of this project by January 15, 1995.

(3) \$((404,000)) 295,550 is provided solely for the increased workload resulting from the Bowles decision.

(4) \$382,000 is provided solely for the temporary increased workload resulting from 1993 legislation providing for early retirement. If a bill providing for early retirement is not passed by June 30, 1993, this amount shall lapse.

(5) The appropriation contains sufficient funds to implement House Bill No. 2028 (restoration notification).

(6) The department shall adjust the retirement systems administrative rate during the 1993-95 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding of a study of LEOFF Plan I medical liabilities by the office of the state actuary.

(7) The department shall reduce its administrative charge rate from .22 percent to .17 percent for the 1993-95 biennium.

(8) \$108,450 is provided solely to implement Senate Bill No. 6143 (retirement service credit). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 131. 1993 sp.s. c 24 s 134 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ ((6,939,000))

7,233,000

The appropriation in this section is subject to the following conditions and limitations: \$350,000 is provided solely for state investment board administrative expenses related to real estate litigation being conducted by the attorney general.

Sec. 132. 1993 sp.s. c 24 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ ((423,404,000))

122,221,000

Timber Tax Distribution Account Appropriation \$ 4,358,000

State Toxics Control Account Appropriation \$ ((76,000))

74,000

Solid Waste Management Account Appropriation \$ ((90,000))

88,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ ((236,000))

231,000

Vehicle Tire Recycling Account Appropriation \$ ((428,000))

125,000

Air Operating Permit Account Appropriation \$ 36,000

State Oil Spill Administration Account

Appropriation \$ ((20,000))

16,000

Litter Control Account Appropriation \$ ((96,000))

94,000

Enhanced 911 Account Appropriation \$ 85,000

TOTAL APPROPRIATION \$ ((428,441,000))

127,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management." Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$85,000 of the enhanced 911 account appropriation is provided solely to implement House Bill No. 2601 (911 excise tax study). If House Bill No. 2601 or substantially similar legislation, is not enacted by June 30, 1994, this appropriation shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely to conduct a study of businesses that receive tax incentives, in accordance with Engrossed Second Substitute Senate Bill No. 5468. If Engrossed Second Substitute Senate Bill No. 5468, or substantially similar legislation, is not enacted by June 30, 1994, this funding will lapse.

Sec. 133. 1993 sp.s. c 24 s 138 (uncodified) is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ ((47,000))

55,000

Sec. 134. 1993 sp.s. c 24 s 139 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Minority and Women's Business Revolving Fund Account

Appropriation \$ ((2,403,000))

2,098,000

Sec. 135. 1993 sp.s. c 24 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ ((393,000))

387,000

General Fund--Federal Appropriation \$ 1,306,000

General Fund--Private/Local Appropriation \$ 392,000

Risk Management Account Appropriation \$ ((2,246,000))

2,200,000

State Capitol Vehicle Parking Account

Appropriation \$ ((740,000))

738,000

Motor Transport Account Appropriation \$ ((14,024,000))

11,177,000

Air Pollution Control Account Appropriation \$ ((149,000))

114,000

General Administration Facilities and Services

| | | |
|---|-------------------|------------|
| Revolving Fund Appropriation | \$ ((21,356,000)) | 21,183,000 |
| Central Stores Revolving Account <u>Appropriation</u> | \$ ((4,285,000)) | 3,941,000 |
| Industrial Insurance Premium Refund Account | | |
| <u>Appropriation</u> | \$ 59,000 | |
| TOTAL APPROPRIATION | \$ ((41,891,000)) | 41,497,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.
- (2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.
- (3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.
- (4) \$200,000 of the general administration facilities and services revolving fund appropriation is provided solely for security for the capitol's west campus area.
- (5) \$252,000 of the general administration facilities and services revolving fund appropriation is provided solely for administration and provision of the volunteer capitol campus tours program.
- (6) ~~(\$35,000 of the air pollution control account appropriation is provided solely for the purpose of hiring one full-time equivalent employee to develop procurement specifications consistent with the requirements of RCW 43.19.570, the national energy policy act of 1992 and, to the extent possible, with the procurement specifications of other states. If matching funds are not provided by the alternative fuels industry by July 1, 1993, the amount provided in this subsection shall lapse)~~ \$160,000 of the motor transport account appropriation is provided solely to replace vehicles purchased under the treasurer's financing contract program that have been demolished by vehicular accident before the expiration of the contract.
- (7) With the exception of the reductions to the office of state procurement, the reductions in this section are intended to be the result of management and operational efficiencies and will not result in a reduced level of direct service to clients, increased delegation or transfer of work to clients, or increased rates for services provided in nonappropriated activities or on a reimbursable basis to clients.
- (8) \$1,000 of the industrial insurance premium refund account appropriation is provided solely for the Washington school director's association.
- (9) \$171,000 of the general administration facilities and services revolving fund is provided solely to support current planning for state-wide collocation efforts.

Sec. 136. 1993 sp.s. c 24 s 141 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund Appropriation \$ 400,000

Data Processing Revolving Fund Appropriation \$ ((3,510,000))

3,440,000

TOTAL APPROPRIATION \$ 3,840,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$400,000 of the nonappropriated data processing revolving fund shall be provided for development and operation of a video telecommunications center. The center shall be financially self-supporting and shall not receive any support from any state sources other than dedicated service fees specifically related to the use of the center.
- (2) The department shall spend up to \$75,000 from the non-appropriated data processing revolving fund to design and construct a campus fiber optic system.
- (3) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.
- (4) \$400,000 of the general fund--state appropriation is provided solely for costs related to the televising of state government deliberations.
 - (a) The department shall contract with the nonprofit corporation designated by the office of financial management under section 116(2) of this act for the following services and subject to the following terms and conditions:
 - (i) \$200,000 is provided solely to connect the legislative building, the temple of justice, the John A. Cherberg building, and the John L. O'Brien building with optical fiber;
 - (ii) \$50,000 is provided solely to remodel the Dawley building to accommodate the office and production space for the designated nonprofit corporation; and
 - (iii) \$50,000 is provided solely for construction necessary to access microwave transmission to eastern Washington of the signal produced by the designated nonprofit corporation; and
 - (b) \$100,000 is provided solely to pay for the direct costs of producing interactive hearings over the Washington interactive teleconferencing system. These hearings shall be linked to the public television system provided for in section 116(2) of this act to broadcast the hearings to the general public. Expenditures for the production of interactive hearings must be approved by the administrative committees of both the house of representatives and the senate and may not exceed a total of fifty thousand dollars in any single year.

Sec. 137. 1993 sp.s. c 24 s 142 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation \$ ((18,206,000))

18,301,000

General Fund--Federal Appropriation \$ 104,000

TOTAL APPROPRIATION \$ ((18,310,000))

18,405,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$890,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform. ((If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.))
- (2) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

Sec. 138. 1993 sp.s. c 24 s 143 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account

Appropriation \$ ((1,202,000))

1,214,000

Sec. 139. 1993 sp.s. c 24 s 145 (uncodified) is amended to read as follows:
FOR THE HORSE RACING COMMISSION
Horse Racing Commission Fund Appropriation \$ ((4,876,000))

4,778,000

The appropriation in this section is subject to the following conditions and limitations: None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

Sec. 140. 1993 sp.s. c 24 s 146 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD
Liquor Revolving Fund Appropriation \$ ((141,231,000))

110,657,000

Industrial Insurance Premium Refund Account

Appropriation \$ 132,000

TOTAL APPROPRIATION \$ 110,789,000

The appropriations in this section ((is)) are subject to the following conditions and limitations: The liquor control board shall conduct a study that identifies possible savings in contracting outbound freight with a single or small number of carriers. The board shall report to the director of financial management and the fiscal committees of the legislature by September 1, 1994, on the findings of the study, including documentation of cost savings.

Sec. 141. 1993 sp.s. c 24 s 147 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Public Service Revolving Fund Appropriation \$ ((29,239,000))

28,793,000

Grade Crossing Protective Fund Appropriation \$ ((329,000))

TOTAL APPROPRIATION \$ ((29,559,000))

220,000

29,013,000

The appropriations in this section are subject to the following conditions and limitations:

Subject to commission approval, no more than \$250,000 of the public service revolving fund appropriation may be spent to assist the legislature and the governor in studying the current statutes and administrative procedures for ~~((the optimum future capability for voice, video,)) telecommunications~~ and information services in Washington state.

(2) \$50,000 of the public service revolving fund appropriation is provided solely for a study of the commission's regulation of water companies. The study shall include a review of the commission's current regulatory approach, existing challenges, and recommendations for a new regulatory strategy. The commission shall report to the governor and the appropriate committees of the legislature by November 15, 1994.

Sec. 142. 1993 sp.s. c 24 s 149 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT
General Fund--State Appropriation \$ ((8,365,000))

8,198,000

General Fund--Federal Appropriation \$ ((8,850,000))

8,669,000

General Fund--Private/Local Appropriation \$ 186,000

17,053,000

TOTAL APPROPRIATION \$ ((47,404,000))

Sec. 143. 1993 sp.s. c 24 s 150 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
General Fund Appropriation \$ ((4,774,000))

3,348,000

~~((Employment Relations Account Appropriation \$ 2,637,000~~

~~TOTAL APPROPRIATION \$ 4,408,000))~~

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in consultation with appropriate house of representatives and senate policy and fiscal committees, shall devise a plan for funding the public employment relations commission, either in whole or in part, through local funds and other funding sources beginning in fiscal year 1996.

Sec. 144. 1993 sp.s. c 24 s 152 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Regulation Fund Appropriation \$ ((3,034,000))

3,281,000

Mortgage Brokers Account Appropriation \$ 187,000

TOTAL APPROPRIATION \$ 3,468,000

~~((The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5270, or substantially similar legislation, creating a department of financial institutions is not enacted by July 1, 1993, the securities regulation fund appropriation shall be null and void and the department of licensing general fund--state appropriation shall be increased by \$3,034,000.))~~

Sec. 145. 1993 sp.s. c 24 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Fund--State Appropriation \$ ((25,026,000))

25,167,000

General Fund--Federal Appropriation \$ 458,000

General Fund--Local Appropriation \$ 40,000

Marketplace Account Appropriation \$ 150,000

Motor Vehicle Fund Appropriation \$ 582,000

Public Facilities Construction Loan Revolving

Account Appropriation \$ 238,000

Litter Control Account Appropriation \$ ((3,340,000))

3,303,000

State Convention/Trade Center Account

Appropriation \$ 3,975,000

Solid Waste Management Account Appropriation \$ ((704,000))

689,000

TOTAL APPROPRIATION \$ ((34,480,000))

34,602,000

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

~~((5))~~ (2) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

~~((6))~~ (3) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.

~~((7))~~ (4) \$1,000,000 of the general fund--state appropriation is provided to enhance the off-season tourism program.

~~((8))~~ (5) \$292,000 of the general fund--state appropriation and \$208,000 of the general fund--federal appropriation are provided for the local economic development capacity building initiative.

~~((40))~~ (6) \$50,000 of the general fund--state appropriation is provided for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

~~((44))~~ (7) Not more than \$774,000 of the general fund--state appropriation may be expended for the operation of the Pacific Northwest export assistance project. The department shall develop and implement a plan for assessing fees for services provided by the project. The amount provided in this subsection is contingent on the receipt of revenues equal to at least twenty-five percent of the expenditures for fiscal year 1995. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996, seventy-five percent of the expenditures in fiscal year 1997, and beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

~~((42))~~ (8) \$40,000 of the general fund--state appropriation is provided to establish an overseas trade office to be located in the Russian far east. An additional \$40,000 of the general fund--state appropriation shall be held in reserve and shall be released only upon receipt of at least \$40,000 from the ports association or other public entities for the operation of the office. The office is expressly prohibited from accepting any gifts, contributions, or donations of private funds or assistance. It is also the legislature's intent that the trade office remain a publicly owned and operated office for the primary benefit of Russian and Washington state businesses.

~~((43))~~ (9) In implementing the appropriations set forth in this section, the department shall minimize disproportionate impacts on any programs.

~~(10) \$250,000 of the general fund--federal appropriation is provided for sections 5, 6, and 16 through 27 of chapter 512, Laws of 1993 (minority and women-owned businesses).~~

~~(11) \$30,000 of the general fund--state appropriation is provided solely for an economic analysis related to the construction and operation of a baseball sports facility in King county. The study shall include an analysis of the tax revenues generated as a result of the facility. Each dollar expended from the appropriation in this subsection shall be matched by at least five dollars from nonstate sources expended for the same purpose.~~

~~(12) \$632,000 of the general fund--state appropriation is provided solely for the promotion of international trade.~~

~~(13) \$25,000 of the general fund--state appropriation is provided solely for the minority and women export assistance program.~~

~~(14) \$30,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 6146 (film and video production facility). If Senate Bill No. 6146 is not enacted by June 30, 1994, this appropriation shall lapse.~~

~~(15) \$725,000 of the general fund--state appropriation is provided solely for associate development organizations. Of this amount, \$525,000 is provided solely for timber-distressed counties. Each of the timber-distressed counties shall receive \$25,000.~~

~~(16) \$30,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 5698 (ISO-9000 standards). If Senate Bill No. 5698 is not enacted by June 30, 1994, this appropriation shall lapse.~~

~~Sec. 146. 1993 sp.s. c 24 s 151 (uncodified) is amended to read as follows:~~

~~**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT.** On July 1, 1994, all appropriations and all conditions and limitations contained in sections 217 and 308 of this act shall be provided for the department of community, trade, and economic development. ((If Engrossed Substitute Senate Bill No. 5868 or substantially similar legislation creating a department of community, trade, and economic development is not enacted by July 1, 1994, this section shall have no effect.)) If either House Bill No. 2677 or Senate Bill No. 6345 or substantially similar legislation is enacted by the 1994 session of the legislature, then all appropriations and all conditions and limitations in this act shall be provided for the department of community, trade, and economic development on the date specified for the merger of the two departments in that legislation.~~

~~Sec. 147. 1993 sp.s. c 24 s 318 (uncodified) is amended to read as follows:~~

~~**FOR THE GROWTH PLANNING HEARINGS BOARD**~~

~~General Fund Appropriation \$ ((3,028,000))~~

2,968,000

~~Sec. 148. 1993 sp.s. c 24 s 316 (uncodified) is amended to read as follows:~~

~~**FOR THE STATE CONVENTION AND TRADE CENTER**~~

~~State Convention/Trade Center Account~~

~~Appropriation \$ ((49,474,000))~~

20,251,000

~~The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) \$810,000 of the revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3) is provided solely for marketing the facilities and services of the convention center and for promoting the locale as a convention and visitor destination, and for related activities.~~

~~(2) \$1,000,000 of the state convention and trade center account appropriation is provided solely for the state's share of the following:~~

~~(a) The state convention and trade center in collaboration with the city of Seattle, is directed to prepare a development plan for a joint-use building which would include: (i) Uses for the city of Seattle; (ii) one hundred forty thousand square feet of new contiguous heavy load exhibit space with support structures including loading facilities, storage, access and exit ways, and mechanical and electrical spaces; and (iii) development costs to be shared by the city of Seattle and the convention center.~~

~~(b) At a minimum the plan shall include the following elements: (i) Financial feasibility; (ii) financing requirements for both the city and state; (iii) exploration of alternative funding and financing mechanisms; (iv) economic and civic impacts; (v) schematic designs; and (vi) alternative uses of the new building for the city. Any studies previously undertaken on uses of the expansion which are applicable may be incorporated in the proposed structure and shall be considered in developing the plan.~~

~~(c) Costs of the plan and related studies shall be shared by the state convention and trade center and the city of Seattle.~~

~~(d) A convention center expansion and city facilities task force is created. The purpose of the task force is to meet and consult with officials from the city of Seattle and the convention center. The task force shall review and evaluate the plan and prepare subsequent recommendations to the fiscal committees of the legislature. The task force shall submit its recommendations to the appropriate fiscal committees of the legislature on or before January 1, 1995. The task force shall be co-chaired by a member from the senate and a member from the house of representatives. Membership shall be composed as follows: (i) One member each from the majority and minority caucuses of the senate and the house of~~

representatives; (ii) three members from the city of Seattle selected by the mayor; (iii) three members selected by the governor; and (iv) the director or the director's designee from the office of financial management.

PART II HUMAN SERVICES

Sec. 201. 1993 sp.s. c 24 s 202 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM
General Fund--State Appropriation \$ ((292,004,000))

| | |
|--|--------------------|
| General Fund--Federal Appropriation \$ ((193,407,000)) | <u>281,352,000</u> |
| Drug Enforcement and Education Account Appropriation \$ 3,722,000 | <u>216,172,000</u> |
| TOTAL APPROPRIATION \$ ((489,133,000)) | <u>501,246,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$854,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(2) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event that the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) ~~(\$14,984,000 of the general fund--state appropriation and \$14,632,000 of the general fund--federal appropriation are provided to establish a state child care block grant by July 1, 1994. The department shall develop a plan for administering the block grant which shall include: (a) A state-wide distribution formula; (b) a block grant application process that encourages the cooperative efforts of local governments, resource and referral agencies, and other not-for-profit organizations involved with child care; (c) recommendations about cost-effective ways to administer child care subsidies in rural areas of the state; and (d) recommendations for the percentage of the grant to be used for local administration. The plan shall be presented to the appropriate legislative committees by January 1, 1994.)~~ The department shall develop and implement a plan for removing categorical barriers to access for families needing departmental child care services. The plan shall be developed in consultation with the child care coordinating committee, and shall include strategies such as: (a) Co-location of child care eligibility workers with other relevant service providers such as resource and referral agencies; (b) development of a uniform application form and process across programs; (c) cross-training of departmental and resource and referral agency child care staff; (d) development of parent brochures; and (e) increased coordination at the local level with child care and early childhood programs operated by other agencies and governmental jurisdictions. The department shall report to appropriate committees of the legislature on the plan and its implementation status by December 1, 1994.

(5) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 550,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

(6) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

~~((8) \$8,792,000 of the general fund--state appropriation is provided solely to implement the following programs: \$385,000 of this amount is provided for the medical training project on the evaluation and care of child sexual abuse, \$4,784,000 of this amount is provided for contracts for domestic violence shelters and comprehensive domestic violence service planning, \$2,841,000 of this amount is provided for early identification and treatment of child sexual abuse, and \$782,000 of this amount is provided for sexual assault centers.)~~

(7) \$900,000 of the general fund--state appropriation, and \$225,000 of the general fund--federal appropriation, are provided solely to implement Engrossed Second Substitute Senate Bill No. 6255 (permanency planning for children). The department may transfer a portion of this amount to the legal services revolving fund for costs associated with implementation of this bill.

(8) \$2,142,000 of the general fund--state appropriation and \$1,858,000 of the general fund--federal appropriation are provided solely to fund prevention programs designed to address risk factors related to violent criminal acts by juveniles, child abuse and neglect, domestic violence, teen pregnancy and male parentage, suicide attempts, substance abuse, and dropping out of school. The legislature intends, through the appropriation of these funds, to address the underlying causes of violence and other at-risk behaviors of children and create an environment which promotes healthy behaviors and safe communities for children and their families.

The family policy council shall disburse funds under this subsection to community public health and safety networks who are in substantial compliance with chapter . . . , Laws of 1994 (Engrossed Second Substitute House Bill No. 2319; youth violence) as determined by the council by rule. Funds provided under this subsection shall only be available upon application of a network to the council. The application and plan shall demonstrate the effectiveness of the program in terms of reaching its goals, specify the risk factors to be addressed and ameliorated, and provide clear and substantial evidence that additional funds will substantially improve the ability of the program to increase its effectiveness. In considering requests for funding under this section, the council may approve requests to:

(a) Provide technical assistance, planning grants, and grants of flexible funds to community public health and safety networks;

(b) Fund healthy family programs;

(c) Fund before- and after-school child care and therapeutic child care programs;

(d) Fund domestic violence programs;

(e) Fund safe schools/community programs; and

(f) Fund other services targeted at the risk factors specified in chapter . . . , Laws of 1994 (Engrossed Second Substitute House Bill No. 2319; youth violence).

Sec. 202. 1993 sp.s. c 24 s 203 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES
General Fund--State Appropriation \$ ((60,629,000))

63,808,000

| | | |
|--|------------------|------------|
| General Fund--Federal Appropriation | \$ ((6,639,000)) | 6,580,000 |
| Drug Enforcement and Education Account | | |
| Appropriation | \$ ((1,552,000)) | 1,743,000 |
| TOTAL APPROPRIATION \$ ((68,820,000)) | | 72,131,000 |

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$2,800,000 of the general fund--state appropriation is provided solely for consolidated juvenile services for youthful offenders. This does not constitute an ongoing funding commitment by the state.
(b) \$650,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 6593 (learning and life skills program). If the bill is not enacted by June 30, 1994, the amount provided in this subsection (1)(b) shall lapse.

| | | |
|--|-------------------|------------|
| (2) INSTITUTIONAL SERVICES | | |
| General Fund--State Appropriation | \$ ((56,655,000)) | 68,563,000 |
| Drug Enforcement and Education Account | | |
| Appropriation | \$ ((940,000)) | 826,000 |
| TOTAL APPROPRIATION \$ ((67,595,000)) | | 69,389,000 |

The appropriations in this subsection are subject to the following conditions and limitations:
(a) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1993, on proposals to implement early release and structured transition services for juvenile offenders.
(b) The department of general administration, in conjunction with the division of juvenile rehabilitation and other state agencies, shall evaluate and make recommendations on the future use of the Green Hill school and/or property as a state facility. The recommendations shall be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 1993.

| | | |
|---|------------------|-----------|
| (3) PROGRAM SUPPORT | | |
| General Fund--State Appropriation | \$ ((2,926,000)) | 3,866,000 |
| General Fund--Federal Appropriation | \$ 156,000 | |
| <u>Charitable, Educational, Penal, and Reformatory Institutions</u> | | |
| Account Appropriation | \$ 300,000 | |

| | | |
|--|----------------|-----------|
| Drug Enforcement and Education Account | | |
| Appropriation | \$ ((342,000)) | 265,000 |
| TOTAL APPROPRIATION \$ ((3,424,000)) | | 4,587,000 |

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$100,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(b) The charitable, educational, penal, and reformatory institutions account appropriation is provided for the development of a master plan for facilities, including state institutions, state-operated and contracted group homes, and the contracted or jointly operated use of local, county, or regional facilities.

(i) The master plan shall include:
(A) A forecast, in conjunction with the office of financial management, of future confinement and rehabilitation needs of juvenile offenders, including analysis of trends, demographics, and historical patterns, frequency and degree of violence, length of stay, custody level, recidivism, and the impact of current and anticipated legislation;

(B) An analysis of present facilities and their adequacy, including operational, designed, and emergency capacity, security, safety, infrastructure, program needs, code compliance, and operational costs per unit;

(C) An analysis of options and operating and capital costs to maximize the capacity and use of presently available facilities and to optimize programs therein;

(D) An analysis of projected future needs for facilities and operational programs, including educational and vocational programs operated by the appropriate educational entities, for at least the next six years, which addresses the priorities between institutions, group homes, and use of contracted or jointly operated local or regional beds, and the size, security level, target location, timing and operating and capital costs of any additional facilities;

(E) An analysis of the adequacy of present and planned local or regional capacity, the need for additional local or regional capacity, available local financing, delays in imposing sentences due to unavailable local facilities, and the feasibility of a state role in providing assistance to develop additional local or regional capacity;

(F) An analysis of the feasibility of increasing the state's use of local or regional beds and recommendations for any statutory, fiscal, or program changes needed to keep juvenile offenders sentenced for short terms in local or regional facilities; and

(G) An analysis of which existing or future facilities would best serve as state or regional juvenile offender basic training camps and the capital and operational requirements for their development.

(ii) Development of the master plan shall be done in consultation with county and local entities responsible for juvenile justice and with the appropriate policy and fiscal committees of the legislature.

(iii) A preliminary report on the master plan shall be submitted to the appropriate policy and fiscal committees of the legislature no later than December 1, 1994.

(iv) The division of juvenile rehabilitation shall begin efforts immediately to locate sites for additional facilities and may conduct predesign or undertake preliminary steps for site selection environmental impact statements. However, no funds shall be expended for acquisition, design, or construction of additional state institutional facilities until completion of the master plan and specific authorization by the legislature. It is the intent of the legislature to consider design and construction of additional facilities or other methods to increase capacity in the 1995-1997 biennium.

(c) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1994, on proposals to construct and operate juvenile facilities in this state at a cost of no more than the national average. The division shall identify statutory, policy, and personnel decisions that have caused this state to have higher construction and operating costs than the national average.

| | | |
|--|--------------|--|
| (4) SPECIAL PROJECTS | | |
| General Fund--Federal Appropriation | \$ 1,296,000 | |
| FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM | | |
| (1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS | | |

Sec. 203. 1993 sp.s. c 24 s 204 (uncodified) is amended to read as follows:

| | | |
|-------------------------------------|--------------------|--------------------|
| General Fund--State Appropriation | \$ ((239,529,000)) | |
| | | <u>239,460,000</u> |
| General Fund--Federal Appropriation | \$ ((168,680,000)) | |
| | | <u>166,309,000</u> |
| General Fund--Local Appropriation | \$ 9,000,000 | |
| TOTAL APPROPRIATION | \$ ((447,209,000)) | <u>414,769,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund--state appropriation and \$5,409,000 of the general fund--federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of social and health services shall issue practice guidelines to assist mental health regional support networks and providers determine the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund--state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,080,000 of the general fund--federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(d) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(e) \$560,000 of the general fund--state appropriation is provided solely to assist western Washington regional support networks in reducing the average daily population of western state hospital.

(f) The secretary of social and health services shall assure that any reductions in state grants to recover state payments subsequently reimbursed through federal sources are targeted to those providers at which federal recoveries will actually occur. The reductions shall not be spread on a formula basis across all providers and regional support networks.

(g) The department shall submit to the house of representatives appropriations committee and the senate ways and means committee by November 15, 1994, a report outlining the following: The ratio of state to local short term commitments, the number of clients receiving services, service types, service costs by type and per person served, and the method of measuring service delivery for each service type. The report shall be presented so that each quarter of the 1993-95 biennium and the 1991-93 biennium is identified separately, each regional support network is identified separately, costs are identified separately, and each service type is identified separately. Service types shall include at least residential programs, employment programs, and other service types that lead to normalizing activities.

(2) INSTITUTIONAL SERVICES

| | | |
|---|--------------------|--------------------|
| General Fund--State Appropriation | \$ ((146,577,000)) | |
| | | <u>136,118,000</u> |
| General Fund--Federal Appropriation | \$ ((87,044,000)) | |
| | | <u>99,320,000</u> |
| General Fund--Local Appropriation | \$ 42,498,000 | |
| ((Charitable, Educational, Penal and Reform Institutions Account Appropriation--\$3,000,000)) | | |
| Industrial Insurance Premium Refund Account Appropriation | \$ 507,000 | |
| TOTAL APPROPRIATION | \$ ((279,593,000)) | <u>278,443,000</u> |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) From appropriations provided in this section and in section 208 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(c) The secretary of social and health services shall phase out operation of the PORTAL program at the northern state multi-service center. In accomplishing this phase down, the secretary shall:

(i) Work with regional support networks, families and advocacy groups, and other community service providers to assure that appropriate community services are in place for people transitioning out of the PORTAL program; and

(ii) Develop and implement a transition plan for state employees dislocated by the phase down of the PORTAL program. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security, retraining and placement into other state jobs, placement of state employees with private contractors, and small business assistance.

~~((e) \$560,000 of the general fund--state appropriation is provided solely to assist western Washington regional support networks in reducing the average daily population of western state hospital.))~~

(d) The division is authorized to purchase goods and services for the state hospitals through alternative means and shall coordinate these efforts with the office of procurement services within the department of general administration.

(e) The secretary of social and health services shall develop with regional support networks a plan for reducing their utilization of the state mental hospitals during the 1995-97 biennium by at least 90 beds, 60 from western state hospital and 30 from eastern state hospital. All expenditures from regional support network capital reserves which have been accumulated with state payments shall be contingent upon the regional support network's implementation of the plan.

(3) CIVIL COMMITMENT

General Fund Appropriation \$ 5,718,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation \$ 1,899,000
 General Fund--Federal Appropriation \$ 2,946,000
 TOTAL APPROPRIATION \$ 4,845,000
 (5) PROGRAM SUPPORT
 General Fund--State Appropriation \$ ((4,882,000)) 4,951,000
 General Fund--Federal Appropriation \$ ((1,826,000)) 1,757,000
 TOTAL APPROPRIATION \$ 6,708,000

Sec. 204. 1993 sp.s. c 24 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ ((204,081,000)) 205,103,000
 General Fund--Federal Appropriation \$ ((131,660,000)) 130,724,000
 TOTAL APPROPRIATION \$ ((335,741,000)) 335,827,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ((121,133,000)) 125,442,000
 General Fund--Federal Appropriation \$ ((165,704,000)) 163,647,000
 General Fund--Local Appropriation \$ 9,143,000
 TOTAL APPROPRIATION \$ ((295,980,000)) 298,232,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ ((5,665,000)) 5,673,000
 General Fund--Federal Appropriation \$ ((971,000)) 963,000
 TOTAL APPROPRIATION \$ 6,636,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing the building and administration at Interlake School. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual shall be moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund--state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

((iv)) (iii) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs; and

((iv)) (iv) A report is submitted to appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4)(a), and their outcomes.

(b)(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers; and

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level((:)).

(c) In addition to slots needed to accommodate persons moving from ICF/MR and nursing facilities, the secretary shall seek federal approval to expand by at least ((500)) 750 the number of persons receiving services under federal medicaid home- and community-based services waivers. If the waiver request is not approved by the federal health care financing administration, the secretary is authorized to use up to \$((15,000,000)) 18,000,000 of the general fund--state appropriation to develop intermediate care facilities for the mentally retarded, personal care, rehabilitative, and other services reimbursable under medicaid without a waiver of federal rules. The secretary shall report to the ways and means committee of the senate and the appropriations committee of the house of representatives by February 1, 1994, on the outcome of these efforts.

(d) The secretary shall report to appropriate committees of the legislature by January 1, 1994, on efforts to obtain federal approval to include living units at Fircrest school as group homes under medicaid home- and community-based services waivers.

(e) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment-related work expense (IRWE).

(f) Counties shall use a portion of the general fund--state appropriation for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(g) \$((2,240,000)) 1,935,000 of the general fund--state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

(h) The secretary of social and health services shall develop and implement a plan for increasing the efficiency of community residential services funded under this act. The plan shall include specific strategies and timelines for (i) providing community residential services during 1995-97 for at least 220 adults who are presently not receiving a state-funded residential service; while (ii) reducing the cost of community residential services by at least \$2.9 million of the general fund--state appropriation below the level otherwise needed to continue current services in 1995-97.

Sec. 205. 1993 sp.s. c 24 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation \$ ((618,987,000)) 629,313,000
 General Fund--Federal Appropriation \$ ((738,027,000)) 727,267,000
 General Fund--Private/Local Appropriation \$ 2,004,000
 TOTAL APPROPRIATION \$ 1,359,018,000) 1,358,584,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the first quarter of the fiscal biennium, the department shall transfer recipients of the chore services program who require assistance with household tasks only to the volunteer chore services program. At least \$2,277,000 of the general fund--state appropriation shall be used solely for the volunteer chore services program.

(2) \$100,000 of the general fund--state appropriation and \$100,000 of the general fund--federal appropriation are provided solely for studying and developing a nursing home case mix reimbursement methodology. The department shall consult with the legislative budget committee in developing its recommendations.

(3) \$354,000 of the general fund--state appropriation and \$354,000 of the general fund--federal appropriation are provided solely to develop a management information system to collect and maintain information on home and community-based long-term care services and clients.

(4) \$180,000 of the general fund--state appropriation is provided solely for adult day health services for persons with AIDS. These services shall be provided through a state-only program by a single agency specializing in long-term care for persons with AIDS.

(5) \$150,000 of the general fund--state appropriation is provided solely for the purpose of accelerating the criminal background check process for employees of long-term care facilities, including reducing the turnaround time for nursing facilities licensed under chapter 18.51 RCW and carrying out in full the duties imposed on the department under section 14(2) of Engrossed Second Substitute House Bill No. 2154.

(6) The department shall submit recommendations to the house of representatives health care and appropriations committees and the senate health and human services and ways and means committees by November 15, 1994, on methods to reduce the growth in long term care expenditures to a level no greater than the fiscal growth factors established under Initiative 601. These recommendations shall be developed in collaboration with long term care consumer and provider group representatives, and shall include strategies such as: (a) Assuring that people receive the least costly level of hospital, nursing home, or community-based care consistent with their needs; (b) eliminating excessive and duplicative regulatory, monitoring, and paperwork requirements, to the extent allowed by federal regulations and consistent with quality care, including consideration of any recommendations developed pursuant to section 481, chapter 492, Laws of 1993; (c) increasing the extent to which care tasks can be performed by properly trained and supervised people other than licensed personnel; (d) providing nursing facility preplacement screening and discharge planning regardless of payment source; (e) selective contracting for medicaid funded long-term care services based on considerations of cost and quality; and (f) obtaining federal waivers to reduce the number of medicaid recipients served in nursing facilities relative to other types of long-term care.

Sec. 206. 1993 sp.s. c 24 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

| | | |
|-------------------------------------|--------------------|---------------|
| General Fund--State Appropriation | \$ ((653,252,000)) | 698,640,000 |
| General Fund--Federal Appropriation | \$ ((599,986,000)) | 610,195,000 |
| TOTAL APPROPRIATION | \$ 1,253,238,000)) | 1,308,835,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(2) \$164,000 of the general fund--state appropriation and \$196,000 of the general fund--federal appropriation are provided solely to implement the comprehensive plan to coordinate services for homeless children and families. AFDC families whose children are in short-term (less than ninety days) foster care shall retain their grants. In addition, AFDC shall be reactivated for families at risk of homelessness thirty days prior to family reunification for children placed in foster care for more than ninety days.

(3) \$644,000 of the general fund--state appropriation and \$712,000 of the general fund--federal appropriation are provided solely for the elimination of the one hundred hour rule for recipients of aid to families with dependent children--employable. This change shall take effect July 1, 1994, if the federal government has approved this amendment to the Title IV federal social security act state plan.

Sec. 207. 1993 sp.s. c 24 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

| | | |
|---|--------------------|-------------|
| General Fund--State Appropriation | \$ ((145,355,000)) | 14,317,000 |
| General Fund--Federal Appropriation | \$ ((65,475,000)) | 65,548,000 |
| Drug Enforcement and Education Account Appropriation | \$ ((68,572,000)) | 69,792,000 |
| TOTAL APPROPRIATION | \$ ((149,402,000)) | 149,657,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$304,000 of the general fund--federal appropriation is provided to enact sections 3, 4, and 5 of Engrossed Substitute House Bill No. 2026 (high risk pregnancies). These funds will be used to implement three pilot projects involving pretreatment drug and alcohol services for women of child-bearing age.

(2) From appropriations provided in this section and in section 204 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(3) \$50,000 of the general fund--state appropriation is provided solely to develop a protocol for integrating family planning practices into substance abuse treatment programs and to provide technical assistance on the protocol to ten treatment agencies throughout the state.

(4) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

Sec. 208. 1993 sp.s. c 24 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

| | | |
|-------------------------------------|--------------------|---------------|
| General Fund--State Appropriation | \$ 1,167,705,000)) | 1,200,957,000 |
| General Fund--Federal Appropriation | \$ 4,804,308,000)) | 1,791,792,000 |
| General Fund--Local Appropriation | \$ ((361,996,000)) | |

| | | |
|---------------------------------------|--------------------|-------------------|
| Health Services Account Appropriation | \$ ((54,777,000)) | 361,950,000 |
| | | <u>57,979,000</u> |
| TOTAL APPROPRIATION | \$ 3,388,786,000)) | 3,412,678,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.
- (2) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.
- (3) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.
- (4) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.
- (5) \$((148,000)) 144,000 of the general fund--state appropriation is provided solely to continue the DECODE program.
- (6) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.
- (7) \$((50,240,000)) 53,442,000 of the health services account--state appropriation and \$((61,404,000)) 58,202,000 of the general fund--federal appropriation are provided solely to expand medicaid eligibility to 200 percent of poverty for children through age 18, effective July 1, 1994. The appropriation in this subsection includes \$662,000 from the health services account--state and \$808,000 from general fund--federal to accelerate the implementation of managed care in the medicaid program. It also includes funds to administer the expanded caseload and to coordinate with the basic health plan. This subsection includes funds for full coverage of children enrolled in the basic health plan and eligible for medicaid under eligibility standards in place July 1, 1993. It is the intent of the legislature that children covered through this expanded coverage shall be enrolled in managed care plans to the maximum extent possible. The department shall seek to expand its managed care waivers to require children funded through this subsection to enroll in the basic health plan or other managed care systems. The department shall create a special eligibility category for children covered by this eligibility expansion, so that expenditures, unit costs and individuals served may be reported consistently over time. The department shall also provide for consistent reporting on other medicaid children served through the basic health plan.

(8) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(9) \$1,693,000 of the health services account appropriation is provided solely to expand maternity care services previously supported through the department of health.

(10) \$100,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for one-time additional outreach efforts to extend family planning coverage to more women and to establish on-site family planning capabilities at the Spokane North community services office.

(11) \$400,000 of the general fund--state appropriation and \$400,000 of the general fund--federal appropriation are provided solely for transitioning social security income clients to the healthy options managed care program during the current biennium.

NEW SECTION, Sec. 209. A new section is added to chapter 24, Laws of 1993 sp.s. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE ADMINISTRATION.

\$35,000 from the general fund--state and \$35,000 from the general fund--federal are appropriated for the purposes of examining selective state-wide contracting as a cost-saving measure. Items to be considered for selective state-wide contracting include, but are not limited to, prescription drugs, durable medical equipment, eyeglasses, and hearing aids. Selective contracts should be considered both as a way to provide a benchmark price in negotiating with managed care plans for the inclusion of particular services and as a way to supplement managed care plans unable to offer particular services. By December 1, 1994, the department shall report to the fiscal committees of the legislature the fiscal impact of selective state-wide contracting for those items examined.

NEW SECTION, Sec. 210. A new section is added to chapter 24, Laws of 1993 sp.s. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE ADMINISTRATION.

\$35,000 from the general fund--state and \$35,000 from the general fund--federal are appropriated for the purposes of analyzing the current definition of medical necessity. The department shall consult with the office of financial management, the health services commission, relevant health care providers and bioethicists, and client advocacy groups to complete their analysis. No later than December 1, 1994, the department and the office of financial management and the health services commission shall report to the fiscal committees of the legislature the findings and fiscal implications of their analysis.

Sec. 211. 1993 sp.s. c 24 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

| | | |
|-------------------------------------|-------------------|-------------------|
| General Fund--State Appropriation | \$ ((15,406,000)) | 15,681,000 |
| General Fund--Federal Appropriation | \$ 68,237,000 | |
| General Fund--Local Appropriation | \$ 2,127,000 | |
| TOTAL APPROPRIATION | \$ ((83,643,000)) | <u>86,045,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with mental health regional support networks and with community developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies. Of the funds appropriated in this section, \$7,859,000 of the general fund--federal appropriation is provided solely as match for ~~((state appropriations included in other sections of this act to implement these cooperative agreements))~~ the general fund--local appropriation included in this section.

(2) The division of vocational rehabilitation shall assure that individuals affected by reductions in the job support services (extended sheltered employment) program have access to services under the regular state and federal vocational rehabilitation program that will enable them to obtain and maintain ongoing competitive or supported employment.

(3) \$275,000 of the general fund--state appropriation and \$1,015,000 of the general fund--federal appropriation is provided solely for vocational rehabilitation services for individuals with severe disabilities who complete a high school curriculum during the 1993-95 biennium.

(4) Expenditure of funds appropriated in this section for the information systems project known as STARS is conditioned upon compliance with section 902, chapter 24, Laws of 1993 sp. sess.

Sec. 212. 1993 sp.s. c 24 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

| | | |
|-------------------------------------|-------------------|-------------------|
| General Fund--State Appropriation | \$ ((46,547,000)) | |
| General Fund--Federal Appropriation | \$ ((37,420,000)) | 45,744,000 |
| TOTAL APPROPRIATION | \$ ((83,967,000)) | <u>38,172,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

83,916,000

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) The department shall enter an interagency agreement transferring \$100,000 to the human rights commission by August 1, 1993, to offset the cost of investigating claims filed with the commission by department employees and clients.

(6) The secretary of social and health services and the director of labor and industries shall negotiate and implement an upfront loss control discount as recommended in the agencies' January 1994 report to the legislature. The agreement shall identify: (a) Specific, measurable goals for reduced worker injuries and time-loss in the state developmental disabilities institutions and mental hospitals; (b) the actions that each agency will take to accomplish such reductions; and (c) the methods and frequency with which progress toward those goals shall be reported. By July 1, 1994, and every six months thereafter, the departments shall report to the appropriate fiscal and policy committees of the legislature on the status of the agreement and changes to date in injury and time-loss rates.

(7) The secretary shall develop and implement a plan for increasing the sensitivity and effectiveness with which the department implements the requirement that parents of developmentally disabled children in foster care contribute to the cost of their child's care. The plan shall be a coordinated effort of the divisions of children and family services, developmental disabilities, and support enforcement, and shall include strategies such as (a) providing parents with easy-to-understand brochures informing them of their rights and responsibilities; (b) providing training for advocacy and parent support groups on financial responsibility requirements and procedures; (c) designating specially-trained workers to manage collections for developmental disabilities cases; and (d) at the secretary's discretion, foregoing of federal reimbursement which would require unduly intrusive collection activities such as automatic wage attachments or collection for amounts owed prior to notification of financial responsibility.

(8) \$660,000 of the general fund--state appropriation is provided solely for a matching grant to assist united way of Pierce county with the purchase of the historic Sprague building in downtown Tacoma. The Sprague building acquisition will allow for consolidation of many human services activities and available space will be leased at below market rates. The united way of Pierce county shall provide space in the Sprague building for the department of social and health services at no charge.

(9) \$195,000 of the general fund--state appropriation is provided solely for a matching grant to assist the center for human services with purchasing a building in King county to house it's social services and educational programs. State matching funds are intended to reduce housing costs and will allow more local funding to be available for direct services to clients.

Sec. 213. 1993 sp.s. c 24 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM
General Fund--State Appropriation \$ ((249,837,000))

General Fund--Federal Appropriation \$ ((257,237,000))

Health Services Account Appropriation \$ 793,000

TOTAL APPROPRIATION \$ ((477,867,000))

222,778,000

255,588,000

479,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((8,953,000)) 12,110,000 of the general fund--state appropriation and \$((24,683,000)) 17,454,000 of the general fund--federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads. In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

(3) \$793,000 of the health services account--state and \$969,000 of the general fund--federal appropriation are provided solely for the costs associated with expanding medicaid eligibility to 200 percent of poverty level for children through age 18, effective July 1, 1994.

(4) The department shall immediately develop mechanisms for the income assistance program, the medical assistance program, and community services administration to facilitate the enrollment in the federal supplemental security income program for disabled persons currently receiving aid to families with dependent children.

(5) \$611,000 of the general fund--state appropriation and \$611,000 of the general fund--federal appropriation are provided solely to (a) train community service office staff in the effective communication of the expectation that public assistance recipients will enter employment, (b) provide family planning and employment information and educational video programs in the community service office waiting rooms, and (c) hold community meetings and workshops to involve community members and clients in developing effective strategies for service delivery.

(6) \$1,697,000 of the general fund--state appropriation and \$1,997,000 of the general fund--federal appropriation are provided solely to implement provisions of Engrossed Second Substitute House Bill No. 2798 (public assistance reform) which provide for increased access to family planning in the community service offices, a system to track recipients who leave assistance having taken any job offered, coordination and planning of an evaluation of state-wide changes to public assistance which take effect July 1, 1995, and changes to the automated client eligibility system.

(7) \$750,000 of the general fund--federal appropriation is provided solely as matching funds for the administrative contingency fund appropriation in the employment security department to implement section 6 of Engrossed Second Substitute House Bill No. 2798 (public assistance reform).

(8) \$100,000 of the general fund--state appropriation and \$100,000 of the general fund--federal appropriation are provided solely for the Washington state institute of public policy to continue conducting, for one additional year, its longitudinal study of families receiving, or at risk of receiving, public assistance.

Sec. 214. 1993 sp.s. c 24 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM
General Fund--State Appropriation \$ ((35,763,000))

General Fund--Federal Appropriation \$ ((178,043,000))

General Fund--Local Appropriation \$ ((280,000))

TOTAL APPROPRIATION \$ ((244,086,000))

41,409,000

136,539,000

36,141,000

214,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$415,000 of the general fund--state appropriation and \$139,000 of the general fund--federal appropriation are provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$47,000 of the general fund--state appropriation is provided solely to implement House Bill No. 2492 (medicaid estate recovery). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 215. 1993 sp.s. c 24 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

| | | |
|-------------------------------------|-------------------|-------------------|
| General Fund--State Appropriation | \$ ((30,935,000)) | <u>31,226,000</u> |
| General Fund--Federal Appropriation | \$ ((14,724,000)) | <u>11,903,000</u> |
| TOTAL APPROPRIATION | \$ ((42,659,000)) | <u>43,129,000</u> |

The appropriations in this section are subject to the following conditions and limitations: The department may transfer up to \$1,810,000 of the general fund--state appropriation and \$416,000 of the general fund--federal appropriation from its various programs to implement reductions related to the consolidated mail service.

Sec. 216. 1993 sp.s. c 24 s 215 (uncodified) is amended to read as follows:

FOR THE HEALTH ((CARE)) SERVICES COMMISSION

| | | |
|--|------------------|------------------|
| Health Services Account--State Appropriation | \$ ((4,004,000)) | <u>4,053,000</u> |
| General Fund Appropriation | \$ 180,000 | |
| TOTAL APPROPRIATION | \$ 4,233,000 | |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$49,000 of the health services account appropriation is provided solely for analyzing the requirements associated with providing health insurance coverage for farmworkers.

(2)(a) \$150,000 of the general fund appropriation is provided solely for comparing the scope and cost of services provided by: (i) The basic health plan, (ii) the uniform benefits package, (iii) the state employee health insurance package, and (iv) the medical assistance program. The health services commission and the office of financial management shall report the findings and fiscal implications of this study to the fiscal committees of the legislature by December 1, 1994.

(b) This study shall:

(i) Take into account the relative ability of medical assistance clients to pay compared with those persons receiving coverage in (a)(i), (ii) and (iii) of this subsection.

(ii) Analyze the impact of means-tested co-payments, co-insurance, and deductibles for persons receiving medical assistance. An examination of the feasibility and cost of administering such payments and their potential positive and negative impacts on health care usage shall also be made.

(3) \$30,000 of the general fund appropriation is provided solely for the purpose of studying other states' experiences with defining medical necessity used in their medical assistance programs. No later than December 1, 1994, the commission in consultation with the office of financial management shall report to the legislature on how other states have defined medical necessity and include consideration of: (a) The probabilities of success of high-cost treatments, (b) whether high-cost treatment will provide any appreciable positive impact on a patient's quality of life, (c) a patient's other existing medical conditions and expected remaining years of life, and (d) the bioethical implications of such definitions.

Sec. 217. 1993 sp.s. c 24 s 216 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

| | | |
|---|-------------------|--------------------|
| General Fund Appropriation | \$ ((6,840,000)) | <u>27,418,000</u> |
| Health Services Account Appropriation | \$ (439,368,000)) | <u>136,568,000</u> |
| State Health Care Authority Administrative Account Appropriation | \$ ((40,045,000)) | <u>9,928,000</u> |
| TOTAL APPROPRIATION | \$ (456,223,000)) | <u>173,914,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) From the nonappropriated retired school employees insurance account, the health care authority shall reimburse the department of retirement systems through interagency agreements for enrolling K-12 retirees in a state-administered health benefits plan.

(2) \$1,205,000 of the health services account appropriation is provided solely for health care reform planning. If Engrossed Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund appropriation and \$5,000,000 of the health services account appropriation are provided solely to implement the transfer of the community health clinics funding from the department of health provided in Engrossed Substitute Senate Bill No. 5304 (health care reform).

(4) \$222,000 of the health services account appropriation is provided solely to work with school districts in preparation of providing school employees state-administered health care plans, in accordance with Engrossed Substitute Senate Bill No. 5304 (health care reform).

(5) The health care authority shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6)(a) \$((432,944,000)) 130,153,000 of the health services account appropriation ((is)) and \$20,608,000 of the general fund appropriation are provided solely for health coverage through the subsidized portion of the basic health plan and program administration. Expenditures from the general fund amount provided in this subsection shall be made only to the extent that the office of financial management certifies that revenues to the health services account during the 1993-95 fiscal biennium are insufficient to fully fund all appropriations from the health services account for the biennium. Total expenditures under this subsection shall not exceed \$130,153,000.

(b) Beginning July 1, 1993, the administrator shall coordinate coverage with the medical assistance division of the department of social and health services to earn federal matching funds and to provide full medical assistance services for eligible children.

Sec. 218. 1993 sp.s. c 24 s 219 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

| | | |
|-------------------------------------|------------------|------------------|
| General Fund--State Appropriation | \$ ((3,949,000)) | <u>3,841,000</u> |
| General Fund--Federal Appropriation | \$ 1,009,000 | |

General Fund--Private/Local Appropriation \$ 402,000
 TOTAL APPROPRIATION \$ ((5,330,000)) 5,252,000

The appropriations in this section are subject to the following conditions and limitations:
 (1) \$197,964 of the general fund--private/local appropriation is provided solely for the provision of technical assistance services by the commission.

(2) \$102,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1443 (jurisdiction of the human rights commission). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(3) \$50,000 of the general fund--state appropriation is provided to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

Sec. 219. 1993 sp.s. c 24 s 220 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

((General Fund Appropriation \$ 110,000))

Worker and Community Right-to-Know Account

Appropriation \$ 20,000

Accident Fund Appropriation \$ ((10,194,000))

9,990,000

Medical Aid Fund Appropriation \$ ((10,194,000))

9,990,000

TOTAL APPROPRIATION \$ ((20,518,000))

20,000,000

Sec. 220. 1993 sp.s. c 24 s 221 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000

Public Safety and Education Account

Appropriation \$ ((10,818,000))

10,654,000

Drug Enforcement and Education Account

Appropriation \$ 344,000

TOTAL APPROPRIATION \$ ((11,200,000))

11,036,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation provides sufficient money to implement section 5 of Engrossed Substitute House Bill No. 1569 (malicious harassment).

(2)(a) By September 30, 1994, the Washington state criminal justice training commission, the Washington state patrol, and the Washington association of sheriffs and police chiefs shall develop a written model policy on vehicular pursuits.

(b) The Washington state criminal justice training commission shall make the vehicular pursuit model policy available to the Washington state patrol and local law enforcement agencies.

Sec. 221. 1993 sp.s. c 24 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation \$ ((9,241,000))

9,487,000

Public Works Administration--State Appropriation \$ ((1,175,000))

1,591,000

Public Safety and Education Account State

Appropriation \$ 20,513,000

Public Safety and Education Account Federal

Appropriation \$ ((4,783,000))

6,165,000

Public Safety and Education Account Private/Local

Appropriation \$ 100,000

Accident Fund--State Appropriation \$ ((144,374,000))

141,261,000

Accident Fund--Federal Appropriation \$ ((7,832,000))

9,112,000

Electrical License Fund Appropriation \$ ((18,219,000))

17,315,000

Farm Labor Revolving Account Appropriation \$ 28,000

Medical Aid Fund--State Appropriation \$ ((166,439,000))

163,949,000

Medical Aid Fund--Federal Appropriation \$ 1,592,000

Plumbing Certificate Fund Appropriation \$ ((227,000))

700,000

Pressure Systems Safety Fund Appropriation \$ ((1,981,000))

1,857,000

Worker and Community Right-to-Know Fund

Appropriation \$ ((2,170,000))

2,145,000

TOTAL APPROPRIATION \$ ((378,674,000))

375,815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration(-)" and "state fund information system(-)" ((and "safety and health information management system(-)")) is conditioned upon compliance with section 902 of this act.

(6) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education act funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) place benefit maximums on treatment; (d) coordinate with the department of social and health services to use public safety and education account funds as the match for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims; and (e) establish priorities for the provision of services to eligible claimants as follows:

- (i) Emergency medical services (inclusive of sexual assault examinations and emergency transportation);
- (ii) Nonemergency medical and outpatient mental health services;
- (iii) Family member mental health services;
- (iv) Direct compensation (wage loss and disability) benefits on future claims; and
- (v) Substance abuse and inpatient mental health services.

(7) \$470,000 of the medical aid fund--state appropriation is provided solely for activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by July 1, 1993, the amount provided in this subsection shall lapse.

(8) The director of labor and industries and the secretary of social and health services shall negotiate and implement an upfront loss control discount as recommended in the agencies' January 1994 report to the legislature. The agreement shall identify: (a) Specific, measurable goals for reduced worker injuries and time-loss in the state developmental disabilities institutions and mental hospitals; (b) the actions which each agency will take to accomplish such reductions; and (c) the methods and frequency with which progress toward those goals shall be reported. By July 1, 1994, and every six months thereafter, the departments shall report to the appropriate fiscal and policy committees of the legislature on the status of the agreement, and changes to date in injury and time-loss rates.

(9) \$108,000 of the general fund--state appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(10) Up to \$1,500,000 of the medical aid fund--state appropriation is provided solely to implement section 4 of Substitute House Bill No. 2696 (chemically related illness). Prior to the expenditure of these funds, an agency implementation plan must be approved as required under section 4 of Substitute House Bill No. 2696. If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(11) \$210,000 of the general fund--state appropriation is provided solely for enhancing the building inspection program.

(12) The department shall provide support to the workers' compensation advisory committee which shall undertake a review of the cost-effectiveness and appellate structure of the board of industrial insurance appeals system. The committee shall seek input from all interested and affected parties. The committee shall report its recommendations to the governor and the legislature by December 1, 1994.

Sec. 222. 1993 sp.s. c 24 s 223 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ ((2,643,000))

2,591,000

Sec. 223. 1993 sp.s. c 24 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

~~((General Fund--State Appropriation \$ 20,701,000~~

~~General Fund--Federal Appropriation \$ 16,099,000~~

~~General Fund--Private/Local Appropriation \$ 10,088,000~~

~~Industrial Insurance Premium Refund Account~~

~~Appropriation \$ 50,000~~

~~Charitable, Educational, Penal, and Reformatory~~

~~Institutions Account Appropriation \$ 4,000~~

~~TOTAL APPROPRIATION \$ 46,942,000))~~

(1) HEADQUARTERS

General Fund Appropriation \$ 2,565,000

Industrial Insurance Premium Refund Account

Appropriation \$ 78,000

Charitable, Educational, Penal, and Reformatory

Institutions Account Appropriation \$ 4,000

TOTAL APPROPRIATION \$ 2,647,000

(2) FIELD SERVICES

General Fund--State Appropriation \$ 3,437,000

General Fund--Federal Appropriation \$ 618,000

General Fund--Local Appropriation \$ 58,000

TOTAL APPROPRIATION \$ 4,113,000

(3) VETERANS HOME

General Fund--State Appropriation \$ 8,090,000

General Fund--Federal Appropriation \$ 10,154,000

General Fund--Local Appropriation \$ 7,528,000

TOTAL APPROPRIATION \$ 25,772,000

(4) SOLDIERS HOME

General Fund--State Appropriation \$ 5,598,000

General Fund--Federal Appropriation \$ 5,869,000

General Fund--Local Appropriation \$ 4,642,000

TOTAL APPROPRIATION \$ 16,109,000

Sec. 224. 1993 sp.s. c 24 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ ((92,520,000))

89,662,000

General Fund--Federal Appropriation \$ ((160,977,000))

183,990,000

General Fund--Local Appropriation \$ ((22,357,000))

| | | |
|---|---------------------|--------------------|
| Hospital Commission Account Appropriation | \$ 3,028,000 | <u>21,462,000</u> |
| Medical Disciplinary Account Appropriation | \$ 1,806,000 | |
| Health Professions Account Appropriation | \$ ((27,934,000)) | |
| | | <u>27,772,000</u> |
| <u>Industrial Insurance Account Appropriation</u> | <u>\$ 14,000</u> | |
| State Toxics Control Account Appropriation | \$ 3,091,000 | |
| Drug Enforcement and Education Account | | |
| Appropriation | \$ 467,000 | |
| Medical Test Site Licensure Account | | |
| Appropriation | \$ ((2,584,000)) | |
| | | <u>1,832,000</u> |
| Safe Drinking Water Account Appropriation | \$ ((4,850,000)) | |
| | | <u>2,710,000</u> |
| Public Health Services Account Appropriation | \$ 20,000,000 | |
| Youth Tobacco Prevention Account Appropriation | \$ 1,830,000 | |
| Water Quality Account Appropriation | \$ 2,997,000 | |
| Health Services Account Appropriation | \$ ((44,474,000)) | |
| | | <u>12,587,000</u> |
| <u>Waterworks Operator Certification Account</u> | | |
| Appropriation | <u>\$ 522,000</u> | |
| | TOTAL APPROPRIATION | <u>373,770,000</u> |
| | \$ ((352,609,000)) | |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,465,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$3,900,000 of the public health services account appropriation is provided solely to implement Second Substitute Senate Bill No. 5239 (centralizing poison information services). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.
- (3) \$2,750,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.
- (4) \$1,000,000 of the public health services account appropriation is provided solely for a counter message advertising campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.
- (5) \$100,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.
- (6) \$1,000,000 of the public health services account appropriation is provided solely for immunization programs to include: \$200,000 for provider and public education, \$200,000 for demonstration projects in low-income or economically distressed areas, and \$600,000 for competitive challenge grants to be matched on a one-to-one basis by applicant communities.
- (7) \$1,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.
- (8) \$250,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.
- (9) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (10) \$1,507,000 of the health services account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.
- (11) \$1,948,000 of the health services account appropriation is provided solely for training emergency medical service personnel.
- (12) \$280,000 of the health services account appropriation is provided solely for malpractice insurance for volunteer primary care providers.
- (13) \$613,000 of the health services account appropriation is provided solely for development of the health personnel improvement plan.
- (14) \$1,918,000 of the health services account appropriation is provided solely for special services for children from throughout the state through Children's hospital.
- (15) \$3,530,000 of the health services account appropriation is provided solely for data activities associated with health care reform.
- (16) \$1,375,000 of the health services account appropriation is provided solely for the state board of health and health policy activities of the department of health.
- (17) \$997,000 of the health services account appropriation is provided solely for the certification of emergency services personnel and ambulance services licensing activities performed by the department of health.
- (18) \$419,000 of the health services account appropriation is provided solely for the pesticide program activities in the department of health.
- (19) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.
- ~~((18) The department shall assess fees for certification and licensure of emergency medical service programs. Certification and licensure costs for volunteer personnel shall be paid from local government revenues under RCW 84.52.069.))~~
- (20) The department is authorized to raise existing public water systems operator certification fees in excess of the fiscal growth factor established by Initiative 601 in order to meet the actual costs of certification and regulation.
- (21) \$1,158,000 of the general fund--state appropriation is provided to the department of health for the violence prevention act (Engrossed Second Substitute House Bill No. 2319). The department will develop comprehensive rules for the collection of data related to violence, risk, and protective factors. In addition, the department will also establish standards for local health departments to use in planning and policy development to prevent juvenile crime and develop a reporting format for public media to voluntarily report efforts to reduce violence.
- (22) \$25,000 of the general fund--state appropriation is provided solely to develop a state-wide youth suicide prevention plan.

Sec. 225. 1993 sp.s. c 24 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund—State Appropriation \$ ((144,578,000))

136,845,000

Drug Enforcement and Education Account
 Appropriation \$ 114,000
 TOTAL APPROPRIATION \$ ((144,692,000))

136,959,000

The appropriations in this subsection are subject to the following conditions and limitations: The department shall not expend any funds appropriated in this act for the supervision of misdemeanants, except in the case of agreements entered into by the department with units of local government pursuant to RCW 72.09.300.

(2) INSTITUTIONAL SERVICES
 General Fund--State Appropriation \$ ((516,408,000))

502,077,000

Drug Enforcement and Education Account
 Appropriation \$ 1,836,000
 (Transportation Account Appropriation \$ 1,075,000)
 TOTAL APPROPRIATION \$ ((519,019,000))

503,913,000

(3) ADMINISTRATION AND PROGRAM SUPPORT
 General Fund--State Appropriation \$ ((25,754,000))

27,386,000

State Capital Vehicle Parking Account
 Appropriation \$ 90,000

Industrial Insurance Premium Refund Account
 Appropriation \$ 147,000
 TOTAL APPROPRIATION \$ ((25,904,000))

27,623,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$356,000 of the general fund--state appropriation is provided solely for the development of a centralized claims data collection system for health services provided by the department to inmates. Expenditures are contingent on the formal approval by the health care authority of the design of the system. The department shall report, by January 1, 1995, to the house of representatives corrections committee, the house of representatives appropriations committee, and the senate ways and means committee on savings that may result from centralized claims administration and bill review. The report shall also contain plans and a timeline for the development and implementation of comprehensive cost containment strategies developed in conjunction with the health care authority.

(b) By January 1, 1996, the department shall develop a standard set of health services available for inmates in correctional facilities consistent with the schedule of services that meets the coverage for subsidized enrollees in the basic health plan, pursuant to chapter 70.47 RCW. The services for incarcerated inmates shall exceed the level of services available under the basic health plan for subsidized enrollees only to the extent that they have been identified by the secretary as medically necessary. At such time as the legislature adopts a uniform benefits package pursuant to RCW 43.72.130, the department shall replace the schedule of services for incarcerated inmates with the health care services allowed under the uniform benefits package. The uniform benefits package of services for incarcerated inmates shall exceed the services available under the uniform benefits package only to the extent that they have been identified as medically necessary and appropriate supplemental benefits and services by the secretary.

(c) The department shall submit recommendations to the house of representatives appropriations committee, the house of representatives capital committee, and the senate ways and means committee by January 1, 1995, on methods of reducing operating costs in its facilities through the use of highest and best use analysis and life cycle cost analysis as developed by the legislative budget committee in its report Department of Corrections Capacity Planning and Implementation (LBC 94-1). In identifying options for reductions in its operating budget, the department shall specify the capital costs and savings as well as operating budget savings related to each option.

(d) Indian Ridge correctional center shall be made available to the division of juvenile rehabilitation by October 15, 1994. The department of corrections and the division of juvenile rehabilitation may enter into a contract for operation of the facility prior to the date of transfer.

(4) CORRECTIONAL INDUSTRIES
 General Fund--State Appropriation \$ ((3,795,000))

3,797,000

(5) REVOLVING FUNDS
 General Fund--State Appropriation \$ ((10,404,000))

10,576,000

Sec. 226. 1993 sp.s. c 24 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND
 General Fund--State Appropriation \$ ((2,604,000))

2,587,000

General Fund--Federal Appropriation \$ ((8,552,000))

8,510,000

General Fund--Private/Local Appropriation \$ 80,000
 TOTAL APPROPRIATION \$ ((14,233,000))

11,177,000

Sec. 227. 1993 sp.s. c 24 s 228 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION
 General Fund--State Appropriation \$ ((662,000))

723,000

Sec. 228. 1993 sp.s. c 24 s 229 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT
 General Fund--State Appropriation \$ ((1,397,000))

1,997,000

General Fund--Federal Appropriation \$ 144,834,000

General Fund--Local Appropriation \$ 19,982,000

Industrial Insurance Premium Account--State

Appropriation \$ 30,000

Administrative Contingency Fund--Federal

Appropriation \$ ((7,528,000))

8,235,000

Unemployment Compensation Administration Fund--
 Federal Appropriation \$ ((152,409,000))

152,309,000

Employment Service Administration Account

| | | |
|--|--------------------|-------------|
| Federal Appropriation | \$ ((41,272,000)) | 11,340,000 |
| Employment Training Trust Fund Appropriation | \$ 7,804,000 | |
| TOTAL APPROPRIATION | \$ ((345,226,000)) | 346,531,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$63,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.
- (2) \$215,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.
- (3) \$643,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).
- (4) \$304,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).
- (5) \$289,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits (timber AB screening - UI benefits extensions).
- (6) \$671,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse coordinator.
- (7) \$778,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse ex-offender program.
- (8) \$313,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse career awareness program.
- (9) \$1,790,471 of the administrative contingency fund--federal appropriation is provided solely for the Washington service corps program.
- (10) \$270,000 of the unemployment compensation account--federal appropriation is provided solely for the resource center for the handicapped.
- (11) The employment security department shall spend no more than \$((13,778,541)) 22,069,541 of the general fund--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Of this amount, \$8,291,000 is transferred to the office of financial management to monitor the contract and expenditures for the GUIDE project. The office of financial management shall report to the appropriate legislative committees on the progress of GUIDE by January 1, 1995. Authority to expend this amount is conditioned on compliance with section 902 of chapter 24, Laws of 1993, sp. sess.
- (12) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.
- (13) \$275,000 of the general fund--state appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.
- (14) \$400,000 of the general fund--state appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.
- (15) \$400,000 of the general fund--state appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.
- (16) \$500,000 of the administrative contingency fund appropriation is provided solely to match \$750,000 of the general fund--federal appropriation for the department of social and health services. The \$1,250,000 is provided solely for additional job counselors required under section 6 of Engrossed Second Substitute House Bill No. 2798 (public assistance reform).
- (17) \$600,000 of the general fund--state appropriation is provided solely to fund projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program. "Youthbuild" means any program that provides disadvantaged youth with opportunities for employment, education, leadership development, entrepreneurial skills development, and training in the construction or rehabilitation of housing for special need populations, very low-income households, or low-income households.
- (18) \$68,000 of the employment service administration account--federal appropriation is provided solely for supporting the unemployment insurance task force as prescribed under chapter 483, Laws of 1993 and Substitute Senate Bill No. 6217 (unemployment insurance task force).
- (19) \$80,000 of the unemployment compensation administration fund--federal appropriation is provided solely for Engrossed Senate Bill No. 6480 (unemployment insurance compensation).

PART III NATURAL RESOURCES

Sec. 301. 1993 sp.s. c 24 s 301 (uncodified) is amended to read as follows:

| | |
|---|-------------------|
| FOR THE STATE ENERGY OFFICE | |
| General Fund--State Appropriation | \$ ((4,518,000)) |
| | 1,488,000 |
| General Fund--Federal Appropriation | \$ ((23,675,000)) |
| | 22,922,000 |
| General Fund--Private/Local Appropriation | \$ 6,769,000 |
| Geothermal Account--Federal Appropriation | \$ 41,000 |
| Building Code Council Account Appropriation | \$ 92,000 |
| Air Pollution Control Account Appropriation | \$ 6,007,000 |
| Industrial Insurance Premium Refund Account | |
| Appropriation | \$ 4,000 |
| Energy Efficiency Services Account | |
| Appropriation | \$ 1,056,000 |
| TOTAL APPROPRIATION | \$ ((39,162,000)) |
| | 38,379,000 |

Sec. 302. 1993 sp.s. c 24 s 302 (uncodified) is amended to read as follows:

| | |
|--|------------------|
| FOR THE COLUMBIA RIVER GORGE COMMISSION | |
| General Fund--State Appropriation | \$ ((674,000)) |
| | 563,000 |
| General Fund--Private/Local Appropriation | \$ ((542,000)) |
| | 531,000 |
| TOTAL APPROPRIATION | \$ ((4,146,000)) |

| | |
|---|--------------------|
| | <u>1,094,000</u> |
| Sec. 303. 1993 sp.s. c 24 s 303 (uncodified) is amended to read as follows: | |
| FOR THE DEPARTMENT OF ECOLOGY | |
| General Fund--State Appropriation \$ ((55,625,000)) | <u>53,557,000</u> |
| General Fund--Federal Appropriation \$ ((45,061,000)) | <u>44,601,000</u> |
| General Fund--Private/Local Appropriation \$ ((1,103,000)) | <u>946,000</u> |
| Special Grass Seed Burning Research Account Appropriation \$ 132,000 | |
| Reclamation Revolving Account Appropriation \$ ((1,696,000)) | <u>2,096,000</u> |
| Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s. \$ 312,000 | |
| Litter Control Account Appropriation \$ 6,388,000 | |
| State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26) \$ ((2,680,000)) | <u>2,632,000</u> |
| Industrial Insurance Premium Refund Account Appropriation \$ ((42,000)) | <u>172,000</u> |
| State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38) \$ 1,349,000 | |
| Stream Gaging Basic Data Fund Appropriation \$ ((303,000)) | <u>221,000</u> |
| Vehicle Tire Recycling Account Appropriation \$ ((7,832,000)) | <u>9,782,000</u> |
| Water Quality Account Appropriation \$ ((2,700,000)) | <u>2,701,000</u> |
| Wood Stove Education Account Appropriation \$ ((1,382,000)) | <u>1,297,000</u> |
| Worker and Community Right-to-Know Fund Appropriation \$ ((410,000)) | <u>439,000</u> |
| State Toxics Control Account--State Appropriation \$ ((55,242,000)) | <u>54,147,000</u> |
| Local Toxics Control Account Appropriation \$ ((3,314,000)) | <u>3,207,000</u> |
| Water Quality Permit Account Appropriation \$ 20,714,000 | |
| Solid Waste Management Account Appropriation \$ 11,463,000 | |
| Underground Storage Tank Account Appropriation \$ ((2,970,000)) | <u>2,835,000</u> |
| Hazardous Waste Assistance Account Appropriation \$ 4,112,000 | |
| Air Pollution Control Account Appropriation \$ ((14,217,000)) | <u>13,841,000</u> |
| Oil Spill Response Account Appropriation \$ ((7,256,000)) | <u>7,060,000</u> |
| Oil Spill Administration Account Appropriation \$ ((3,738,000)) | <u>3,526,000</u> |
| Fresh Water Aquatic Weed Control Account Appropriation \$ ((1,686,000)) | <u>1,978,000</u> |
| Air Operating Permit Account Appropriation \$ 4,566,000 | |
| Water Pollution Control Revolving Account--State Appropriation \$ ((196,000)) | <u>177,000</u> |
| Water Pollution Control Revolving Account--Federal Appropriation \$ 1,034,000 | |
| Public Works Assistance Account Appropriation \$ 4,000,000 | |
| <u>Water Right Processing and Data Management Account Appropriation \$ 2,154,000</u> | |
| TOTAL APPROPRIATION \$ ((261,523,000)) | <u>261,439,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$6,222,000 of the general fund--state appropriation and \$1,071,000 of the general fund--federal appropriation are provided for the implementation of the Puget Sound water quality management plan.
- (2) \$7,800,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).
- (3) \$400,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.
- (4) \$3,100,000 of the state toxics control account appropriation is provided solely for the following purposes:
 - (a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and
(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(5) \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 is not enacted by June 30, 1993, \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.

(6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts provided in this subsection shall lapse.

(7)(a) \$2,000,000 of the general fund--state appropriation is provided solely for the continued implementation of the water resources data management system.

(b) If Engrossed Second Substitute Senate Bill No. 6291 (water rights processing) is enacted by June 30, 1994, subsection (7)(a) is null and void and \$1,625,000 of the general fund--state appropriation and \$125,000 of the water right processing and data management account appropriation are provided solely for the continued implementation of the water resources data management system.

(8)(a) For fiscal year 1994, \$3,750,000 of the general fund--state appropriation is provided to administer the water rights permit program. For fiscal year 1995, not more than \$1,375,000 of the general fund--state appropriation may be expended for the program unless legislation to increase fees to fund at least fifty percent of the full cost of the water rights permit program, including data management, is enacted by June 30, 1994.

(b) If Engrossed Second Substitute Senate Bill No. 6291 (water rights processing) is enacted by June 30, 1994, \$2,029,000 of the general fund--state appropriation and \$2,029,000 of the water right processing and data management account appropriation are provided solely for the water rights permit program in fiscal year 1995. If the bill is not enacted by June 30, 1994, the general fund--state appropriation in this section shall be reduced by \$654,000 and the entire water right processing and data management account appropriation in this section shall lapse.

(9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.

(11) ~~\$(3,250,000)~~ 2,500,000 of the general fund--state appropriation is provided for funding labor-intensive environmental restoration projects, including projects using the Washington conservation corps. In awarding grant contracts, the department shall give priority to projects which implement watershed action plans. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.

(12) \$256,000 of the general fund--state appropriation is provided to identify and designate regional water resource planning areas in the central Puget Sound region and to prepare one or more comprehensive water resource plans for the designated area or areas. To assist in preparing the report, the department shall assemble representatives from state agencies, local governments and tribal governments. The report shall identify suggested boundaries, water resource issues relevant to each planning area, and public and private groups having specific interests in the region's water resource issues. The report shall be provided to the governor and the appropriate committees of the legislature by March 15, 1994. Within 90 days thereafter, the governor shall direct the development of a comprehensive water resources plan or plans required by RCW 90.54.040(1). Any amount of this appropriation in excess of \$156,000 shall not be expended unless matched by an equal amount from utilities and local governments.

(13) \$238,000 of the water quality permit account appropriation is provided solely for implementation of Substitute House Bill No. 1169 (marine finfish). If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) Within the appropriations provided in this section, sufficient funds are provided to implement sections 8 through 15 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(15) Pursuant to RCW 43.135.055, the department is authorized to increase water well operators' fees under chapter 18.104 RCW, by rule, to an amount not to exceed two hundred fifty dollars for a two-year period.

(16) Pursuant to RCW 43.135.055, the department is authorized to increase site use permit fees under RCW 43.200.080, by rule, to an amount sufficient to recover up to \$143,000 in costs associated with the Northwest interstate compact on low-level radioactive waste management.

(17) \$100,000 of the public works assistance account is provided solely for technical analysis and coordination with the army corps of engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(18) \$29,000 of the worker and community right-to-know fund appropriation is provided solely for conducting an environmental equity study to include information on the distribution of environmental facilities and toxic chemical releases in relation to low-income and minority communities.

(19) \$100,000 of the general fund--state appropriation is provided solely on a one-time basis for the implementation of Engrossed Substitute House Bill No. 2521 (metals mining and milling). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse. Consistent with section 27 of Engrossed Substitute House Bill 2521, the metals mining advisory group shall recommend to the legislature by January 1, 1995, a fee schedule that fully supports all provisions of Engrossed Substitute House Bill No. 2521.

(20) \$50,000 of the water quality account appropriation is provided solely to contract with the Hood Canal coordinating council to: (a) Pursue methods to control existing nonpoint source pollution; (b) improve cooperation among local, state, federal, and tribal governmental agencies with management authority over Hood Canal; (c) encourage more centralized research and baseline data collection; and (d) inform and educate local residents and decision makers about the need to protect the watershed's environmental integrity.

Sec. 304. 1993 sp.s. c 24 s 304 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ ~~((906,000))~~

903,000

Sec. 305. 1993 sp.s. c 24 s 305 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation \$ ~~((54,130,000))~~

73,938,000

General Fund--Federal Appropriation \$ 1,948,000
General Fund--Private/Local Appropriation \$ 1,280,000
Winter Recreation Program Account Appropriation \$ 879,000
ORV (Off-Road Vehicle) Account Appropriation \$ 242,000
Snowmobile Account Appropriation \$ ~~((1,636,000))~~

1,886,000

Public Safety and Education Account
Appropriation \$ 48,000
Litter Control Account Appropriation \$ 34,000
Motor Vehicle Fund Appropriation \$ 1,174,000
Oil Spill Administration Account Appropriation \$ ~~((64,000))~~

48,000

Aquatic Lands Enhancement Account Appropriation \$ 316,000

TOTAL APPROPRIATION \$ ((61,754,000))

81,793,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2) \$7,700,000 of the general fund--state appropriation is provided contingent upon the adoption and implementation of a fee schedule by the state parks and recreation commission that provides a like amount of revenue above the 1993-95 forecast for fees authorized under RCW 43.51.060(6) for fees in place as of January 1, 1993. Fees shall be based on the extent to which a facility is developed and maintained for year-round use. Maximum boat launch fees shall be assessed only at water access facilities where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis. Reduced fees may be assessed at water access facilities that are unimproved. Seasonal day area parking fees shall not be assessed. This subsection shall not preclude the assessment of a flat annual fee for use of all water access facilities and other state park facilities throughout the state)) (1) The state parks and recreation commission is directed to implement fees that provide at least \$3,000,000 of additional revenue for the 1993-95 biennium above that generated under fees adopted prior to the effective date of this act.~~

~~((3)) (2) \$2,824,000 of the general fund--state appropriation is provided solely to address stewardship needs for state parks. Of this amount, \$1,800,000 is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.~~

~~(3) The state parks and recreation commission is authorized to raise existing fees in excess of the fiscal growth factor established by Initiative Measure No. 601 in order to meet revenue targets assumed in subsection (1) of this section.~~

~~(4) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.~~

~~(5) \$15,000,000 of the general fund--state appropriation is provided solely to acquire trust lands that have been identified in section 459(1)(a), chapter 22, Laws of 1993 sp. sess. All provisions and conditions of section 459, chapter 22, Laws of 1993 sp. sess., as amended, shall apply to expenditure of this amount.~~

~~(6) \$60,000 of the general fund--state appropriation is provided solely for the implementation and development of the state scenic rivers program.~~

~~(7) No later than December 1, 1994, the commission shall provide to the appropriate committees of the legislature a report on alternatives to increase the involvement of nongovernmental organizations in the acquisition, development, and operation of units within the state park system. The report shall include: (a) A review of the public/private partnerships in local park programs, state park programs in other states, and examples in other countries, such as the private, nonprofit British national trust; (b) a review of the existing roles of nonprofit land conservation trusts in providing public recreational opportunities and the conservation of land, and alternatives under which one or more such organizations may enter agreements with the state for the furtherance of the state park system; (c) a review of possible transfer of state parks to local governments, if they are willing, for operation of such parks; and (d) recommended methods to identify and secure the necessary funding for capital development and operating costs when lands are proposed for acquisition as an addition to the state park system. The report shall include recommendations for administrative and legislative action to implement the alternatives identified.~~

~~(8) \$5,000,000 of the general fund--state appropriation is provided solely for critical park maintenance projects throughout the state. The department shall make every effort to contract locally and to provide local jobs to complete these projects.~~

~~Sec. 306. 1993 sp.s. c 24 s 306 (uncodified) is amended to read as follows:~~

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation \$ 2,541,000

Outdoor Recreation Account--Federal Appropriation \$ ((34,000))

50,000

Firearms Range Account Appropriation \$ 25,000

TOTAL APPROPRIATION \$ ((2,600,000))

2,616,000

~~Sec. 307. 1993 sp.s. c 24 s 307 (uncodified) is amended to read as follows:~~

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ ((1,205,000))

1,361,000

~~((The appropriation in this section is subject to the following conditions and limitations: \$30,000 is provided solely for the increased costs associated with a half-time administrative law judge.))~~

~~Sec. 308. 1993 sp.s. c 24 s 309 (uncodified) is amended to read as follows:~~

FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ ((1,670,000))

1,661,000

Water Quality Account Appropriation \$ 202,000

TOTAL APPROPRIATION \$ ((1,872,000))

1,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) ~~\$((374,800))~~ 362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$750,000 of the general fund appropriation is provided solely for basic operation grants to conservation districts.

(4) \$158,000 of the general fund appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1309 (wild salmonid protection).

~~Sec. 309. 1993 sp.s. c 24 s 310 (uncodified) is amended to read as follows:~~

FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation \$ ((3,959,000))

2,996,000

General Fund--Federal Appropriation \$ ((202,000))

198,000

Water Quality Account Appropriation \$ ((946,000))

927,000

TOTAL APPROPRIATION \$ ((4,207,000))

4,121,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((329,000))~~ 313,600 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) ~~\$((232,000))~~ 227,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$681,000 of the general fund--state appropriation is provided solely to implement additional provisions of the Puget Sound water quality management plan.

~~Sec. 310. 1993 sp.s. c 24 s 311 (uncodified) is amended to read as follows:~~

FOR THE DEPARTMENT OF FISHERIES

| | | |
|--|--------------------------|--------------------------|
| General Fund--State Appropriation | \$ ((55,740,000)) | <u>55,930,000</u> |
| General Fund--Federal Appropriation | \$ 25,048,000 | |
| General Fund--Private/Local Appropriation | \$ 9,609,000 | |
| Aquatic Lands Enhancement Account Appropriation | \$ ((4,092,000)) | <u>4,269,000</u> |
| Industrial Insurance Premium Refund Account | | |
| Appropriation | \$ 28,000 | |
| Oil Spill Administration Account Appropriation | \$ 388,000 | |
| Recreational Fish Enhancement--State | | |
| Appropriation | \$ ((4,049,000)) | <u>3,749,000</u> |
| TOTAL APPROPRIATION | \$ ((98,926,000)) | <u>99,021,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((1,136,418)) 1,049,410 of the general fund--state appropriation is provided to implement the Puget Sound water quality management plan.

(2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin. Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.

(3) \$((546,000)) 723,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.

(4) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

(5) \$((450,000)) 689,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(7) Within the appropriations provided in this section, sufficient funds are provided to implement sections 1 through 6 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(8) \$3,200,000 of the general fund--state appropriation is contingent upon the enactment of Substitute Senate Bill No. 5980 (fishing licenses). If Substitute Senate Bill 5980 is not enacted by June 30, 1993, \$3,200,000 of the general fund--state appropriation shall lapse.

(9) \$115,000 of the general fund--state appropriation is provided solely to maintain the south Puget Sound net pen facility.

(10) \$110,000 of the general fund--state appropriation is provided solely for the operation of the Issaquah Hatchery.

(11) \$53,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 6125 (combined recreational hunting and fishing license). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 311. 1993 sp.s. c 24 s 312 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

| | | |
|---|---------------------------|---------------------------|
| General Fund Appropriation | \$ ((40,226,000)) | <u>10,021,000</u> |
| ORV (Off-Road Vehicle) Account Appropriation | \$ 480,000 | |
| Aquatic Lands Enhancement Account Appropriation | \$ 1,112,000 | |
| Warm Water Fish Account Appropriation | \$ 604,000 | |
| Public Safety and Education Account | | |
| Appropriation | \$ 590,000 | |
| Wildlife Fund--State Appropriation | \$ ((60,723,000)) | <u>50,776,000</u> |
| Wildlife Fund--Federal Appropriation | \$ 32,101,000 | |
| Wildlife Fund--Private/Local Appropriation | \$ 12,402,000 | |
| Game Special Wildlife Account Appropriation | \$ 1,012,000 | |
| Oil Spill Administration Account Appropriation | \$ ((548,000)) | <u>520,000</u> |
| TOTAL APPROPRIATION | \$ ((409,194,000)) | <u>109,618,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) \$((1,000,000)) 920,000 of the general fund appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$((900,000)) 820,000 is provided for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$140,000 of the general fund appropriation is provided for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(5) \$53,000 of the wildlife fund--state appropriation and \$604,000 of the warm water fish account appropriation are provided solely to implement Substitute Senate Bill No. 6125 (combined recreational hunting and fishing license and warm water fish enhancement). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 312. 1993 sp.s. c 24 s 313 (uncodified) is amended to read as follows:

DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. ~~((If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.))~~ If either House Bill No. 2678 or Senate Bill No. 6346 (fish and wildlife) or substantially similar legislation is enacted by the 1994 session of the legislature, then all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife on the date specified for the merger of the two departments in that legislation.

Sec. 313. 1993 sp.s. c 24 s 314 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

| | | |
|---|----------------------|-------------|
| General Fund--State Appropriation | \$ ((49,394,000)) | 46,994,000 |
| General Fund--Federal Appropriation | \$ 906,000 | |
| General Fund--Private/Local Appropriation | \$ 264,000 | |
| ORV (Off-Road Vehicle) Account Appropriation | \$ 3,092,000 | |
| Forest Development Account Appropriation | \$ ((37,652,000)) | 37,614,000 |
| Survey and Maps Account Appropriation | \$ 1,519,000 | |
| Aquatic Lands Enhancement Account Appropriation | \$ 2,524,000 | |
| Surface Mining Reclamation Account Appropriation | \$ 1,271,000 | |
| Resource Management Cost Account Appropriation | \$ ((82,407,000)) | 81,990,000 |
| Aquatic Land Dredged Material Disposal Site Account Appropriation | \$ ((830,000)) | 738,000 |
| Air Pollution Control Account Appropriation | \$ ((1,252,000)) | 852,000 |
| Natural Resources Conservation Areas Stewardship Account Appropriation | \$ 1,119,000 | |
| Oil Spill Administration Account Appropriation | \$ ((430,000)) | 65,000 |
| Litter Control Account Appropriation | \$ 506,000 | |
| Industrial Insurance Premium Refund Account Appropriation | \$ ((98,000)) | 76,000 |
| <u>Watershed Restoration Account Appropriation</u> | <u>\$ 10,000,000</u> | |
| TOTAL APPROPRIATION | \$ ((482,664,000)) | 189,530,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~\$(8,072,000))~~ 7,072,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.
- (2) \$993,000 of the appropriations in this section are provided to implement the Puget Sound water quality management plan.
- (3) ~~\$(600,000))~~ 450,000 of the general fund--state appropriation and ~~\$(1,000,000))~~ 900,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.
- (4) ~~\$(1,500,000))~~ 1,400,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, ~~\$(1,350,000))~~ 1,250,000 shall be expended for the Washington conservation corps program established under chapter 43.220 RCW.
- (5) \$1,271,000 of the surface mining reclamation account is provided solely for surface mining regulation activities.
- (6) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.
- (7) ~~\$(3,250,000))~~ 2,000,000 of the general fund--state appropriation (is) and \$2,000,000 of the amount referenced in subsection (13) of this section are provided solely to fund labor-intensive natural resource and forest restoration projects. In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.
- (8) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.
- (9) \$60,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.
- (10) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.
- (11) \$1,555,000 of the general fund--state appropriation is provided solely for increased workload associated with forest practice compliance and watershed management.
- (12) The department of natural resources shall provide its quarterly trust revenue forecast to the office of financial management and the legislature on a timetable which is consistent with the submission of the state economic and revenue forecast to the governor and the legislature by the economic and revenue forecast council. In preparing its forecasts and to the extent feasible, the department shall use economic assumptions that are consistent with those used by the economic and revenue forecast council.
- (13) The full amount of the watershed restoration account appropriation in this section is provided solely for the watershed recovery partnership program established in Engrossed Substitute Senate Bill No. 6243 (omnibus capital budget).
- (14) \$50,000 of the general fund--state appropriation is provided solely on a one-time basis for the implementation of Engrossed Substitute House Bill No. 2521 (metals mining and milling). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse. Consistent with section 27 of Engrossed Substitute House Bill No. 2521, the metals mining advisory group shall recommend to the legislature by January 1, 1995, a fee schedule that fully supports all provisions of Engrossed Substitute House Bill No. 2521.
- (15) \$5,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 6556 (public lands rental/TV districts). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 314. 1993 sp.s. c 24 s 315 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

| | | |
|--|-------------------|------------|
| General Fund--State Appropriation | \$ ((43,462,000)) | 14,523,000 |
| General Fund--Federal Appropriation | \$ ((4,320,000)) | 4,186,000 |
| State Toxics Control Account Appropriation | \$ 1,103,000 | |
| Weights and Measures Account Appropriation | \$ 864,000 | |
| <u>State Industrial Insurance Premium Refund Account</u> <u>Appropriation</u> | <u>\$ 74,000</u> | |
| TOTAL APPROPRIATION | \$ ((49,749,000)) | 20,750,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.

(2) \$300,000 of the general fund--state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

~~(3) \$493,000 of the general fund--state appropriation is provided solely to promote international trade.~~

~~(4) The department shall report to the governor and the appropriate fiscal committees of the legislature, by November 15, 1994, regarding administrative costs of the agency and how such costs are being allocated between programs and funds sources within the agency.~~

~~Sec. 315. 1993 sp.s. c 24 s 317 (uncodified) is amended to read as follows:~~

FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account

Appropriation \$ ~~((4,198,000))~~

3,992,000

State Toxics Control Account Appropriation \$ 298,000

TOTAL APPROPRIATION \$ ~~((4,496,000))~~

4,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$963,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program in accordance with Substitute House Bill No. 1144. The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

~~(2) ((The marine oversight board shall prepare a report that prioritizes state agencies' spill prevention and response activities on the marine waters of the state. The report shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 1994.)) \$224,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program on the Columbia river. This funding level assumes that the state of Oregon will provide office space and other forms of in-kind support.~~

~~(3) \$153,000 of the oil spill administration account appropriation is provided solely for the marine oversight board. After July 1, 1994, funding provided in this subsection is for meeting-related costs only.~~

**PART IV
TRANSPORTATION**

Sec. 401. 1993 sp.s. c 24 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ ~~((6,536,000))~~

7,440,000

Architects' License Account Appropriation \$ ~~((1,040,000))~~

1,063,000

Cemetery Account Appropriation \$ ~~((246,000))~~

198,000

~~((Health Professions Account Appropriation \$ 521,000))~~

Funeral Directors and Embalmers Account

Appropriation \$ ~~((521,000))~~

482,000

~~((Mortgage Broker Licensing Account~~

~~Appropriation \$ 187,000))~~

Professional Engineers' Account Appropriation \$ ~~((2,509,000))~~

2,545,000

Real Estate Commission Account Appropriation \$ ~~((7,155,000))~~

6,956,000

Uniform Commercial Code Account Appropriation \$ ~~((5,246,000))~~

5,785,000

Real Estate Education Account Appropriation \$ 618,000

Master Licensing Account Appropriation \$ ~~((6,747,000))~~

6,266,000

TOTAL APPROPRIATION \$ ~~((30,755,000))~~

31,353,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 2119 (professional athletic commission) is not enacted by June 30, 1993, the general fund appropriation shall be reduced by \$54,000.

(2) \$33,000 of the uniform commercial code account appropriation is provided solely to implement revisions to the uniform commercial code article governing bulk sales. If Substitute House Bill No. 1013 is not enacted by June 30, 1993, \$33,000 of the uniform commercial code account appropriation shall lapse.

(3) \$9,000 of the general fund appropriation is provided solely to implement registration of employment listing agencies. If Engrossed Substitute House Bill No. 1496 is not enacted by June 30, 1993, \$9,000 of the general fund appropriation shall lapse.

(4) \$87,000 of the general fund appropriation is provided solely to implement bail bond agent licensing. If Substitute House Bill No. 1870 is not enacted by June 30, 1993, \$87,000 of the general fund appropriation shall lapse.

~~(5) ((If Substitute Senate Bill No. 5026 is not enacted by June 30, 1993, the entire funeral directors and embalmers account appropriation is null and void. If Substitute Senate Bill No. 5026 is enacted by June 30, 1993, the entire health professions account appropriation is null and void.~~

~~(6)) \$47,000 of the architects' license account appropriation is provided solely for implementing revised architect experience requirements.~~

~~If Engrossed Senate Bill No. 5545 is not enacted by June 30, 1993, \$47,000 of the architects' license account appropriation shall lapse.~~

~~((7) \$187,000 of the mortgage broker licensing account appropriation is provided solely to implement a temporary licensing program for mortgage brokers. If Substitute Senate Bill No. 5829 is not enacted by June 30, 1993, \$187,000 of the mortgage broker licensing account appropriation shall lapse.))~~

Sec. 402. 1993 sp.s. c 24 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation \$ ~~((14,223,000))~~

10,625,000

General Fund--Federal Appropriation \$ 1,037,000

General Fund--Private/Local Appropriation \$ 184,000

Death Investigations Account Appropriation \$ 24,000

Public Safety and Education Account

Appropriation \$ ~~((1,000,000))~~

4,500,000

Industrial Insurance Premium Refund Account

Appropriation \$ 28,000

Transportation Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ((46,468,000))

16,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(802,000))~~ 602,000 of the general fund--state appropriation is provided solely for the lease purchased upgrade and capacity increase of the Automated Fingerprint Identification System subject to office of financial management approval of a completed feasibility study. The feasibility study will include: The steps and costs required to achieve interoperability with local government fingerprint systems, compliance with the proposed federal bureau of investigation fingerprint standards, a discussion of the issues and costs associated with the potential adoption of "live scan" technology as they relate to the proposed upgrade, the interruption of service that may occur during conversion to the proposed new system, and the long term stability of maintenance contract charges.

(2) \$30,000 of the general fund--state appropriation is provided solely for DNA testing of juveniles under Substitute Senate Bill No. 6007 (crime provisions). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(3) The agency shall assist the Washington criminal justice training commission in developing a written model policy on vehicular pursuits, as provided in this act.

**PART V
EDUCATION**

Sec. 501. 1993 sp.s. c 24 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation \$ ((34,444,000))

35,848,000

General Fund--Federal Appropriation \$ 33,106,000

Public Safety and Education Account

Appropriation \$ 338,000

Drug Enforcement and Education Account

Appropriation \$ 3,197,000

TOTAL APPROPRIATION \$ ((74,055,000))

72,489,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.

(b) \$423,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(c) ~~\$(770,000))~~ 800,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

~~((e))~~ (d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

~~((#))~~ (e) \$10,000 of the general fund--state appropriation is provided solely for a contract through the Washington State Institute for Public Policy at The Evergreen State College for a bilingual education conference to disseminate information on best practices in bilingual instruction, including model programs from other states, and to develop strategies for incorporating the most effective instructional methods into the state's bilingual curriculum.

(f) The superintendent of public instruction shall provide staffing and research assistance as appropriate to fiscal studies initiated by the legislature of special education, learning assistance, vocational education, and inservice education.

(2) STATE-WIDE PROGRAMS

(a) ~~\$(100,000))~~ 75,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) ~~\$(62,000))~~ 93,000 of the general fund--state appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine school district.

(c) \$2,415,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific science center.

(d) \$70,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$2,949,000 of the general fund--state appropriation is provided for educational clinics, including state support activities.

(f) \$3,437,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(g) \$4,855,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30B as developed on May 4, 1993, at 11:00 a.m.

(h) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) Districts receiving allocations from subsection (2) (f) and (g) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building.

(j) \$50,000 of the general fund--state appropriation is provided solely for allocation to the primary coordinators of the state geographic alliance for the purpose of improving the teaching of geography in the common school system.

(k) \$25,000 of the general fund--state appropriation is provided solely for allocation to the Washington state holocaust education resource center for the purpose of reproducing the videotape and teachers guide, "Never Again, I Hope: The Holocaust", developed by the surviving generations of the holocaust oral history project.

(l) \$1,000,000 of the general fund--state appropriation is provided solely for start-up grants to provide extended day school-to-work transition options for secondary students who are at risk of academic failure, as follows:

(i) \$572,000 is provided to vocational skill centers;

(ii) \$286,000 is provided for award to organizations in urban areas not served by skill centers that are capable of providing programs in the manner of current extended day school-to-work programs at vocational skill centers, and;

(iii) \$142,000 is provided to the state board for community and technical colleges to provide programs in urban areas not served by skill centers in the manner of existing extended day school-to-work programs at vocational skill centers. The state board, after consultation with the superintendent of public instruction, shall develop program guidelines consistent with programs offered at vocational skill centers.

(m) \$403,000 is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing.

(n) A maximum of \$70,000 is provided for development, in conjunction with the department of health, of best management practices for implementation by local school districts to improve indoor air quality in newly constructed or modernized school facilities. To the extent feasible, the state board of education and department of health shall utilize existing practices developed by other agencies to improve indoor air quality.

Sec. 502. 1993 sp.s. c 24 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 6,019,646,000)

6,007,518,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:
 - (a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:
 - (i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 507 of this act;
 - (ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;
 - (iii) An additional 5.3 certificated instructional staff units for grades K-3;
 - (A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.
 - (B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.
 - (C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and
 - (iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and
 - (b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;
 - (c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;
 - (d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in grades K-8:
 - (i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and
 - (ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.
 - (e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:
 - (i) For enrollment of up to sixty average annual full time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and
 - (ii) For enrollment of up to twenty average annual full time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.
 - (f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:
 - (i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;
 - (ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.
 - (g) Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.
 - (g) For each nonhigh school district having an enrollment of more than seventy average annual full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;
 - (h) For each nonhigh school district having an enrollment of more than fifty average annual full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.
 - (3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.29 percent in the 1993-94 school year and 21.29 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.73 percent in the 1993-94 school year and 18.73 percent in the 1994-95 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of ~~(((\$7,468))~~ \$7,439 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of ~~(((\$14,234))~~ \$14,176 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~(((\$4,945,000))~~ \$4,953,000 outside the basic education formula during fiscal years 1994 and 1995 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$409,000 may be expended in fiscal year 1994 and a maximum of ~~(((\$410,000))~~ \$419,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of ~~(((\$297,000))~~ \$296,000 may be expended for school district emergencies.

(10) The superintendent shall distribute a maximum of \$18,750,000 outside the basic education formula for the purchase of instructional materials and technology related investments to improve learning for all students. The superintendent shall allocate the funds at a maximum rate of \$20.61 per full time equivalent student, beginning September 1, 1994, and ending June 30, 1995, except that each skill center shall be allocated \$40,000 instead of receiving a per student allocation from participating school districts. The expenditure of the funds shall be determined at each school site by the school building staff, parents, and the community where site-based decision-making has been adopted or, where not adopted, by the building staff including itinerant teachers. Expenditures on technology investments by a school site should, to the greatest extent possible, be consistent with the district's technology plan. School districts shall distribute all funds received without deduction for indirect costs. Funds provided by this subsection do not fall within the definition of basic education under Article IX of the state Constitution.

(11) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

~~((11))~~ (12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 1993 sp.s. c 24 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS

General Fund Appropriation \$ ~~((22,570,000))~~

3,539,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of ~~(((\$350.25))~~ \$322.90 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of ~~(((\$32.46))~~ \$5.11 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

(i) For pupil transportation, an increase of ~~(((\$-30))~~ \$0.05 per weighted pupil-mile for the 1994-95 school year;

(ii) For learning assistance, an increase of ~~(((\$8.14))~~ \$1.28 per pupil for the 1994-95 school year;

(iii) For education of highly capable students, an increase of ~~(((\$2.06))~~ \$0.32 per pupil for the 1994-95 school year;

(iv) For transitional bilingual education, an increase of ~~(((\$5.25))~~ \$0.83 per pupil for the 1994-95 school year.

Sec. 504. 1993 sp.s. c 24 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((364,143,000))~~

344,886,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) ~~((A maximum of \$795,000 may be expended for regional transportation coordinators. However, to the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.))~~ A maximum of \$1,072,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall:

(a) Ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(b) Prepare a catalog of hazardous walking conditions submitted for state funding by each school district by category such as: Type of hazard; number of years the hazard has been submitted for reimbursement (to the extent known); potential for mitigation; entity that would be responsible for mitigation; and status of mitigation effort, if any;

(c) Regarding small schools receiving bonus units under section 502 of this act, for comparison purposes, prepare an analysis of travel times for students to contiguous school districts. The analysis shall be submitted to the office of financial management and the fiscal committees of the legislature by December 1, 1994; and

(d) Prepare an analysis of the small fleet rate contained in the state transportation allocation formula. The analysis shall be submitted to the office of financial management and the fiscal committees of the legislature by December 1, 1994.

The superintendent of public instruction shall, to the extent possible, consolidate the functions of regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and ~~(((\$1.80))~~ \$1.79 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

Sec. 505. 1993 sp.s. c 24 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ ~~((867,344,000))~~

870,001,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ ~~((965,995,000))~~

968,685,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on ~~((March 22, 1993, at 43:43))~~ January 31, 1994, at 15:30 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

Sec. 506. 1993 sp.s. c 24 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ ~~((9,894,000))~~

10,016,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) ~~(((\$250,000))~~ \$375,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$400,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5889 (collaborative development school projects). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(4) \$400,000 in savings is assumed from implementation of the efficiency and boundary study as provided in section 521 of this act and RCW 28A.500.010.

Sec. 507. 1993 sp.s. c 24 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ ~~((22,869,000))~~

26,318,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ ~~((34,417,000))~~

34,866,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

Sec. 508. 1993 sp.s. c 24 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ~~((8,983,000))~~

8,939,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.

(3) \$435,000 of the appropriation is for the Centrum program at Fort Worden state park.

Sec. 509. 1993 sp.s. c 24 s 515 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS
General Fund Appropriation \$ ((46,940,000))

47,057,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) The superintendent shall distribute a maximum of \$628.90 per eligible bilingual student in the 1993-94 and the 1994-95 school years.

Sec. 510. 1993 sp.s. c 24 s 516 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM
General Fund Appropriation \$ ((408,456,000))

107,913,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.
- (3) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.
- (4) The superintendent of public instruction shall develop a new allocation formula as required under section 520 of this act.

Sec. 511. 1993 sp.s. c 24 s 517 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS
General Fund Appropriation \$ ((47,832,000))

47,587,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.
- (3) Allocations to school districts shall be calculated on the basis of full time enrollment at an annual rate of up to \$26.30 per student. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
 - (a) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
 - (b) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
 - (c) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.
- (4) Receipt by a school district of one-fourth of the district's allocation of funds under this section for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a Medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

Sec. 512. 1993 sp.s. c 24 s 518 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATIONAL REFORM PROGRAMS
General Fund Appropriation \$ ((57,990,000))

76,174,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((23,000,000 is provided solely for resources and planning time for the 1994-95 school year for certificated staff to implement education reform under the requirements of Engrossed Substitute House Bill No. 1209 (education reform).))~~ \$39,934,000 is provided for student learning improvement grants for the 1994-95 school year to implement education reform under RCW 28A.300.138. The grants shall be allocated based on the number of full time equivalent certificated staff employed in eligible schools of a district. The allocation shall not exceed \$800 per full time equivalent certificated staff and shall be allocated in fiscal year 1995, beginning September 1, 1994.

(2) ~~\$2,190,000 is provided solely for ((paraprofessional training for classified staff. Resources and planning time for classified staff will be provided through the paraprofessional training program funded in this act))~~ training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(3) \$3,900,000 is provided solely for the twenty-first century pilot programs for the remaining months of the 1992-93 school year and for the 1993-94 school year.

(4) \$3,317,000 is provided solely for the operation of the commission on student learning under Engrossed Substitute House Bill No. 1209 (education reform). The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(5) \$1,683,000 is provided solely for development of assessments as required in Engrossed Substitute House Bill No. 1209 (education reform).

(6) ~~((1,800,000))~~ \$2,550,000 is provided for school-to-work transition projects in the common schools, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform) and Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(7) \$3,300,000 is provided for mentor teacher assistance, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$400,000 is provided to establish one to three pilot projects pairing full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers, as authorized under section 402 of Engrossed Substitute House Bill No. 1209.

(8) \$900,000 is provided for superintendent and principal internships, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(9) \$4,500,000 is provided for improvement of technology infrastructure and educational technology support centers, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(10) \$8,000,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to part IX of Engrossed Substitute House Bill No. 1209 (education reform).

(11) \$5,000,000 is provided solely for the meals for kids program under Substitute Senate Bill No. 5971 (school meals) and shall be distributed as follows:

- (a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs.
- (b) \$4,558,000 is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(12) (~~(\$400,000)~~) \$900,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in (~~(section 501 of Engrossed Substitute House Bill No. 1209)~~) RCW 28A.300.130 (center for the improvement of student learning).

Sec. 513. RCW 28A.310.020 and 1993 sp.s. c 24 s 522 are each amended to read as follows:

The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010: PROVIDED, That no reduction in the number of educational service districts will take effect after June 30, 1995, without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: ~~((4))~~ Size, population, topography, and climate of the proposed district (~~and (2) costs associated with the governance, administration, and operation of the educational service district system in whole or part~~).

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

NEW SECTION. Sec. 514. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

Section 513 of this 1994 act is intended to restore RCW 28A.310.020 to its status prior to its amendment by chapter 24, Laws of 1993 sp. sess.

NEW SECTION. Sec. 515. 1993 sp.s. c 24 s 521 (uncodified) is amended to read as follows:

EDUCATIONAL SERVICE DISTRICTS. It is the intent of the legislature that the superintendent of public instruction in conjunction with the state board of education conduct a study of educational service district boundaries. The purpose of the study shall be to develop a more cost effective and efficient service delivery system for educational service district programs. As soon as practicable, the superintendent of public instruction shall develop and submit a reorganization proposal to the state board of education for implementation by July 1, ~~((1994))~~ 1995.

NEW SECTION. Sec. 516. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION--COMMON SCHOOL CONSTRUCTION

General Fund Appropriation \$ 15,250,000

The appropriation in this section is subject to the following conditions and limitations: The state board of education shall verify that projects authorized for state matching funds under the state omnibus capital budget are completed according to the purposes for which the state matching funds are provided.

NEW SECTION. Sec. 517. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

COMPACT FOR EDUCATION. By June 30, 1994, the governor shall give notice pursuant to RCW 28A.695.010 of the state's intention to withdraw from the compact for education under chapter 28A.695 RCW. For the purposes of completing the state's obligation under chapter 28A.695 RCW (chapter 83, Laws of 1967, as amended), which is hereby repealed, \$119,000 from the state general fund is appropriated for the biennium ending June 30, 1995.

**PART VI
HIGHER EDUCATION**

Sec. 601. 1993 sp.s. c 24 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.

(2) The general fund--state appropriations in sections 602 through 608 of this act represent significant reductions in current funding levels.

In order to provide each institution of higher education with the capability of effectively managing within their unique requirements, some flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources. In establishing spending plans for the next biennium, each institution shall address the needs of its students in keeping with the following directives: (a) Establishing reductions of a permanent nature by avoiding short term solutions; (b) not reducing enrollments below budgeted levels; (c) maintaining the current resident to nonresident student proportions; (d) protecting undergraduate programs and support services; (e) protecting assessment activities; (f) protecting minority recruitment and retention efforts; (g) protecting the state's investment in facilities; (h) using institutional strategic plans as a guide for reshaping institutional expenditures; and (i) increasing efficiencies through administrative reductions, program consolidation, the elimination of duplication, the use of other resources, and productivity improvements. Each institution of higher education and the state board for community and technical colleges shall submit a report to the legislative fiscal committees by July 1, 1993, on their spending plans for the 1993-95 biennium. The report should address the approach taken with respect to each of the directives in this subsection. A second report responding to the same directives shall be submitted by November 1, 1993, which describes the implementation of the spending plan and its effects.

(3) For the 1995-97 biennium, it is the intent of the legislature to make further efficiency reductions in higher education. Related savings will go toward funding compensation increases. Reductions will be two and four-tenths percent of 1993-95 general fund--state appropriations for four-year institutions and two percent for the community and technical college system. Institutions will be given maximum flexibility in implementing these reductions. However, each institution shall address the needs of its students by not reducing enrollments below budgeted levels. In order to accomplish this, institutions are encouraged to begin a review of instructional programs to identify duplicative and low-productivity programs for possible consolidation or termination.

(4) The appropriations in sections 602 through 608 of this act provide state general fund support for student full time equivalent enrollments at each institution of higher education. The state general fund budget is further premised on a level of specific student tuition revenue collected into and expended from the institutions of higher education--general local accounts. Listed below are the annual full time equivalent student enrollments by institution assumed in this act.

| | 1993-94 | 1994-95 |
|--|---------|---------|
| | Annual | Annual |
| | Average | Average |
| | FTE | FTE |

University of Washington

| | | |
|------------------------|--------|--------|
| Main campus | 29,762 | 29,826 |
| Evening Degree Program | 465 | 525 |
| Tacoma branch | 450 | 490 |
| Bothell branch | 427 | 449 |

Washington State University

Main campus 15,965 15,991
 Spokane branch 248 258
 Tri-Cities branch 519 541
 Vancouver branch 511 595

Central Washington University 6,666 6,810
 Eastern Washington University 7,429 7,573

The Evergreen State College 3,226 3,258
 Western Washington University 9,216 9,360
 State Board for Community and
 Technical Colleges 107,670 110,386
 Higher Education Coordinating
 Board 50 50

Sec. 602. 1993 sp.s. c 24 s 602 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation \$ ((676,763,000))

674,899,000

General Fund--Federal Appropriation \$ 11,403,000

Industrial Insurance Premium Refund

Account Appropriation \$ 12,000

Employment and Training Trust

Fund Appropriation \$ 35,120,000

TOTAL APPROPRIATION \$ ((723,298,000))

721,434,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).

(2) \$35,120,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:

(a) \$27,630,000 shall provide enrollment opportunity for 3,500 full time equivalent students in fiscal year 1994 and 5,000 full time equivalent students in fiscal year 1995. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 each year to Grays Harbor College;

(b) ~~(\$3,245,000 shall provide child care for the children of the student enrollments funded in (a) of this subsection;~~

(c) ~~\$500,000 shall provide transportation funding for the student enrollments funded in (a) of this subsection;~~

(d) ~~\$3,745,000 shall provide financial aid for the student enrollments funded in (a) of this subsection.)~~ \$7,490,000 shall provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.

(3) ~~\$(3,425,000)~~ 3,725,000 of the general fund--state appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.

(5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund--state level.

(6) ~~For fiscal year 1994,~~ the appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 41.56 or 41.06 RCW except as restricted under section 913 of this act.

(7) ~~For fiscal year 1995, colleges allocated funds from appropriations in this section shall not grant salary increases from any fund source, but may grant increments to classified staff and full-time faculty whose annual base salary is less than \$45,000. Faculty increments shall be effective during the first month of the academic year. Funding of increments for faculty is limited to savings available from full-time faculty turnover and a maximum of \$1,140,000 of the general fund--state appropriation. Section 915, chapter 224, Laws of 1993 sp. sess. does not apply to the increases authorized under this subsection.~~

(8) ~~\$(150,000)~~ 297,000 of the general fund--state appropriation is provided solely for the two-plus-two program at Olympic College.

~~((8))~~ (9) \$3,364,000 of the general fund--state appropriation is provided solely for instructional equipment for technical colleges.

(10) ~~For fiscal year 1995, technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in chapter 18, Laws of 1993 sp. sess., notwithstanding RCW 43.135.055.~~

(11) \$225,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 2210 (creating a new community college district). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(12) \$1,000,000 of the general fund--state appropriation is provided for instructional equipment purchases for community and technical colleges. Each college district shall match its allocation of this appropriation with an equal amount of funds from private or other noncollege sources.

Sec. 603. 1993 sp.s. c 24 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ ((607,648,000))

504,130,000

Medical Aid Fund Appropriation \$ ((3,756,000))

4,083,000

Accident Fund Appropriation \$ ((3,762,000))

3,840,000

Death Investigations Account Appropriation \$ ((4,282,000))

1,427,000

Oil Spill Administration Account Appropriation \$ ((236,000))

100,000

Health Services Account Appropriation \$ 5,800,000

TOTAL APPROPRIATION \$ ((522,454,000))

519,380,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(10,004,000)~~ 7,201,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.

(2) ~~\$(10,499,000)~~ 7,713,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) The University of Washington shall prepare a plan to identify and remedy the cause of disparate market gaps in compensation for professional/exempt employees and librarians. The plan to remedy the causes shall be presented to the legislative fiscal and policy committees by ~~((January)) July 1, 1994. The plan will delineate what corrective actions the university will implement, independent of legislative action, in both the short-term and long-term.~~

(4) \$2,300,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(5) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(6) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$2,900,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(9) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(10) The University of Washington shall maintain essential requirements level funding for the family practice residency network within the school of medicine.

(11) \$25,000 of the general fund appropriation is provided solely for the Thomas Burke Memorial Washington State Museum for meeting obligations created by the federal Native American Graves Protection and Repatriation Act of 1991, and for assistance in preparing rare Oligocene period whale fossils found on the Olympic Peninsula.

(12) The Death Investigation Council, in consultation with the Washington state toxicology laboratory, shall prepare a plan for billing clients for services. The plan is to be implemented in 1995-97, and revenue from client billings shall be sufficient to cover the projected budget deficit for 1995-97.

Sec. 604. 1993 sp.s. c 24 s 604 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ ~~((292,460,000))~~ 290,469,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ ~~((293,860,000))~~ 291,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((8,338,000))~~ 7,811,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) ~~\$((6,420,000))~~ 5,697,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) ~~\$((7,062,000))~~ 6,748,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) ~~\$((85,000))~~ 1 of the general fund appropriation is provided solely for the implementation of section 7 of Second Engrossed Substitute House Bill No. 1309 or substantially similar legislation.

(7) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$262,000 of the general fund appropriation is provided solely for the poultry diagnostic lab.

(9) \$120,000 of the general fund appropriation is provided solely for the aquaculture certification center.

(10)(a) To protect children and adults from inappropriate pesticide exposure in public schools, the cooperative extension service shall make available upon request a model integrated pest management program for use by local public school districts. The model program shall maximize reliance on natural pest controls least harmful to people and the environment.

(b) School district implementation of model integrated pest management programs shall involve parents, teachers, and staff.

Sec. 605. 1993 sp.s. c 24 s 605 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((72,813,000))~~ 72,252,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((73,013,000))~~ 72,452,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

Sec. 606. 1993 sp.s. c 24 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((66,482,000))~~ 66,003,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Health Services Account Appropriation \$ 140,000

TOTAL APPROPRIATION \$ ~~((66,622,000))~~ 66,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$140,000 of the health services account appropriation is provided solely for health for benefits teaching and research assistants pursuant to Engrossed House Bill No. 2123.

Sec. 607. 1993 sp.s. c 24 s 607 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ~~((37,207,000))~~ 36,899,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$410,000 of the general fund(--state) appropriation is provided solely for the public schools partnership program.
- (4) \$976,000 of the general fund appropriation is provided solely for the Washington state institute for public policy to conduct studies requested by the legislature.

Sec. 608. 1993 sp.s. c 24 s 608 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((81,618,000)) 81,088,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ((81,818,000)) 81,288,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provide solely to recruit and retain minorities.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

Sec. 609. 1993 sp.s. c 24 s 609 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ ((4,018,000)) 7,319,000

General Fund--Federal Appropriation \$ 265,000

TOTAL APPROPRIATION \$ ((4,283,000)) 7,584,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$717,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full time equivalent students per fiscal year.

(2) \$2,500,000 of the general fund--state appropriation is provided for transfer to the Washington distinguished professorship trust fund.

(a) For the biennium ending June 30, 1995, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts for distinguished professorships have been deposited pursuant to RCW 28B.10.866 through 28B.10.874:

- (i) \$750,000 of the appropriation for the University of Washington;
- (ii) \$750,000 of the appropriation for Washington State University;
- (iii) \$250,000 of the appropriation for Eastern Washington University;
- (iv) \$250,000 of the appropriation for Central Washington University;
- (v) \$250,000 of the appropriation for Western Washington University;
- (vi) \$250,000 of the appropriation for The Evergreen State College.

(b) As of June 30, 1995, if any funds reserved in (a) of this subsection have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the professorships allocated to it by this subsection may be eligible for such funds under rules established by the higher education coordinating board.

(3) \$900,000 of the general fund--state appropriation is provided solely for transfer to the Washington graduate fellowship trust fund.

(a) For the biennium ending June 30, 1995, all appropriations to the Washington graduate fellowship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts for graduate fellows have been deposited:

- (i) \$100,000 of the appropriation for Eastern Washington University;
- (ii) \$100,000 of the appropriation for Central Washington University;
- (iii) \$100,000 of the appropriation for Western Washington University;
- (iv) \$100,000 of the appropriation for The Evergreen State College;
- (v) \$250,000 of the appropriation for the University of Washington;
- (vi) \$250,000 of the appropriation for Washington State University.

(b) As of June 30, 1995, if any funds reserved in (a) of this subsection have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the fellowships allocated to it by this subsection may be eligible for such funds under rules established by the higher education coordinating board.

Sec. 610. 1993 sp.s. c 24 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation \$ ((126,315,000)) 126,607,000

General Fund--Federal Appropriation \$ 6,381,000

Health Services Account Appropriation \$ 2,230,000

State Education Grant Account Appropriation \$ 40,000

TOTAL APPROPRIATION \$ ((134,966,000)) 135,258,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.
- (2) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, health professional conditional scholarship program. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, this appropriation shall lapse.
- (3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.
- (4) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(5) \$((124,840,000)) 124,770,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$95,039,000 is provided solely for the state need grant program. Of this amount, a maximum of \$249,000 may be expended to establish postsecondary education resources centers through the early intervention scholarship program to the extent that an equal amount of federal matching funds are also provided. The board shall, to the best of its ability, rank and serve students eligible for the state need grant and the early intervention scholarship program in order from the lowest family income to the highest family income. Any state need grant moneys not awarded by April 1st of each year may be transferred to the state work study program.

- (b) \$24,200,000 is provided solely for the state work study program.
- (c) \$1,000,000 is provided solely for educational opportunity grants.

(d) A maximum of ~~\$(2,698,000)~~ 2,628,000 may be expended for financial aid administration.
~~((5) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).~~

(6)) ~~(e)~~ (e) \$50,000 ~~((of the general fund--state appropriation))~~ is provided solely for a demonstration project that matches money raised for scholarships by new local chapters of the Citizen's Scholarship Foundation of America. To be eligible to receive a state matching grant, the new chapter must be created after June 30, 1993. Each chapter is limited to one matching grant and must raise at least \$2,000 before receiving matching funds.

~~((7) \$288,000 of the general fund--state appropriation))~~ (f) \$650,000 is provided solely for the educator's excellence awards, which includes \$53,000 transferred from the office of the superintendent of public instruction. \$61,000 of the amount provided in this subsection is provided solely to implement Senate Bill No. 6074 (award for excellence in education). If the bill is not enacted by June 30, 1994, \$61,000 of the general fund--state appropriation shall lapse.

~~(6) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).~~

Sec. 611. 1993 sp.s. c 24 s 611 (uncodified) is amended to read as follows:

FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation ~~\$(744,000))~~

917,000

Sec. 612. 1993 sp.s. c 24 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation ~~\$(3,547,000))~~

3,447,000

General Fund--Federal Appropriation \$ 34,651,000

TOTAL APPROPRIATION ~~\$(38,468,000))~~

38,098,000

The appropriations in this section are subject to the following conditions and limitations: In order for the agency to accomplish both its federally assigned and state responsibilities under chapter 28C.18 RCW, it may, with the concurrence of the office of financial management, exercise discretion in restructuring its general fund--state and general fund--federal resources within allowed FTE staff totals.

Sec. 613. 1993 sp.s. c 24 s 614 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation ~~\$(14,062,000))~~

14,172,000

General Fund--Federal Appropriation \$ 4,796,000

General Fund--Private/Local Appropriation \$ 46,000

TOTAL APPROPRIATION ~~\$(18,904,000))~~

19,014,000

The appropriations in this section are subject to the following conditions and limitations: \$2,385,516 of the general fund--state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

Sec. 614. 1993 sp.s. c 24 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation ~~\$(4,274,000))~~

4,296,000

General Fund--Federal Appropriation \$ 934,000

TOTAL APPROPRIATION ~~\$(5,208,000))~~

5,230,000

The appropriations in this section are subject to the following conditions and limitations: The portion of the general fund appropriation provided for the institutional and organizational support programs shall be awarded to applicants that have not added to any accumulated deficit in the most recently completed fiscal year. Applicants that provide artistic services to communities that are otherwise artistically underserved, are integral to the arts community in which they are based, or that have budgets of less than \$250,000 shall be exempt from this requirement.

Sec. 615. 1993 sp.s. c 24 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation ~~\$(2,321,000))~~

2,325,000

Sec. 616. 1993 sp.s. c 24 s 617 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation ~~\$(973,000))~~

891,000

Sec. 617. 1993 sp.s. c 24 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation ~~\$(12,566,000))~~

12,557,000

General Fund--Private/Local Appropriation \$ 40,000

Industrial Insurance Premium Refund Account

Appropriation \$ 9,000

TOTAL APPROPRIATION \$ 12,606,000

Sec. 618. 1993 sp.s. c 24 s 619 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation ~~\$(6,862,000))~~

6,855,000

General Fund--Private/Local Appropriation \$ 26,000

Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ 6,888,000

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 1993 sp.s. c 24 s 710 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--EMERGENCY TRAVEL FUND

General Fund--State Appropriation \$ ((3,553,000))

463,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used solely for providing for the cost of travel, lodgings, and related expenses for agencies that demonstrate a critical agency-related need as a result of the reductions in travel funding made by this act. Allocations from this appropriation shall be reported quarterly to the legislative fiscal committees.

NEW SECTION, Sec. 702. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE GOVERNOR--MAINFRAME REPROGRAMMING COSTS

General Fund Appropriation \$ 656,000
Forest Development Account Appropriation \$ 97,000
Resource Management Cost Account Appropriation \$ 236,000
Unemployment Compensation Administration
Account Appropriation \$ 732,000
Department of Retirement Systems Expense
Account Appropriation \$ 407,000
Accident Account Appropriation \$ 471,000
Medical Aid Account Appropriation \$ 470,000
Liquor Revolving Fund Appropriation \$ 456,000

TOTAL APPROPRIATION \$ 3,525,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided for reprogramming mainframe and other computer applications of the department of personnel, department of natural resources, department of information services, employment security department, department of retirement systems, liquor control board, and department of labor and industries.

(2) Funds shall not be expended until agency work plans are approved by the department of information services and the office of financial management.

(3) The appropriations in this section assume expenditure of \$404,000 from nonappropriated funds in the data processing revolving account. No more than this amount shall be expended by the department of personnel's human resources information services division.

NEW SECTION, Sec. 703. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE GOVERNOR--REGULATORY REFORM

General Fund Appropriation \$ 200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for allocation to assist state agencies in implementing Engrossed Second Substitute House Bill No. 2510 (regulatory reform).

Sec. 704. 1993 sp.s. c 24 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ ((736,148,685))

698,685,618

This appropriation is for deposit into the accounts listed in section 801 of this act.

Sec. 705. 1993 sp.s. c 24 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ ((28,156,478))

35,218,846

Community College Refunding Bond Retirement
Fund 1974 Appropriation \$ 9,856,110
Community College Capital Construction Bond
Retirement Fund 1975, 1976, 1977
Appropriation \$ 10,304,798
Higher Education Bond Retirement Fund 1979
Appropriation \$ 6,354,922
Washington State University Bond Redemption
Fund 1977 Appropriation \$ 516,452
Higher Education Refunding Bond Redemption
Fund 1977 Appropriation \$ 6,245,701
State General Obligation Bond Retirement
1979 Appropriation \$ ((65,033,822))

TOTAL APPROPRIATION \$ ((426,467,983))

71,822,089

140,318,918

Sec. 706. 1993 sp.s. c 24 s 705 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund
1967 Appropriation \$ 6,923,625
~~((State Building Bond Redemption Fund 1967
Appropriation \$ 654,200))~~

State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,456,980

TOTAL APPROPRIATION \$ ((40,034,805))

9,380,605

Sec. 707. 1993 sp.s. c 24 s 706 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR BOND SALE EXPENSES**

General Fund Appropriation \$ ((1,258,314))

2,453,714

Higher Education Construction Account
Appropriation \$ 185,130
State Convention and Trade Center Appropriation \$ 88,050
~~((Excess Earnings Account Appropriation \$ 1,195,400))~~
State Building Construction Account

Appropriation \$ 35,298,012
Economic Development Account Appropriation \$ 162,000

Puget Sound Capital Construction Account
Appropriation \$ 2,716,792
Motor Vehicle Fund Appropriation \$ 2,849,751
Special Category C Account Appropriation \$ 974,359
Energy Efficiency Construction Account
Appropriation \$ 515,362
Common School Reimbursable Construction Account
Appropriation \$ 5,666,853
Higher Education Reimbursable Construction Account
Appropriation \$ 4,312,476
Energy Efficiency Services Account
Appropriation \$ 51,282
State and Local Improvements Revolving Account
Appropriation--Waste Disposal Facilities \$ 1,808
State and Local Improvements Revolving Account
Appropriation--Waste Disposal Facilities,
1980 \$ 7,370
State and Local Improvements Revolving Account
Appropriation--Water Supply Facilities \$ 6,285
Fruit Commission Facilities Account
Appropriation \$ 500
State Higher Education Bond Retirement Account
Appropriation, 1988 \$ 3,000

TOTAL APPROPRIATION \$ ((55,273,784))

55,292,744

Total Bond Retirement and Interest
Appropriations contained in sections 701
through 706 of this act \$ 1,181,971,582

NEW SECTION. Sec. 708. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of several accounts indicated, for the period from the effective date of this act to June 30, 1995, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Hospital Commission Account \$ 37
Archives and Records Management Account \$ 1,005
Winter Recreation Program Account \$ 75
Snowmobile Account \$ 226
Institutional Impact Account \$ 15,428
Forest Development Account \$ 2,034
Health Professions Account \$ 3,952
Flood Control Assistance Account \$ 34,460
Aquatic Lands Enhancement \$ 110
Public Safety and Education Account \$ 1,408
Real Estate Commission Account \$ 17,829
Reclamation Revolving Account \$ 104
State Investment Board Expense Account \$ 5,330
State Emergency Water Projects Revolving Account \$ 16
State Capitol Historical Association Museum Account \$ 37
Resource Management Cost Account \$ 7,734
Charitable, Educational, Penal (CEP), and
Reformatory Institutions (RI) Account \$ 19,384
Litter Control Account \$ 1,564
State and Local Improvement Revolving Account--
Waste Disposal Facilities \$ 461
Grade Crossing Protective Account \$ 33,791
State Patrol Highway Account \$ 121,716
State Wildlife Account \$ 33,800
Highway Safety Account \$ 99,707
Motor Vehicle Account \$ 84,214
Puget Sound Ferry Operations Account \$ 429
Special Wildlife Account \$ 868
Public Service Revolving Account \$ 5,408
Vehicle Tire Recycling Account \$ 149
Insurance Commissioner's Regulatory Account \$ 14,712
Water Quality Account \$ 89,017
High Capacity Transportation Account \$ 7,110
Basic Health Plan Trust Account \$ 462
State Toxics Control Account \$ 233,859
Local Toxics Control Account \$ 51,879
Water Quality Permit Account \$ 12
Drug Enforcement and Education Account \$ 400
Solid Waste Management Account \$ 1,127
Hazardous Waste Assistance Account \$ 98
State Treasurer's Service Account \$ 546
Legal Services Revolving Account \$ 24,362
Municipal Revolving Account \$ 9,512
Department of Personnel Service Account \$ 1,931

Auditing Services Revolving Account \$ 3,044
 Liquor Revolving Account \$ 25,029
 State Convention and Trade Center Operations Account \$ 4,037
 Department of Retirement Systems Expense Account \$ 4,537
 Accident Account \$ 5,289
 Medical Aid Account \$ 5,289

NEW SECTION. Sec. 709. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided as follows:

- (1) Reimbursement of self-defense claims under RCW 9A.16.110:
 - (a) Gregory Johnson, for payment of claim
number SCJ-93-10 \$ 10,993.52
 - (b) Dale G. Horton, Jr., for payment of claim
number SCJ-93-11 \$ 4,279.00
 - (c) Joseph Flarity, for payment of claim
number SCJ-93-12 \$ 6,754.47
 - (d) Loren Mann, for payment of claim
number SCJ-93-16 \$ 14,462.62
- (2) Payment from the state wildlife account of claims for damage to crops by wildlife:
 - (a) Joe C. Grentz, claim number
SCG-91-01A \$ 2,491.00
 - (b) Mark Heuett, claim number
SCG-93-03 \$ 4,471.00
 - (c) Stan P. Stout, claim number
SCG-93-08 \$ 8,456.00
 - (d) Ray M. Beller, claim number
SCG-93-09 \$ 2,000.00
 - (e) Rudy E. Etkorn, claim number
SCG-93-10 \$ 27,643.00
 - (f) Lowell A. Scott, claim number
SCG-93-11 \$ 24,061.00

Sec. 710. 1993 sp.s. c 24 s 716 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

~~((General Fund--State Appropriation--\$ 8,960,000
 General Fund--Federal Appropriation--\$ 3,216,000
 Special Fund Salary and Insurance Contribution~~

~~Increase Revolving Fund Appropriation--\$ 6,871,000
 TOTAL APPROPRIATION--\$ 19,047,000~~

~~The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.))~~

~~(1) The ((appropriations in this section shall be distributed by the)) office of financial management ((to)) shall reduce the allotments of state agencies, excluding institutions of higher education, to ((fund the 1993-95 increased)) reflect decreased costs of health care benefits, administration, and margin in the self-insured medical and dental plans. In making these allotment revisions, the office of financial management shall reduce general fund--state expenditures by \$14,009,000, general fund--federal expenditures by \$5,192,000, and all other fund expenditures by \$11,911,000.~~

~~(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$317.79 per eligible employee for fiscal year 1994, and \$((350.25)) 299.57 for fiscal year 1995.~~

~~(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.91 per eligible employee for fiscal year 1994, and \$((6.24)) 5.75 for fiscal year 1995.~~

~~(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1993-95 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.~~

~~(d) Funds provided ((under this section)) for insurance benefits, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision, except any school district or any bargaining unit within a school district, to which coverage is extended after ((the effective date of this act)) January 1, 1994, shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended. Use of such surplus funds by school districts or bargaining units within a school district shall be limited by the conditions in subsection (4) of this section.~~

~~(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.~~

~~(4) ((A maximum of \$587,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for benefit increases for ferry workers consistent with the 1993-95 transportation appropriations act.)) School districts or bargaining units within a school district that are currently enrolled in a health care authority plan, or that newly enroll in a plan for the 1994/1995 plan year, shall purchase benefits at a rate of \$322.90 per month per active employee. The rate of \$322.90 includes health care authority administration and margin for self-insured medical and dental plans, and the remittance for the retiree subsidy. The health care authority shall limit the number of enrollees from school districts to the extent necessary to ensure that a deficit in the public employees' and retirees' insurance account does not occur as a result of increased enrollments.~~

~~(5) The health care authority, subject to the approval of the public employees benefits board, shall provide the following subsidies for health benefit premiums provided to retirees pursuant to RCW 41.05.080 and 41.05.260 and Senate Bill No. 6605 (retiree health benefits):~~

~~(a) From July 1, 1994, through December 31, 1994, the health benefit subsidy for eligible retired or disabled school employees who are eligible for parts A and B of medicare shall be \$34.20 per month.~~

~~(b) From July 1, 1994, through December 31, 1994, the health benefit subsidy for eligible retired or disabled school employees who are under age 65 shall be \$85.50 per month.~~

~~(c) From January 1, 1995, to June 30, 1995, the health benefit subsidy for eligible retired or disabled school employees who are eligible for parts A and B of medicare shall be \$34.20 per month from the public employees and retirees insurance account in accordance with Senate Bill No. 6605 (retiree health benefits). If the bill is not enacted by June 30, 1994, this subsection (5)(c) shall lapse.~~

~~(d) From January 1, 1995, to June 30, 1995, the health benefit subsidy for eligible retired state employees who are eligible for parts A and B of medicare shall be \$34.20 per month from the public employees and retirees insurance account in accordance with Senate Bill No. 6605 (retiree health benefits). If the bill is not enacted by June 30, 1994, this subsection (5)(d) shall lapse.~~

The public employees' benefits board may adjust the subsidy amounts in this subsection (5) based on actual retiree enrollments.

Sec. 711. 1993 sp.s. c 24 s 721 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--LOANS

~~((General Fund Appropriation—For transfer to the
Convention and Trade Center Operating Account \$ 2,830,000))~~
General Fund Appropriation—For transfer to the
Community College Capital Projects Account \$ 4,550,000
~~((TOTAL APPROPRIATION—\$ 7,380,000))~~

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 1993 sp.s. c 24 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

| | |
|---|--------------------|
| Fisheries Bond Redemption Fund 1977 | |
| Appropriation | \$ 1,369,050 |
| Water Pollution Control Facilities Bond Redemption | |
| Fund 1967 Appropriation | \$ 640,313 |
| State Building (Expo 74) Bond Redemption Fund 1973A | |
| Appropriation | \$ ((374,968)) |
| | <u>158,287</u> |
| State Building Bond Redemption Fund 1973 | |
| Appropriation | \$ ((3,815,320)) |
| | <u>843,556</u> |
| State Higher Education Bond Redemption Fund 1973 | |
| Appropriation | \$ ((4,395,023)) |
| | <u>621,187</u> |
| ((State Building Authority Bond Redemption Fund Appropriation—\$ 9,397,425)) | |
| Community College Capital Improvement Bond | |
| Redemption Fund 1972 Appropriation | \$ ((7,528,400)) |
| | <u>923,167</u> |
| State Higher Education Bond Redemption Fund 1974 | |
| Appropriation | \$ ((1,187,200)) |
| | <u>94,125</u> |
| Waste Disposal Facilities Bond Redemption Fund | |
| Appropriation | \$ ((60,473,075)) |
| | <u>34,146,747</u> |
| Water Supply Facilities Bond Redemption Fund | |
| Appropriation | \$ 11,109,893 |
| Recreation Improvements Bond Redemption Fund | |
| Appropriation | \$ ((6,933,190)) |
| | <u>253,800</u> |
| Social and Health Services Facilities 1972 Bond | |
| Redemption Fund Appropriation | \$ ((3,713,865)) |
| | <u>323,900</u> |
| Outdoor Recreation Bond Redemption Fund 1967 | |
| Appropriation | \$ 1,593,098 |
| Indian Cultural Center Construction Bond | |
| Redemption Fund 1976 Appropriation | \$ 127,231 |
| ((Fisheries Bond Redemption Fund 1976 Appropriation—\$ 760,015 | |
| Higher Education Bond Redemption Fund 1975 | |
| Appropriation | \$ 2,168,025 |
| State Building Bond Retirement Fund 1975 | |
| Appropriation | \$ 422,360)) |
| Social and Health Services Bond Redemption Fund | |
| 1976 Appropriation | \$ 9,464,773 |
| Emergency Water Projects Bond Retirement Fund 1977 | |
| Appropriation | \$ 2,639,480 |
| Higher Education Bond Redemption Fund 1977 | |
| Appropriation | \$ 13,296,100 |
| | |
| Salmon Enhancement Bond Redemption Fund 1977 | |
| Appropriation | \$ 3,706,950 |
| Fire Service Training Center Bond Retirement Fund | |
| 1977 Appropriation | \$ 745,706 |
| State General Obligation Bond Retirement Bond 1979 | |
| Appropriation | \$ ((604,579,585)) |
| | <u>616,628,255</u> |
| | <u>698,685,618</u> |
| TOTAL APPROPRIATION | \$ ((736,118,685)) |

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

Sec. 802. 1993 sp.s. c 24 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

State General Obligation Bond Retirement

1979 Appropriation \$ 28,156,178

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

Sec. 803. 1993 sp.s. c 24 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

| | |
|--|----------------------|
| General Fund Appropriation for fire insurance premiums tax distribution \$ ((4,382,550)) | <u>4,369,500</u> |
| General Fund Appropriation for public utility district excise tax distribution \$ ((29,254,986)) | <u>27,050,294</u> |
| General Fund Appropriation for prosecuting attorneys' salaries \$ 3,300,000 | |
| General Fund Appropriation for motor vehicle excise tax distribution \$ ((96,445,099)) | <u>96,797,347</u> |
| General Fund Appropriation for local mass transit assistance \$ ((294,186,744)) | <u>297,185,157</u> |
| General Fund Appropriation for camper and travel trailer excise tax distribution \$ ((3,112,351)) | <u>2,817,271</u> |
| General Fund Appropriation for boating safety/education and law enforcement distribution \$ ((789,528)) | <u>2,623,676</u> |
| Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 154,000 | |
| Liquor Excise Tax Fund Appropriation for liquor excise tax distribution \$ ((24,307,934)) | <u>22,875,500</u> |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ ((552,082,000)) | <u>410,702,520</u> |
| Liquor Revolving Fund Appropriation for liquor profits distribution \$ ((53,570,000)) | <u>44,296,710</u> |
| Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$ ((121,724,800)) | <u>139,375,055</u> |
| Municipal Sales and Use Tax Equalization Account Appropriation \$ ((51,882,670)) | <u>51,035,317</u> |
| County Sales and Use Tax Equalization Account Appropriation \$ ((17,476,268)) | <u>15,717,879</u> |
| Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$ 1,400,000 | |
| County Criminal Justice Account Appropriation \$ ((16,145,834)) | <u>58,818,768</u> |
| Municipal Criminal Justice Account Appropriation \$ ((6,458,226)) | <u>23,896,400</u> |
| TOTAL APPROPRIATION \$ ((1,276,672,990)) | <u>1,202,415,394</u> |

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 804. 1993 sp.s. c 24 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

| | |
|--|-------------------|
| Flood Control Assistance Account: For transfer to the General Fund--State \$ ((300,000)) | <u>0</u> |
| State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ ((5,699,000)) | <u>9,587,000</u> |
| Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 21,500,000 | |
| Trust Land Purchase Account: For transfer to the General Fund \$ ((24,000,000)) | <u>22,300,000</u> |
| General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the General Fund on or before (July-29) <u>June 30</u> , 1995, | |

an amount up to ~~\$(7,400,000)~~ 8,400,000 in excess of
the cash requirements of the state treasurer's
service account ~~\$(7,400,000)~~

8,400,000

Public Works Assistance Account:

For transfer to the General Fund \$ 35,000,000

Health Services Account:

For transfer to the Public Health Services
account \$ 20,000,000

Economic Development Finance Authority Account:

For transfer to the General Fund--Federal an
amount to include but not exceed all total
federal equity in the account \$ 458,000

Oil Spill Response Account:

For transfer to the Oil Spill Administration
Account \$ 955,000

Air Pollution Control Account:

For transfer to the General Fund pursuant
to Senate Bill No. 5918 (ride sharing
incentives) \$ 404,000

TOTAL APPROPRIATION \$ ~~((443,899,000))~~

118,604,000

**PART IX
MISCELLANEOUS**

Sec. 901. RCW 22.09.830 and 1989 c 354 s 52 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be deposited in the grain inspection revolving fund, which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW, but no appropriation is required for disbursements from the fund. The fund shall be used for all expenses directly incurred by the commodity inspection division in carrying out the provisions of this chapter and for departmental administrative expenses during the 1993-95 biennium. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on July 1, 1963, and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

Sec. 902. RCW 70.146.080 and 1993 sp.s. c 24 s 924 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year~~(s)~~ 1992 ~~(and 1993)~~ and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 903. RCW 90.56.510 and 1993 c 162 s 2 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the ~~((period 1991-93))~~ biennium ending June 30, 1995, the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account in the omnibus appropriations act adopted not later than June 30, 1994.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 904. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 905. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28A.310.020, 22.09.830, 70.146.080, and 90.56.510; amending 1993 sp.s. c 24 ss 101, 102, 103, 104, 106, 107, 109, 111, 112, 113, 114, 117, 118, 119, 120, 116, 121, 123, 124, 125, 217, 218, 127, 128, 129, 131, 132, 133, 134, 135, 138, 139, 140, 141, 142, 143, 145, 146, 147, 149, 150, 152, 308, 151, 318, 316, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 301, 02, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 317, 401, 402, 501, 502, 504, 505, 507, 509, 512, 513, 515, 516, 517, 518, 521, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 614, 615, 616, 617, 618, 619, 710, 701, 703, 705, 706, 716, 721, 801, 802, 803, and 805 (uncodified); adding new sections to 1993 sp.s. c 24 (uncodified); repealing 1993 sp.s. c 24 s 613 (uncodified); repealing chapter 28A.695 RCW; making appropriations; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rinehart and Quigley; Representatives Sommers and Peery

MOTION

On motion of Senator Rinehart, the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6244.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6244, as recommended by the Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Rinehart, this Conference Report as it is before us, what is the ending fund balance in it?"

Senator Rinehart: "Senator Vognild, if you assume the tax measures that have passed this body, the ending fund balance would be two hundred and eighty-nine million dollars."

Senator Vognild: "Then, at two hundred and eighty-nine million dollars, there is a sufficient reserve that there would be no need to make any transportation budget vetoes to increase that reserve?"

Senator Rinehart: "That would be my assumption, Senator Vognild."

Senator Vognild: "Thank you, Senator."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6244, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Ludwig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Cantu, Hochstatter, Loveland, McDonald, Morton, Nelson, Newhouse, Oke, Roach, Schow, Sellar and Smith, L. - 14.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:01 p.m., on motion of Senator Spanel, the Senate recessed until 4:00 p.m.

The Senate was called to order at 7:53 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 11, 1994

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4438, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 11, 1994

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2699, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 11, 1994

MR. PRESIDENT:

The Speaker has signed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 2676 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2699,
HOUSE CONCURRENT RESOLUTION NO. 4438.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6055,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6244.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319.

MOTION

On motion of Senator Spanel, the Rules Committee was relieved of further consideration of Second Substitute Senate Bill No. 6347 and the bill was placed on the third reading calendar.

MOTION

On motion of Senator Spanel, the Senate advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 6347, by Senate Committee on Trade, Technology and Economic Development (originally sponsored by Senators Skratek, Sellar, Gaspard, Owen, Bluechel, Pelz, Winsley, McAuliffe, Quigley, Ludwig, A. Smith, Deccio, Moyer and M. Rasmussen) (by request of Governor Lowry)

Providing tax credits and deferrals for high-technology businesses.

MOTIONS

On motion of Senator Rinehart, the rules were suspended and Second Substitute Senate Bill No. 6347 was returned to second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Owen was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that high-wage, high-skilled jobs are vital to the economic health of the state's citizens, and that targeted tax incentives will encourage the formation of high-wage, high-skilled jobs. The legislature also finds that tax incentives should be subject to the same rigorous requirements for efficiency and accountability as are other expenditure programs, and that tax incentives should therefore be focused to provide the greatest possible return on the state's investment.

The legislature also finds that high-technology businesses are a vital and growing source of high-wage, high-skilled jobs in this state, and that the high-technology sector is a key component of the state's effort to encourage economic diversification. However, the legislature finds that many high-technology businesses incur significant costs associated with research and development and pilot scale manufacturing many years before a marketable product can be produced, and that current state tax policy discourages the growth of these companies by taxing them long before they become profitable.

The legislature further finds that stimulating growth of high-technology businesses early in their development cycle, when they are turning ideas into marketable products, will build upon the state's established high-technology base, creating additional research and development jobs and subsequent manufacturing facilities.

For these reasons, the legislature hereby establishes a program of business and occupation tax credits for qualified research and development expenditures. The legislature also hereby establishes a tax deferral program for high-technology research and development and pilot scale manufacturing facilities. The legislature declares that these limited programs serve the vital public purpose of creating employment opportunities in this state. The legislature further declares its intent to create a contract within the meaning of Article I, section 23 of the state Constitution as to those businesses that make capital investments in consideration of the tax deferral program established in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate of 0.515 percent in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and 2.5 percent for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures.

(8) The department shall use the information required under subsection (7) of this section to perform three assessments on the tax credit program authorized under this section. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(9) For the purpose of this section:

(a) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(b) "Qualified research and development" shall have the same meaning as in section 3 of this act.

(c) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(d) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(10) This section shall expire December 31, 2004.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; and optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means that portion of an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement. The lessor or owner of the qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(10) "Person" has the meaning given in RCW 82.04.030.

(11) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(12) "Qualified buildings" means structures used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building is used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(13) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(14) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(15) "Recipient" means a person receiving a tax deferral under this chapter.

(16) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

NEW SECTION. Sec. 4. Application for deferral of taxes under this chapter must be made before initiation of construction of, or acquisition of equipment or machinery for the investment project. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

Applicants for deferral of taxes under this chapter shall agree to supply the department with nonproprietary information necessary to measure the results of the tax deferral program for high-technology research and development and pilot scale manufacturing facilities. The department shall use the information to perform three assessments on the tax deferral program authorized under sections 1 and 3 through 9 of this act. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) No certificate may be issued for an investment project that has already received a deferral under chapters 82.60 or 82.61 RCW or this chapter, except that an investment project for qualified research and development that has already received a deferral may also receive an additional deferral certificate for adapting the investment project for use in pilot scale manufacturing.

(3) This section shall expire July 1, 2004.

NEW SECTION. Sec. 6. (1) Except as provided in subsections (2) and (3) of this section, a recipient shall begin paying taxes deferred under this chapter on December 31st of the third calendar year after the date certified by the department as the date on which the investment project has been operationally completed, or on December 31st of the fifth calendar year after the certificate was granted, whichever is sooner. Subsequent annual payments shall be due on December 31st of the following four years with amounts of payment scheduled as follows:

| Repayment Year | % of Deferred Tax Repaid |
|----------------|--------------------------|
| 1 | 10% |
| 2 | 15% |
| 3 | 20% |
| 4 | 25% |
| 5 | 30% |

(2) A recipient that is an institution recognized as a comprehensive cancer center by the national cancer institute before April 20, 1983, shall begin paying taxes deferred under this chapter on December 31st of the third calendar year after the date certified by the department as the date on which the investment project has been operationally completed, or on December 31st of the fifth calendar year after the certificate was granted, whichever is sooner. Subsequent annual payments shall be due on December 31st of the following four years with amounts of payment scheduled as follows:

| Repayment Year | % of Deferred Tax Repaid |
|----------------|--------------------------|
| 1 | 10% |
| 2 | 12% |
| 3 | 14% |
| 4 | 28% |
| 5 | 36% |

(3) A recipient of a tax deferral on an investment project for qualified research and development on, or pilot scale manufacturing of, a drug, device, or biological product that requires licensing by the federal food and drug administration under chapter 21, C.F.R., as amended, shall begin paying taxes deferred under this chapter on December 31st of the fifth calendar year after the date certified by the department as the date on which the investment project has been operationally completed, or on December 31st of the seventh calendar year after the certificate was granted, whichever is sooner. Subsequent annual payments shall be due on December 31st of the following five years with amounts of payment scheduled as follows:

| Repayment Year | % of Deferred Tax Repaid |
|----------------|--------------------------|
| 1 | 10% |
| 2 | 10% |
| 3 | 15% |
| 4 | 20% |
| 5 | 20% |
| 6 | 25% |

(4) The department may authorize an accelerated repayment schedule upon request of the recipient.

(5) Interest may not be charged on taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

NEW SECTION. Sec. 7. If an investment project is used for purposes other than qualified research and development or pilot scale manufacturing prior to repayment of the taxes deferred under this chapter, the amount of the deferred taxes outstanding for the project is immediately due.

NEW SECTION. Sec. 8. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 9. Applications and other information received by the department under this chapter are not confidential and are subject to disclosure.

NEW SECTION. Sec. 10. The department shall perform an assessment of the results of the tax credit and tax deferral programs authorized under chapters 82.60, 82.61, and 82.62 RCW and deliver a report on the assessment to the governor and the legislature by September 1, 1996. The assessments shall measure the effect of the programs on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

NEW SECTION. Sec. 11. Sections 1 and 3 through 9 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 12. This act shall take effect January 1, 1995."

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 4 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date."

On motion of Senator Rinehart, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6347, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDonald: "Senator Rinehart, just to keep us up to date, if you looked at the original bill as introduced, how does this compare to it?"

Senator Rinehart: "This one is a little bit better."

Senator McDonald: "Is it twice as big; that would be fine."

Senator Rinehart: "The core numbers are the same. I believe it is a point nine two percent amount that is geared toward research and development. That is what triggers the business and occupation tax credit. There is a two million dollar cap on the total amount that could be provided. The categories of business are the same--bio-tec, advanced computing, electronic devise technology, advanced materials and environmental technology. The dates, 2004--those are the dates for the expiration for both. The deferral is a postponement of a hundred percent of the sales tax on investments and buildings, machinery and equipment. Repayment of sales tax starts three years after the completion of the project. Was there a specific point you were concerned about?"

Senator McDonald: "No, I think, Senator Rinehart, it is hard to keep up with these things. I know that the members--"

Senator Rinehart: "You just have to move a little quicker, Senator McDonald."

Senator McDonald: "Right, that is what I wanted to do, just get an idea of what is in this thing."

Senator Rinehart: "Does that answer your questions? I can make longer speeches next time if you like."

MOTION

On motion of Senator Drew, Senators Skratek and Niemi were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6347, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6347, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, Ludwig, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Vognilid and Winsley - 34.

Voting nay: Senators Anderson, Hochstatter, Moore, Morton, Newhouse, Prince, Smith, L., Talmadge, West, Williams and Wojahn - 11.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONFERENCE COMMITTEE REPORT

SHB 2671 March 11, 1994

Includes "NEW ITEMS": YES

Reducing gross receipts taxes for small businesses

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 2671, Reducing gross receipts taxes for small businesses, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following amendments by the Conference Committee be adopted:

On page 1, line 10, strike "sixty" and insert "thirty-five"

On page 3, after line 23, insert the following:

"NEW SECTION. Sec. 6. Section 1 of this act applies to the entire period of reporting periods ending after the effective date of this act."

On page 1, line 3 of the title, after "82.04 RCW;" insert "creating a new section;" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rinehart and Owen; Representatives G. Fisher and Peery

MOTION

Senator Rinehart moved that the Senate adopt the Report of the Conference Committee on Substitute House Bill No. 2671.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Rinehart, when I asked the question on the budget if the ending fund balance was satisfactory without any additional money or revenue to it, you indicated it was. Now, we have passed one bill; we have two more before us. If we pass all three bills, will the ending fund balance be sufficient that it will not require an additional revenue source from some other place to give us an adequate balance?"

Senator Rinehart: "Yes."

The President declared the question before the Senate to be the motion by Senator Rinehart that the Senate adopt the Report of the Conference Committee on Substitute House Bill No. 2671.

The motion by Senator Rinehart carried and the Report of the Conference Committee on Substitute House Bill No. 2671 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2671, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2671, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, West, Williams and Winsley - 41.

Voting nay: Senators Moore, Pelz, Talmadge and Wojahn - 4.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

SUBSTITUTE HOUSE BILL NO. 2671, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8705

By Senators Wojahn, Talmadge, McAuliffe, Sheldon, Loveland, Gaspard, Snyder, Vognild, Williams, Newhouse, Drew, Quigley, Sellar, Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Ludwig, McCaslin, McDonald, Morton, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Skratek, A. Smith, L. Smith, Spanel, Sutherland, West and Winsley

WHEREAS, Ray Moore has represented the people of Seattle and the 36th Legislative District faithfully and well for sixteen years by making his constituents his number one priority; and

WHEREAS, This concern was shown when Ray Moore became a founder of FOOD Life Line, which is one of the largest food banks in the state; and

WHEREAS, Ray Moore proved his stamina and durability by running for political office for thirty-four years before finally winning; and²

WHEREAS, Ray Moore has been honored as "Democratic Legislator of the Year:" by the Seattle-King County Democratic Club, which probably did not realize he had once been King County Republican Chairman; and

WHEREAS, He was an ardent civil rights advocate before the cause of civil rights was fashionable or popular, and was selected "Man of the Year" by B'nai B'rith in 1957, and later appointed to the President's Civil Rights Advisory Commission; and

WHEREAS, Ray Moore's legislative interests ranged from the animal rights bill he fought for to the stability of financial institutions throughout the state; and

WHEREAS, Ray and his wife, Virginia, are responsible for some near legendary Indian curry dinners that greatly added to the spice of life on Queen Anne Hill;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington wish Ray and Virginia the best life has to offer and say "Mahalo" and "Aloha"

Senators Wojahn, Amondson, Vognild, Gaspard, Sheldon, Sellar, Anderson, Owen, Talmadge and President Pritchard spoke to Senate Resolution 1994-8705.

MOTION

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

SENATE RESOLUTION 1994-8709

By Senator West

WHEREAS, The high level of competition and the enduring tradition of Boys' High School Basketball is well established in the state of Washington; and

WHEREAS, The State High School Boys' AAA Basketball Championship Tournament completed March 12, 1994, demonstrated with spirited play and exemplary sportsmanship the appeal of the sport among the players, students, parents, and fans of Washington State; and

WHEREAS, The most difficult accomplishment in the world of sports is to live up to the high expectations and to reach the ultimate goal of a tournament championship; and

WHEREAS, The Ferris High School Saxons' Boys' Basketball Team refused to let their second place finish in the 1993 tournament deter them in their quest for a state championship; and

WHEREAS, The Joel E. Ferris High School Saxons' Boys' Basketball Team triumphed on March 12 in the Class AAA championship game, and, by winning 59-46 over a worthy opponent from Juanita High School, became the Class AAA 1994 Champions; and

WHEREAS, The members of the Joel E. Ferris High School Saxons' Boys' Basketball team are David Scherer, Rob Coulter, Kelly Risse, Chad Roland, Chris Swallow, Marius Gix, Joe Miller, Matt Sachse, Greg Oenning, James Marshall, Scott Stocum, and Chad Herrick; and

WHEREAS, Matt Sachse was distinguished by being named tournament Most Valuable Player, and each of the Ferris Saxons distinguished themselves with their sportsmanship and determination, team members and fans alike; and

WHEREAS, The Joel E. Ferris High School Saxons under the leadership of Coach Wayne Gilman, and Assistant Coaches Brian Sachse and Jim Missel, have brought distinction and pride to Ferris High School, its students, its supporters, and the entire Spokane community;

NOW, THEREFORE, BE IT RESOLVED, That in recognition of the outstanding accomplishments of the team members and the coaching staff, the Senate honor and congratulate the Joel E. Ferris High School Boys' Basketball Team; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the School District 81 School Board, the administration of Joel E. Ferris High School and each of the players and coaches.

PERSONAL PRIVILEGE

Senator Pelz: "I rise to a point of personal privilege. It is just with some guilt that I have to apologize to the people of the Thirty-seventh District, because I did not write a resolution acknowledging the fact that the third best basketball team in our district won the State Double A Tournament--the Franklin Quakers."

MOTION

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

SENATE RESOLUTION 1994-8708

By Senators Owen, Sheldon, Oke, Amondson and Loveland

WHEREAS, The 1994 Legislature adopted legislation requiring executive agencies to adopt rules that accurately reflect the intent of the Legislature; and

WHEREAS, The Board of Health has spent more than four years in consideration of proposed rules for the design, installation, operation and maintenance of on-site septic systems; and

WHEREAS, The final rule adopted by the board implements a statewide rule for on-site septic systems that fails to reflect any of the unique soil and topographical conditions that exist in different geographical regions within Washington; and

WHEREAS, Many of those citizens who spent more than four years of work fashioning a rule for on-site septic systems knew that the greatest threats posed by on-site septic systems came from existing systems that had not received proper maintenance; and

WHEREAS, The Board of Health proposed rule for on-site septic systems does not require implementation of operations and maintenance standards until the year 2000, and

WHEREAS, The Board of Health failed to adequately consider objections raised to the proposed rule by duly authorized local health officers; and

WHEREAS, Local health officers, real estate professionals, and others object to the implementation of the proposed rule as adopted;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate asks that the Washington Board of Health delay implementation of Washington Administrative Code, amendments to Chapter 246-272 et seq until the completion of discussions with those local health departments in counties with soil and topographical conditions that make compliance with the amendments extremely difficult; and

BE IT FURTHER RESOLVED, That the Board of Health begin discussions by July 1, 1994, with counties serving notice that they wish to obtain waivers from the rules set forth in Chapter 246-272; and

BE IT FURTHER RESOLVED, That the Board of Health delay implementation of the amendments to Chapter 246-272 in those counties having provided said notice until June 30, 1995; and

BE IT FURTHER RESOLVED, That the Washington State Board of Health amend Washington Administrative Code 246-272 to implement the operations and maintenance sections effective June 30, 1995.

At 8:35 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:05 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6055,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8431, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2671 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2664 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347,
SENATE CONCURRENT RESOLUTION NO. 8431.

MESSAGE FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 6606 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

SB 6606 March 12, 1994

Includes "NEW ITEMS": YES

Repealing the general business and occupation surtax

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6606, Repealing the general business and occupation surtax, have had the same under consideration and we recommend that:

The House Revenue Committee amendment not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.04.2201 and 1993 sp.s. c 25 s 204 are each amended to read as follows:

There is levied and shall be collected for the period July 1, 1993, through June 30, 1997, from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.280 and 82.04.290(3), except RCW 82.04.250(1) and 82.04.260(15), an additional tax equal to ~~((6-5))~~ 4.5 percent multiplied by the tax payable under those sections.

To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

NEW SECTION. Sec. 2. This act shall take effect January 1, 1995."

On page 1, line 2 of the title, after "82.04.2201;" strike the remainder of the title and insert "amending RCW 82.04.2201; and providing an effective date.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rinehart and Owen; Representatives G. Fisher and Peery

MOTION

6606. Senator Rinehart moved that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rinehart to adopt the Report of the Conference Committee on Senate Bill No. 6606.

The motion by Senator Rinehart carried and the Report of the Conference Committee on Senate Bill No. 6606 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6606, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6606, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, Ludwig, McAuliffe, McDonald, Moore, Morton, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Talmadge and Vognild - 2.

Absent: Senator Schow - 1.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SENATE BILL NO. 6606, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1994-8706

By Senators Gaspard and Sellar

WHEREAS, The 1994 Special Session of the Fifty-third Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 1994 Special Session of the Fifty-third Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 1994 Regular and Special Session of the Fifty-third Legislature; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice-President Pro Tempore of the Senate, the Senate Majority and Minority Leadership, are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

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

INTRODUCTION AND FIRST READING

SCR 8432 by Senators Gaspard and Sellar

Returning measures to their house of origin.

SCR 8433 by Senators Gaspard and Sellar

Adjourning Sine Die.

MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8432 was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Senate Concurrent Resolution No. 8432 was advanced to third reading, the second reading considered the third, and the concurrent resolution was adopted.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8433 was advanced to second reading and placed on the second reading calendar.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6606.

At 10:25 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:45 p.m. by President Pritchard.
There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2670 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

CONFERENCE COMMITTEE REPORT

EHB 2670 March 14, 1994

Includes "NEW ITEMS": YES

Increasing senior citizen property tax relief

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2670, Increasing senior citizen property tax relief, have had the same under consideration and we recommend that:

All previous amendment(s) not be adopted and the following Conference Committee be adopted with the following changes:

On page 4 of the Conference Committee Report, after line 36, strike all of section 3 and insert the following:

NEW SECTION. Sec. 3. This act shall take effect on July 1st of the year in which specific funding for the administrative costs associated with this act, referencing this act by bill or session law number, is provided in an appropriations act, and this act shall be effective for taxes levied for collection in the year following the year in which the funding is provided, and thereafter."

On page 5, line 6 of the title amendment, strike "creating a new section" and insert "providing a contingent effective date"

CONFERENCE COMMITTEE AMENDMENT

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.36.381 and 1993 c 178 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of ~~((January 1st of the year for which the exemption is claimed))~~ the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

- (a) The residence is temporarily unoccupied;
- (b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or
- (c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the ~~((preceding))~~ assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the ~~((preceding))~~ assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after ~~((the death of the spouse))~~ such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of ~~((twenty-six))~~ twenty-eight thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

(6) For a person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less, the taxable value of the residence shall not exceed the lesser of (a) the assessed value of the residence as reduced by the exemption under subsection (5) of this section, if any, or (b) the taxable value of the residence for the previous year, increased by the inflation factor for the assessment year. For counties that do not revalue property annually, the amount under (b) of this subsection shall be the previous taxable value increased by the inflation factor for each assessment year since the previous revaluation of the residence. As used in this section, "inflation factor" means the percentage change used by the federal government in adjusting social security payments for inflation at the beginning of each year. The department shall provide inflation factors to the county assessors annually.

Sec. 2. RCW 84.36.383 and 1991 c 213 s 4 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080(2) and 84.04.090 (or 84.40.250), such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) ~~((The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.~~

(4)) "Department" shall mean the state department of revenue.

~~((5))~~ (4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the ~~((preceding calendar))~~ assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the ~~((previous))~~ assessment year for the treatment or care of either person received in the home or in a nursing home.

~~((6))~~ (5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

~~((7))~~ (6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act shall be effective for taxes levied for collection in 1995 and thereafter."

On page 1, line 2 of the title, after "disability;" strike the remainder of the title and insert "amending RCW 84.36.381 and 84.36.383; and creating a new section.", and that the bill do pass as recommended by the Conference Committee.
Signed by Senators Rinehart and Owen; Representatives G. Fisher and Peery

MOTION

On motion of Senator Rinehart, the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 2670.

MOTION

On motion of Senator Spanel, Senator Talmadge was excused.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2670, as recommended by the Conference Committee.
Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2670, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Schow, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, West, Williams and Winsley - 37.

Voting nay: Senators Amondson, Cantu, Hochstatter, Morton, Owen, Vognild and Wojahn - 7.

Absent: Senator Ludwig - 1.

Excused: Senators Deccio, McCaslin, Niemi and Talmadge - 4.

ENGROSSED HOUSE BILL NO. 2670, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Snyder, the Rules Committee was relieved of further consideration of Senate Concurrent Resolution No. 8423 and the concurrent resolution was placed on the third reading calendar.

On motion of Senator Snyder, the Senate advanced to the seventh order of business.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8423, by Senators Snyder, Bluechel, Skratek, Cantu, Gaspard and Sellar

Establishing the joint select committee on the Pacific Northwest Economic Region Agreement.

The concurrent resolution was read the third time.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8423.
SENATE CONCURRENT RESOLUTION NO. 8423 was adopted by voice vote.

MOTION

On motion of Senator Snyder, Senate Concurrent Resolution No. 8423 was immediately transmitted to the House of Representatives.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8433, by Senators Gaspard and Sellar

Adjourning Sine Die.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Concurrent Resolution No. 8433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8433.
SENATE CONCURRENT RESOLUTION NO. 8433 was adopted by voice vote.

At 11:02 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:22 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2670 and has passed the bill as recommended by the Conference Committee.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED HOUSE BILL NO. 2670, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED HOUSE BILL NO. 2664,
SUBSTITUTE HOUSE BILL NO. 2671, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347,
SENATE BILL NO. 6606,
SENATE CONCURRENT RESOLUTION NO. 8431, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8423, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8432, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8433, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

Under the provisions of Senate Concurrent Resolution No. 8432, the House herewith returns the following Senate Bills:
REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6291,
ENGROSSED SENATE BILL NO. 6480,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6608, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2671.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 2670.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 2664.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8423.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8432,
SENATE CONCURRENT RESOLUTION NO. 8433.

At 11:24 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:34 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 14, 1994

MR. PRESIDENT:

The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 8432,
SENATE CONCURRENT RESOLUTION NO. 8433, and the same are herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

March 14, 1994

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8423, and the same is herewith transmitted.

MARILYN SHOWALTER, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate Journal for the fourth day of the 1994 First Special Session of the Fifty-third Legislature was approved.

MOTION

At 11:35 p.m., on motion of Senator Snyder, the 1994 First Special Session of the Fifty-third Legislature adjourned SINE DIE.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, FIRST SPECIAL SESSION, MARCH 14, 1994
